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**Human Rights Committee**

**Third periodic report submitted by Turkmenistan  
under article 40 of the Covenant, due in 2020\*\***

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## I. Introduction

1. This report is submitted pursuant to article 40 (1) of the International Covenant on Civil and Political Rights and has been prepared in accordance with the general guidelines on the form and content of reports to be submitted by States parties.
2. Turkmenistan ratified the Covenant on 20 December 1996 and submitted its initial report in 2009, followed by its second periodic report in 2015.
3. This report covers the period from 2015 to 2019 and contains information on key legislative, judicial, administrative and practical measures adopted since the submission of the previous report in 2015 that are directly related to the provisions of the Covenant. The concluding observations of the Human Rights Committee adopted following the consideration of the previous periodic report of Turkmenistan on 23 March 2017 were taken into account in its preparation.
4. The report was drawn up by the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law. The information contained in the report was submitted by the relevant ministries, departments and voluntary associations of Turkmenistan. The Interdepartmental Commission held a number of meetings and consultations with international experts invited by United Nations agencies.
5. The draft report was circulated to ministries, departments and voluntary associations whose responsibilities include addressing issues related to the protection and exercise of citizens' rights, and their comments and recommendations were taken into consideration for the final version.
6. The draft report was discussed at a round-table meeting attended by representatives of the Interdepartmental Commission Working Group. The results of the discussion were taken into account for the preparation of the final version of the report.
7. On 25 September 2019, a new stage of constitutional reforms began in Turkmenistan. The main aim of this reform process is to expand popular representation at the highest levels of government, further democratize all aspects of public and political life, strengthen the constitutional order, improve the democratic foundations of public administration, enhance the role and expand the powers of the Mejlis, the parliament of Turkmenistan, and the Halk Maslahaty (People's Council) and establish a bicameral legislature, taking into consideration national achievements and international best practices. The nationwide discussion about a draft constitutional law on amendments to the Constitution, which was published in all major media outlets on 24 February 2020, includes a proposal for the national parliament to become the National Council of Turkmenistan, its legislative chamber to become the Mejlis and its representative chamber to become the Halk Maslahaty. The nationwide discussion on the constitutional bill will take place in July 2020.
8. On 14 January 2020, the President chaired an international conference in Ashgabat, entitled "Turkmenistan and international organizations: cooperation for peace and development", dedicated to the twenty-fifth anniversary of the country's permanent neutrality status. The forum highlighted the importance of implementing global strategies and programmes of the United Nations, including the 2030 Agenda for Sustainable Development, and the need in today's world for closer multilateral cooperation to realize the purposes and principles embodied in the Charter of the United Nations, strengthen international peace and security and achieve economic, environmental, social and humanitarian development. Turkmen neutrality is a significant factor in regional security. Its basic principles are fully compatible with the strategic objectives of the United Nations in Central Asia, which are focused on transforming the region into a zone of peace and cooperation, and a key component of continental stability. A number of national and regional programmes and projects are carried out in Turkmenistan jointly with international organizations. For example, the National Strategy to Prevent Violent Extremism and Counter Terrorism for 2020–2024 and the National Plan of Action to Combat Trafficking in Persons for 2020–2022 were adopted on 6 December 2019. Other speakers at the Conference included the Special Representative of the Secretary-General and Head of the United Nations Regional

Centre for Preventive Diplomacy for Central Asia, Natalia Gherman, the United Nations Resident Coordinator for Turkmenistan, Elena Panova, the Head of the Organization for Security and Cooperation in Europe (OSCE) Office in Ashgabat, Natalya Drozd, the Chargé d'affaires a.i. of the Delegation of the European Union to Azerbaijan, Lubomir Frebort, Head of the United Nations Office on Drugs and Crime Regional Office for Central Asia, Ashita Mittal, the Head of the United Nations Educational, Scientific and Cultural Organization Cluster Office in Tehran, Svetan Svetkovsky, and the Director of the Regional Office of the United Nations High Commissioner for Refugees (UNHCR), Yasuko Oda. The speakers referred to the unique nature of the neutrality policy of Turkmenistan, which is aimed at achieving the global goal of maintaining stability, economic growth and security through purely peaceful means involving coordinated action by all members of the international community. At the Conference, annual workplans for 2020 were signed between the Mejlis and the United Nations Children's Fund (UNICEF), between the Ministry of Health and the Medical Industry and UNICEF, between the Ministry of Labour and Social Protection and UNICEF, between the State Statistics Committee and UNICEF, between the Institute for State, Law and Democracy and UNICEF, between the Office of the Commissioner for Human Rights (Ombudsman) of Turkmenistan and UNICEF, between the Mejlis and the United Nations Population Fund (UNFPA), between the Ministry of Health and the Medical Industry and UNFPA, between the Ministry of Education and UNFPA and between the Institute for State, Law and Democracy and UNFPA. The annual joint action plan for 2020 under the memorandum of understanding between the Government of Turkmenistan and the United Nations country office on cooperation in coordination of emergency preparedness and response was also signed. The outcome document of the International Conference was published in the official United Nations languages and distributed at the seventy-fourth session of the General Assembly.

9. On 19 February 2020, the above-mentioned interdepartmental commission responsible for ensuring compliance with the international obligations undertaken by Turkmenistan held a meeting at the Ministry of Foreign Affairs, with the participation of representatives of international organizations. The meeting was attended by leaders and representatives of the Ministry of Foreign Affairs, the Ministry of Education and the Ministry of Health and the Medical Industry, the heads of the Institute for State, Law and Democracy and the Red Crescent Society of Turkmenistan, the Ombudsman, and representatives of civil society and international organizations, including the United Nations and its entities, and OSCE. The representatives of international organizations acknowledged the high level of cooperation between Turkmenistan and international organizations on the protection of human rights and the rights of vulnerable groups. The participants in the meeting noted the importance of the Commission in the process of preparing national programmes, plans and laws on human rights and exchanged opinions, recommendations and suggestions. In this context, reference was made to the significance of the National Plan of Action for Gender Equality for the period 2015–2020, the National Plan of Action on Human Rights for the period 2016–2020, the National Plan of Action to Combat Trafficking in Persons for the period 2020–2022, the National Plan of Action on the Exercise of Children's Rights for the period 2018–2022 and the National Strategy on Early Child Development for the period 2020–2025. Another important topic for discussion was awareness-raising on human rights, including on the matter of accession by Turkmenistan to international conventions and optional protocols thereto. Consideration was given to priority areas for cooperation on human rights and international humanitarian law with United Nations agencies and other international organizations, accession by Turkmenistan to international conventions and optional protocols thereto, the monitoring of national legislation and the preparation of related recommendations and the raising of public awareness about national and international human rights standards. Special attention was paid to the expansion of cooperation on human rights, gender equality, the protection of the rights of women, children and persons with disabilities, youth policy, the preparation of national reports on the implementation of international human rights conventions and their submission to the United Nations treaty bodies, and building the capacity of the Office of the Ombudsman.

10. The most important features of the Sustainable Development Goals have been seamlessly integrated into the Social and Economic Development Strategy for the period 2019–2025. In the economic part of this programme, the idea behind implementation of the

Goals is to ensure access to affordable, reliable, sustainable and modern energy for all, facilitate sustainable economic growth and full employment, build resilient infrastructure, promote sustainable industrialization and foster innovation. Full digitization of the economy is also accorded great importance. Achievement of the Sustainable Development Goals in Turkmenistan has a distinct social dimension. This concerns such major challenges as ensuring food security and improving nutrition, promoting healthy lives for all, achieving gender equality and ensuring inclusive and equitable quality education. When implementing national plans in various economic sectors and social spheres, Turkmenistan aligns them with the Goals' environmental component in a responsible and scrupulous manner. To do this, the country is transitioning to the use of modern environmentally friendly and resource-efficient technologies in all economic sectors, including industry, agriculture and transport. In this regard, the partnership of Turkmenistan with the United Nations Development Programme (UNDP), the United Nations Environment Programme, UNICEF, UNFPA, the World Health Organization and other specialized agencies of the United Nations is progressively developing.

11. On 11 February 2020, the President met with the members of the national parliament to discuss constitutional reform, the improvement of legislation on human rights and freedoms, the decriminalization of some offences and the reclassification of other crimes as administrative offences. The need to make penal policy more humane was also stressed, along with the need to develop a new version of the Criminal Code in line with the Constitution and generally recognized rules of international law. Particular attention was paid to the improvement of social, civil, labour and administrative procedure legislation and legislation on intellectual property. The meeting also touched on some aspects of reform of the regulatory framework governing the activities of local authorities and the private sector, and regulation of the integration of a digitization system in public administration and the provision of services.

## **II. Information on the implementation of the concluding observations of the Human Rights Committee adopted following the consideration of the second periodic report of Turkmenistan**

### **Paragraph 5 of the concluding observations**

12. In Turkmenistan, everyone is guaranteed effective judicial and other protection of his or her honour and dignity, as well as the rights and freedoms provided for in the Constitution and the law. These rights and freedoms are given effect by the justice system. Everyone has the right to file complaints in court and with other government bodies regarding the decisions and actions of State bodies, voluntary organizations, local authorities and officials. The right of everyone to claim compensation in a court of law for material or moral damage resulting from the unlawful actions of State bodies, other organizations, employees of such bodies and organizations and private individuals is enshrined in the Constitution (art. 61).

13. The Civil Code provides that the State is liable for harm caused by public servants. For example, if a government employee, wilfully or through negligence, breaches his or her official duties with respect to third parties, the State or local authority for which the public servant works is required to provide compensation for the resulting harm. In the event of malice or gross negligence, the employee and the State bear joint liability. Harm caused to persons who have been exonerated as a result of a wrongful conviction, criminal prosecution, remand in custody, imposition of recognizance not to leave a designated area as a preventive measure or wrongful administrative penalties in the form of short-term rigorous detention or punitive deduction of earnings must be compensated by the State, regardless of whether the officials of the bodies responsible for the initial inquiry, pretrial investigation or prosecution or the courts are at fault. In the event of malice or gross negligence, the officials in question and the State bear joint liability (Civil Code, art. 1040 (1 and 3)).

14. Any harm caused to a person as a result of unlawful deprivation of liberty, detention in conditions that endanger life or health or ill-treatment is to be compensated in the manner prescribed by the Code of Criminal Procedure (art. 13 (7)). The person must be compensated by the State for harm caused as a result of wrongful arrest, remand in custody, placement in a specialized treatment facility, conviction or compulsory treatment by a court order. On the basis of a decision by a criminal prosecution authority or court order, anyone may seek compensation for harm caused as a result of the above-mentioned unlawful acts by a criminal prosecution authority (Code of Criminal Procedure, art. 36 (2)). If its actions and decisions are found to be unlawful, the agency responsible for criminal proceedings must take measures to provide compensation for the physical, moral and material harm caused to the person and restore any labour, pension, housing and other rights that have been violated. For compensation purposes, material harm covers: salary, pension, benefits and other means and income of which the person has been deprived; property unlawfully confiscated or appropriated by the State based on a sentence or other court judgment; monies paid for legal assistance by persons found innocent; fines levied in execution of a wrongful court judgment; and court costs and other monies paid in connection with the illegal acts of a criminal prosecution authority.

15. The State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings Act (12 June 2016) provides that, if a protected party dies owing to his or her participation in criminal proceedings, his or her family members and dependents are to receive a one-off cash payment from the State budget, by order of the body that decided to provide State protection and of an amount determined by the Cabinet of Ministers; survivors' benefits are paid in the manner prescribed by law. Material harm suffered by a protected party owing to his or her participation in criminal proceedings is compensated with funds from the State budget and other financial sources provided for by national legislation, with the money subsequently recovered from the perpetrator of the material harm caused to the protected party in the manner prescribed by national law (article 19 of the Act).

16. Civil procedure law guarantees the right of complaint in the event of violations of rights in judicial proceedings. Citizens may lodge complaints in court if they consider that their rights have been infringed by the wrongful actions or omissions of a government agency or official (Code of Civil Procedure, art. 280). If the court finds that the actions or omissions covered by the complaint were improper and that they infringed the rights of the citizen, it will decide to resolve the complaint.

17. The Ombudsman Act, adopted on 23 November 2016, determines the powers, rights, duties, guiding principles and safeguards in respect of the Ombudsman's activities. The Act entered into force on 1 January 2017. It is based on international best practices and is compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). On 20 March 2017, the parliament of Turkmenistan held a multicandidate election for the position of Ombudsman and established the Office of the Ombudsman. The Ombudsman's activities are complementary to existing State protections of civil and human rights and freedoms.

18. The Act provides for a mechanism for seeking a remedy for the violation of rights and freedoms. The Ombudsman considers complaints and has the right to conduct inquiries about decisions, actions or omissions of central and local government bodies and their officials that violate the rights, freedoms or legitimate interests of citizens of Turkmenistan or foreign nationals or stateless persons in the territory of Turkmenistan. Submission of a complaint to the Ombudsman does not prevent the complainant from appealing to a court. The Ombudsman does not consider matters that fall within a court's jurisdiction. There are no fees for filing complaints with the Ombudsman. The Ombudsman is to consider complaints submitted within one year from the date that the complainant reports the violation of his or her rights, freedoms or legitimate interests or within one year of the adoption of the latest decision about the complaint if the complainant has used other means of protecting his or her rights and freedoms but was not satisfied with the decisions made. Where there are valid reasons, the Ombudsman may extend the deadline for the submission of complaints, by no more than six months.

19. Complaints addressed to the Ombudsman by persons held in pretrial detention facilities, places of detention, correctional and other specialized institutions are not to be censored and are to be forwarded to the Ombudsman within 24 hours.

20. The Ombudsman considers complaints within 15 days of receipt or within one month for those requiring additional investigation. The Ombudsman may extend this period when a special inquiry is required to consider complaints, but the total time taken to consider the complaint must not exceed 45 days.

21. If it is established that a violation of human and civil rights and freedoms has occurred, the Ombudsman transmits a recommendation to the business, institution, organization or officials whose actions or omissions are violating human rights and freedoms, with proposals on the necessary measures to be taken to ensure prompt restoration of the human rights and freedoms that have been violated and, if an official has violated human rights and freedoms, to the competent government agencies or the relevant official to initiate disciplinary, administrative or criminal proceedings. Businesses, institutions, organizations and officials that receive recommendations from the Ombudsman are required to consider them within one month and provide information about the measures taken in writing. If the Ombudsman does not agree with the measures taken, she may apply to a higher-ranking body for the adoption of appropriate measures to implement the proposals contained in the recommendation.

22. The State Commission for the Consideration of Citizens' Complaints concerning Activities of Law Enforcement Agencies was established on 19 February 2007 by presidential decree, for the purpose of protecting individual rights and freedoms and improving the arrangements for considering complaints from the public about the work of law enforcement agencies.

23. Pursuant to article 8 of the Administrative Procedures Act, adopted on 3 July 2017, all persons have the right to appeal to administrative bodies on matters directly related to their rights and legitimate interests, and to make requests and receive information from such bodies. The administrative body is obliged to make appropriate decisions on such appeals or provide information. The Act provides that the relevant administrative body is liable, in the manner prescribed by the Civil Code, for the harm done to the person in question as a result of illegal administrative decisions or illegal actions or omissions on the part of the administrative bodies. The person may challenge in court any decision by the administrative body to refuse compensation for the harm caused. The Act provides for the liability of administrative officials. If the person concerned is compensated for harm caused as a result of gross negligence or malice by an official, the administrative body may hold the official liable in accordance with the law.

24. Pursuant to the Bar and Advocacy Act (10 May 2010), advocacy is professional legal assistance from a lawyer, provided in the manner prescribed by law, for the purpose of protecting human rights and freedoms and the legitimate interests of legal entities and of upholding and reinforcing the rule of law in society. The State guarantees: the provision to everyone of the necessary professional legal assistance; the equal right of all individuals and legal entities in Turkmenistan to receive legal assistance and information regarding the nature of that assistance and the procedures for obtaining it; and free legal assistance and protection of the rights of individuals in circumstances specified by the law of Turkmenistan. At their own request, persons are provided with free legal assistance in the following cases: oral consultations and the drafting of written documents in cases about alimony payments, the compensation of damage caused by the death of a breadwinner, occupational injuries and other damage to health; oral consultations (unrelated to business activities) for persons awarded the title Hero of Turkmenistan, veterans, conscripts, persons with category I or II disabilities, pensioners, mothers with the honorary title Ene Mähri and orphaned children; the completion of applications for pensions or benefits; the process of gaining recognition as a victim of trafficking in persons; and other circumstances provided for by national legislation. If the governing body for lawyers or the head of that body decides that an individual is exempt from the payment of legal costs, the lawyer's services are paid for by the bar association. If the agency conducting the initial inquiry or pretrial investigation or the procurator, judge or court decides that an individual is exempt from the payment of legal costs, the State is to pay for the lawyer's services according to the established procedure.

Since 2017, all law offices have opened their doors to the public twice a month so that citizens, regardless of ethnicity, race, skin colour, sex, origin, property or official status, place of residence or language, can receive free legal advice on family, housing and labour law. In 2019, legal assistance was provided to 6,414 persons, including 314 in Ashgabat, 1,182 in Ahal Province, 398 in Balkan Province, 2,755 in Dashoguz Province, 931 in Lebap Province and 834 in Mary Province.

25. On 27 August 2018, instructions on the procedure for organizing the consideration of communications from individuals and legal entities and personal appointments for citizens were approved by order of the Ministry of Internal Affairs. When officials of the internal affairs agencies consider communications, they must carefully examine the content, ensure a timely, impartial and comprehensive assessment of citizens' complaints, request the submission of relevant documents, when necessary, investigate the alleged facts contained in them, ensure they are completed, identify the causes and the factors leading to the communication being sent, make decisions in accordance with the applicable law and inform citizens of the outcome.

### **Paragraph 7 of the concluding observations**

26. The strengthening of democratic principles and the legal foundations of society and the State and the fulfilment of the political, economic, social and other civil rights and freedoms of every person are among the main priorities for public policy in Turkmenistan. National legislation is based on the Constitution and the rules of international law and anti-discrimination principles are incorporated into all new laws whenever legislation is updated.

27. In 2016, a new version of the Constitution was adopted, which stipulates that, in Turkmenistan, society and the State place the highest value on human beings. Protecting, supporting and serving them is the main role of the State authorities. The State is accountable to every citizen. It makes provision for the free development of the person and protects life, honour, dignity, liberty, security of person and natural and inalienable rights. Every citizen is accountable to the State to fulfil his or her obligations under the Constitution and other laws. Turkmenistan is a State that ensures social protection for all. Civil and human rights and freedoms are recognized in Turkmenistan in accordance with the generally accepted rules of international law and are guaranteed by the current Constitution and the laws of the country.

28. The Constitution guarantees equal human and civil rights and freedoms and the equality of citizens before the law, irrespective of ethnicity, skin colour, sex, origin, property or official status, place of residence, language, attitude to religion, political views or any other circumstances (art. 28). As the text of the above-mentioned article makes clear, the list of grounds for discrimination is not exhaustive. The Constitution is the basic law of the State. The rules and provisions set forth in it have a direct effect. This means that courts may take this constitutional provision into account when they try cases under article 145 of the Criminal Code and hand down their decisions.

29. Turkmenistan recognizes the primacy of the generally accepted rules of international law. Almost all national legislation provides that, should an international treaty to which Turkmenistan is a party establish rules that differ from those laid down by the law of Turkmenistan, the rules of the international treaty prevail. Foreign nationals and stateless persons have the same rights, freedoms and obligations as citizens of Turkmenistan, in accordance with national law and the international treaties to which Turkmenistan is a party. Citizens are guaranteed judicial protection of their honour and dignity and their human and civil individual and political rights and freedoms, as provided for in the Constitution and laws of Turkmenistan.

30. Everyone has the right to protection of his or her honour and dignity. Nothing can justify the diminution of dignity. Under the Constitution, men and women in Turkmenistan have equal rights and freedoms and equal opportunities to exercise them. Gender-based violations of equality are punishable under the law.

31. The criminal law of Turkmenistan criminalizes the direct or indirect violation or restriction of human and civil rights and freedoms on grounds of ethnicity, race, sex, origin,

property, official status, place of residence, language, attitude to religion, political views, party affiliation or lack thereof, if such acts have serious consequences (Criminal Code, art. 145). One of the main aggravating factors in sentencing is the commission of a criminal offence for political, social or ethnic reasons or motivated by racial or religious hatred or enmity. Under criminal legislation, it is an offence to incite social, ethnic or religious hatred. This includes the commission of deliberate acts intended to incite social, national, ethnic, racial or religious hatred or enmity, to demean any ethnic group or to advocate for the supremacy or inferiority of citizens on the grounds of their religious affiliation or their social, ethnic or racial background (Criminal Code, art. 177).

32. The Courts Act provides that justice in Turkmenistan is administered on the basis of equal rights and freedoms and on the adversarial principle, as well as on the principle of equality of all before the law, irrespective of ethnic background, race, sex, origin, property and employment status, place of residence, language, attitude to religion, political views, or party affiliation or lack thereof, and other circumstances not covered by the laws of Turkmenistan.

33. Direct or indirect violations or restrictions of human and civil rights and freedoms on the basis of ethnicity, race, sex, origin, property, official status, place of residence, language, attitude to religion, political views or party affiliation or lack thereof incur administrative penalties (Code of Administrative Offences, art. 59). Moreover, since November 1995, Turkmenistan has been a party to the Vienna Convention on the Law of Treaties. Like the International Treaties of Turkmenistan Act, that Convention allows the rules of an international treaty to prevail over a national law in the event of a discrepancy between the two instruments.

34. Under the National Plan of Action on Human Rights for the period 2016–2020, approved in 2016, the rules of international human rights law are successfully being incorporated into the legislation of Turkmenistan. Based on this work, new objectives for the further reform of national legislation have been set and are being realized, to ensure full compliance with international obligations and standards on human rights.

35. Based on the recommendations of the United Nations treaty bodies, the parliament is working to study international experience and best practices from other countries for the purpose of criminalizing all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.

36. Work is under way in the parliament to draft a new version of the Criminal Code in order to bring it into line with international conventions ratified by Turkmenistan, recommendations from the human rights treaty bodies based on the national reports of Turkmenistan and the new Constitution.

37. Over the reporting period, in accordance with the new Constitution and international conventions, the parliament adopted a number of new laws or versions of existing laws, guaranteeing equality, within the scope of each law, regardless of ethnicity, race, skin colour, sex, origin, property, official status, place of residence, language, attitude to religion, political views or other circumstances, and irrespective of age or health, including: the Act on the Organization and Conduct of Assemblies, Rallies, Demonstrations and Other Mass Events; the Health Care Act; the Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men; the Civil Service Act; the Volunteer Work Act; the Employment Act; the Trafficking in Persons Act; the Ombudsman Act; the Mental Health Care Act; the Act on the Prevention of Illnesses Caused by the Human Immunodeficiency Virus (HIV); the Freedom of Religion and Religious Organizations Act; the Act on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings; the Personal Information and Protection of Personal Information Act; the Refugees Act; the Environmental Safety Act; the Administrative Procedures Act; the Charitable Activities Act; the Legal Instruments Act; and the Counter-Terrorism Act.

38. National legislation is focused on the prohibition of discrimination against specific individuals and groups. For example, pursuant to the Trafficking in Persons Act, some of the

main principles underlying the prevention of trafficking in persons are non-discrimination and respect for and unbiased treatment of victims.

39. Pursuant to article 21 of the Ombudsman Act, in handling applications, the Ombudsman may not grant any privileges or impose restrictions based on ethnicity, skin colour, sex, origin, property or official status, place of residence, language, attitude to religion, political views or party affiliation or lack thereof. The work of the Ombudsman is based on the principles of independence, legality, impartiality, accessibility, confidentiality, non-discrimination, the primacy of human and civil rights and freedoms, objectivity and transparency.

40. In accordance with the Freedom of Religion and Religious Organizations Act, freedom of religion is guaranteed in Turkmenistan, including the right to practise any religion individually or with others or not to profess any faith and the right freely to choose, change, hold and express religious or other beliefs and to act in conformity with them. The human and civil right to freedom of religion may be temporarily restricted, only to the extent necessary to protect the constitutional order, morals, health, human and civil rights or the legitimate interests of others, or to ensure national defence and security.

41. The Refugees Act sets out the grounds and procedures for recognizing refugees in the country and for the provision of subsidiary and temporary protection in Turkmenistan. It establishes the legal status of persons who have been granted refugee status or subsidiary or temporary protection in the country and establishes legal, economic and social safeguards for the protection of their rights.

42. The Government is considering whether to develop a separate law to prohibit all forms of discrimination based on international practice. The law should provide a mechanism to respond to violations of rights involving discrimination. At the same time, work is ongoing to reinforce and strengthen the Office of the Ombudsman in its work to uphold equality and combat discrimination.

### **Paragraph 9 of the concluding observations**

43. The parliament is working to draft a new version of the Criminal Code, which will involve studying the relevant provisions of international conventions and recommendations from the treaty bodies regarding the national reports of Turkmenistan, as well as international practice regarding legislation on the matters addressed in the recommendations. The drafting process will include consideration of the advisability of amending article 135 of the current Criminal Code, which criminalizes homosexuality, and decriminalizing the activities outlawed under paragraph 1. In practice, this article is already rarely applied, to avoid and minimize the prosecution of private individuals.

### **Paragraph 11 of the concluding observations**

44. Reforms are under way in Turkmenistan to foster the country's further socioeconomic development. Turkmenistan is conducting an effective national gender policy and the principle of equal rights and opportunities for women and men underlies its public policy. Gender analysis and monitoring of national legislation from a gender equality perspective and a review of the basic indicators on the position of women and gaps in terms of the gender dimension of development show that some progress has been made in the country in various areas and the process of developing and improving gender policy is ongoing.

45. Women take part in the conduct of public affairs and in foreign policy matters on an equal footing with men. For example, the Permanent Representative of Turkmenistan to the United Nations, the Speaker of the parliament, the Ombudsman and the Vice-Chair of the Cabinet of Ministers are all women. There are female deputy heads of provincial, district and municipal administrations and female directors of media outlets and higher education institutions. The proportion of women in the parliament currently stands at 25.6 per cent. Women are widely represented in representative and executive branches of government at all levels and actively participate in the public and political life of Turkmenistan. Women

become members on an equal basis with men of the representative, executive and judicial branches at all levels and are active in developing and implementing social and economic development programmes for the country. Of the 240 members of representative government for the provinces and the city of Ashgabat, 20 per cent are women. Of the 1,200 members of district and city-level representative government, 26.1 per cent are women and of the 5,900 members of local self-governing bodies, 21.9 per cent are women.

46. In the judicial system of Turkmenistan, 44.6 per cent of the employees are women. The proportion of women among Ministry of Justice employees is 67.34 per cent. The total number of internal affairs agency personnel in Turkmenistan includes 7.2 per cent women. Of the 67 members of the Ashgabat Bar Association, 41 are women.

47. In line with the recommendations of the treaty bodies, in the new version of the Constitution, the section on human and civil rights and freedoms has been supplemented by 11 new articles that safeguard such rights and freedoms in accordance with the requirements of international law. Pursuant to article 29 of the new Constitution, men and women in Turkmenistan have equal rights and freedoms and equal opportunities to exercise them. Gender-based violations of equality are punishable under the law. The constitutional principle of equal rights and freedoms for men and women is the basis for the national legislative and regulatory frameworks that prohibit discrimination on the grounds of sex.

48. The Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men builds on the standards of the new Constitution and relevant international conventions by establishing State guarantees of equal rights and equal opportunities for women and men in all domains of State and public life. The State guarantees and takes all measures to ensure gender equality in the areas of health care, education, science, culture, labour and social protection. Gender equality issues are reflected in all national socioeconomic development programmes, primarily focused on the further integration of women into the country's social, economic and cultural development. The national socioeconomic development programmes are also closely related to the Sustainable Development Goals, including the achievement of gender equality and the empowerment of all women and girls.

49. The National Plan of Action for Gender Equality for the period 2015–2020 was adopted on 22 January 2015. It provides for action to eradicate gender stereotypes, combat all forms of violence against women, develop measures to enhance women's access to services and increase women's representation in all areas of public, political and professional life. To this end, national legislation is monitored for its compatibility with international standards on gender equality, improvements are made to the methodology for collecting and analysing comprehensive data on the situation of women, research is conducted on women's health and domestic status, awareness-raising on gender issues is carried out and female entrepreneurship is encouraged. For further improvement of the system to uphold human rights and freedoms, the National Plan of Action on Human Rights for the period 2016–2020, the National Plan of Action to Prevent Trafficking in Persons for 2016–2018 and the National Plan of Action on the Exercise of Children's Rights for the period 2018–2022 were also adopted and are being successfully implemented. Coordination of the realization of the measures set out in these plans and the implementation of international human rights obligations has been entrusted to the interdepartmental commission responsible for ensuring compliance with the international human rights and humanitarian law obligations undertaken by Turkmenistan.

50. Women living in rural areas have the same rights as men. The legislation of Turkmenistan does not contain rules or provisions that establish different rights for urban and rural residents, and the necessary conditions are in place for free access to health care, education, employment and decent housing. The amended National Presidential Programme on the Improvement of Social and Living Conditions in Villages, Towns, Cities and District Centres for the period up to 2020 and other national programmes for economic development are aimed at creating modern social and economic infrastructure in rural areas. Under these national programmes, major new projects are carried out in rural areas to construct decent housing and improve communications. The State provides a lot of support to both men and women who wish to engage in agricultural production. Seeking to stimulate the development of market relations in the agrarian sector, the Government has introduced incentives for farmers that exempt small farms from taxes on land, water and livestock and provide a

number of other benefits. Such measures make it possible to increase women's entrepreneurship in rural areas, which in turn helps to raise the living standards of the rural population. Women make up more than 50 per cent of the total number of tenant farmers.

51. Turkmenistan is constructively engaged with international human rights mechanisms. It has been an active member of the Executive Committee of the United Nations High Commissioner for Refugees, the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) (2016–2018) and the Commission on the Status of Women for the period 2018–2022, the Executive Board of UNICEF for the period 2018–2020, the Commission on Population and Development of the Economic and Social Council for the period 2017–2020 and the Economic and Social Council for the period 2019–2021. The country has made determined efforts to implement the main provisions of the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women, as well as national legislation on the protection of the rights of women and girls.

52. The principle of gender equality is upheld from the earliest years in the education system. Under the Education Act, citizens are guaranteed the opportunity to receive an education regardless of ethnic background, skin colour, sex, origin, property or official status, place of residence, language, attitude to religion, political views or other circumstances, and also age and state of health. Students of both sexes are provided with scholarships, accommodation in dormitories and boarding schools, and other social support measures. There is no prohibition on admission to educational institutions on the basis of gender. Girls are increasingly acquiring skills in emerging and promising fields such as technology, engineering, physics and mathematics and digital technology. The country is making systematic efforts to encourage boys and girls who are being trained and educated together, from the preschool level onwards, to take an equal interest in all fields of study. Every year, vocational educational institutions at all levels (primary, secondary and higher) hold open days in schools, which promote the right of young people to pursue a profession of their choice and present them with the facts. There are measures in place to persuade girls to enter into science, technology, engineering and mathematics and boys into such areas as education, health care and the textile, clothing and footwear industry, in which girls have generally shown a greater interest. The Government has taken several steps to increase the number of male teachers working in secondary schools. For example, male citizens with higher professional education degrees who are assigned to work as teachers in rural secondary schools are granted a deferment from military service while they are working. This measure is regulated by the Education Act and the Military Duty and Military Service Act.

53. Experts periodically review the contents of textbooks and teaching aids on matters of gender equality. The Ministry of Education has reviewed and adopted best practice in developing a gender equality module, which has been included at every level of education – preschool, primary, secondary and higher general and vocational education establishments – in curricula, textbooks, teaching aids and exercise books. In the 2013/14 academic year, international experts in the field of reproductive health reviewed secondary school curricula and textbooks and came up with a set of recommendations, which formed the basis for the revisions to the textbooks and curricula that were published in 2015/16. In 2017, the Public Service Academy attached to the Office of the President worked with UNFPA on teaching aids for a master's course on gender equality and development. The aids may also be used in higher education establishments.

54. Gender issues have also been addressed in legislative reforms. The procedures for maternity leave and maternity benefits were streamlined under article 96 of the Act amending the Labour Code (2016). The Act amending the Labour Code (2017) provided further safeguards for the protection of women's rights to basic annual leave and the procedure for termination of employment contracts. Previously, the Labour Code prohibited the recruitment of women with children under the age of 3 (or a child with disabilities under the age of 18) unhealthy and dangerous work, night work, overtime work, work on weekends, non-working holidays and memorial days and shift work. In March 2019, the Labour Code was amended to lift restrictions on the use of women's work in unhealthy or particularly unhealthy or dangerous or particularly dangerous conditions. Under the amended labour law, women with children under 3 or children with disabilities under 18 may be employed under

these conditions with their consent. In practice, women usually assert their right to refuse to engage in such work.

55. The Employment Act provides for legal protection against all forms of discrimination, unjustified refusal of employment and unlawful dismissal or termination of an employment contract. The Medical Supplies Act (2016) prohibits the participation of a pregnant woman in a clinical trial of medicine except in cases where the medicine to be tested is intended solely for the treatment of pregnant persons. The Breastfeeding Advocacy and Support Act (2016) lays down State guarantees of maternal and child welfare. The Mental Health Care Act (2016) guarantees the rights of persons with mental disorders to protection against economic exploitation and sexual and other forms of violence. In accordance with the Act amending regulations on the honorary title Ene Mähri (2018), mothers awarded the honorary title Ene Mähri enjoy the right to free water use, gas, electricity and housing and communal services to be paid from the budgets of the relevant authorities.

56. The State provides employment for women, affords protections of labour rights and legitimate interests on an equal footing with men and ensures equal conditions of access to managerial positions. The extent of women's participation in the labour market and the economic opportunities available to them reflect their level of economic activity. The economic activity of women tends to increase annually. The high level of education and employment of women is reflected in the large share of women in all sectors of the national economy, particularly in the educational system, culture and the arts, health care, physical education and social services. The State guarantees women the right to equal pay for work of equal value and to equal treatment in the evaluation of the quality of work in accordance with the country's labour law. Under the Public Service Act (2016), citizens of Turkmenistan who have reached the age of 18 have the right to enter public service irrespective of ethnic background, race, sex, origin, property or official status, place of residence, language, attitude to religion, political beliefs or party affiliation or lack thereof provided that they are proficient in the State language of Turkmenistan. The breakdown of the active population of Turkmenistan by form of ownership and gender is contained in annex 1.

57. Where women perform work of equal value to that of men, the principle of equal pay for work of equal value applies. A survey on the health and status of women in the family is to be conducted from 25 February to 1 April 2020. This survey is carried out within the framework of the National Action Plan on Gender Equality for 2015–2020 and workplans for joint projects with UNFPA. The survey will be conducted in all the country's provinces and coordinated by a working group consisting of representatives of the Ministry of Health and the Medical Industry, the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, the State Statistics Committee, the Institute for State, Law and Democracy, the Women's Union and UNFPA. More than 50 specialists from various branches of the public sector of Turkmenistan have received special methodological training to conduct this survey. With the support of UNFPA, the State Statistics Committee has designed a sample of this survey, selected the areas and drawn up a list of households for the sampling. Work on the selection of the households to be surveyed has been carried out.

58. The Committee published a compendium of statistics on men and women in Turkmenistan according to its schedule of publications for 2018. The compendium presents data on the number of women and men, broken down by age and level of education and professional and specialist skills training in educational institutions of primary, secondary and higher vocational education, incidence of various diseases, employment in the economy by type of economic activity, wage levels and other information describing the situation of men and women in Turkmenistan.

59. The number of women who are self-employed, expressed as a percentage of the total number of self-employed persons is as follows:

	2016	2017	2018
Self-employed women in percentage terms (%)	52.11	51.48	50.1

60. The Constitution provides that a woman and a man who have reached the minimum age for marriage have the right, by mutual consent, to marry and start a family. Spouses enjoy equal rights in family relations. The Act amending the Family Code (2018) provides further guarantees of the equal rights of men and women when entering into marriage, during marriage and upon its dissolution and equal responsibilities with respect to spousal maintenance.

61. Turkmenistan is taking robust measures aimed at overcoming gender stereotypes and achieving gender equality. One of the most important goals of the country's gender policy is instilling social consciousness among young people that is in keeping with a new understanding of gender roles and relations, notwithstanding the fact that there are virtually no prejudices in the country about the superiority of one sex over another. Children from the moment of birth are not discriminated against on the basis of sex and have the same right in law and practice to attend any educational institution to receive an education. The Ministry of Education is working tirelessly to implement national law and the international obligations assumed by the State to ensure that all people enjoy equal rights in the areas of education and employment in the field of education. Sustained efforts are being made to raise awareness among education professionals and teaching staff about the issue of equal rights for all, including gender equality.

62. The Women's Union has a Businesswomen Centre and a Female Scientists Centre. These centres work to promote the inclusion of women in the public life of the country. Gender development issues are reflected in one of the significant projects of the Women's Union, the "Women in Science" competition, which seeks to break stereotypes. The Union holds an annual "Woman of the Year" contest. During the reporting period, the Central Council of the Women's Union carried out the following gender-related activities: 68 awareness-raising events; 22 meetings; and 22 round tables. All events were covered in the country's news media, including *Zenan kalby* magazine, and on the Union's website.

63. *National Geographic* magazine published a story on the best and the worst countries to be a woman. Out of the 167 countries surveyed, Turkmenistan ranked sixtieth. A particular explanatory note on Turkmenistan was provided in the ranking. It states that the financial access rates of Turkmenistan have jumped from 1 per cent to 36 per cent since 2017. The country's index ranking is the second highest among Central Asian States, after Kazakhstan, which was ranked forty-third. The others are ranked in the following order: Kyrgyzstan, eightieth; Uzbekistan, eighty-ninth; and Tajikistan, ninety-sixth (information available from <https://orient.tm/sostavlen-rejting-naibolee-bezopasnyh-dlya-zhenshhin-stran/> and <https://www.nationalgeographic.com/culture/2019/10/peril-progress-prosperity-womens-well-being-around-the-world-feature/#feature>).<sup>1</sup>

### Paragraph 13 of the concluding observations

64. In accordance with the National Gender Equality Action Plan for the period 2015–2020, adopted by a presidential decision of 22 January 2015, an analysis of the causes and consequences of all forms of violence against women, including domestic violence, is carried out on a regular basis. It should be noted that there are ongoing efforts to introduce further legislation to promote gender equality and empower women. Saving mothers' lives, universal access to sexual and reproductive health and preventing violence against women and girls by 2030 were the main objectives of the Nairobi Summit on the International Conference on Population and Development that was held from 12 to 14 November 2019. At the summit, Turkmenistan made a declaration of its political commitment, highlighting the progress made since 1994 and undertaking the following financial and political engagements:

- Achieve universal access to reproductive health and improve maternal health
- Extend comprehensive reproductive health education and information to adolescents

<sup>1</sup> The places in the ranking are determined by experts from the Peace Research Institute Oslo and the Georgetown Institute for Women, Peace and Security. Three key indicators were used to draw up the list of States: women's inclusion in economic, social and political life, security and justice.

- Promote gender equality and take measures to prevent gender-based violence and
- Use reliable data to stimulate economic growth and achieve sustainable development

65. Furthermore, under the Criminal Code, which the parliament is currently reviewing, liability is incurred for the following unlawful acts against women: cruel treatment of women whom the perpetrator knew to be pregnant; interference with the home; the abduction of a woman against her will for the purpose of entering into de facto marital relations; forcing a woman into marriage or obstructing a woman's entry into a marriage of her choice accompanied by violence or the threat of violence; polygamy, i.e. cohabitation with two or more women in a common household and the infliction of torture on women; and unjustified rejection of a pregnant job applicant or unfair dismissal of a pregnant employee.

66. In addition, the Code establishes liability for: intentional homicide (art. 101); inflicting physical or mental suffering through systematic beatings or other violent means on a woman or girl (art. 113); the abduction of a woman against her will for the purpose of entering into de facto marital relations (art. 127); trafficking in persons (art. 1291); rape (art. 134); gratification of depraved sexual urges with the use or threat of physical violence or by taking advantage of a victim in a helpless state (art. 136); forcing a person into sexual intercourse or other sexual activity through blackmail or threats to destroy property or by taking advantage of dependence on financial or other support (art. 137); sexual intercourse with a person under 16 years of age (art. 143); unlawful collection, storage or dissemination of private information that is the personal or family secret of another person without his or her consent (art. 146); and sexual intercourse with a person under 16 years of age (art. 162).

67. In December 2018, as part of the implementation of the National Gender Equality Action Plan for the period 2015–2020, namely target 5.3, the UNFPA office in Turkmenistan held a joint meeting with the Institute for State, Law and Democracy, entitled the “Open dialogue on partnerships for gender equality”. During the event, a representative of the Central Council of the Union of Women delivered a statement on the outcome of the regional conference entitled “Turning policies into action: eliminating gender-based violence against women and girls in Central Asia”. Pursuant to article 24 of the Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men, men and women have equal rights to protection from sexual assault, abduction and trafficking. This provision is the basis for improving national legislation to prevent violence against women in all its forms.

68. One of the objectives of the National Gender Equality Action Plan is to analyse national law with a view to developing and introducing 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. To that end, various actions have been undertaken, including the conduct of studies and surveys of the extent of violence against women, and also of the forms and root causes of such violence. Consultations have been organized with the appropriate parties on the need to prepare a bill aimed at the formation and development of a system to prevent domestic violence that would cover all forms of violence against women. Events have been organized to raise public awareness of the zero-tolerance policy of Turkmenistan with regard to violence against women.

69. Representatives of relevant authorities and voluntary associations have been involved in the efforts to prevent domestic violence. Specific efforts on the part of the appropriate internal affairs agencies have focused on achieving the objectives of programmes that seek to prevent and increase awareness of violence against women, including in the family setting, as called for in the National Action Plan. According to a specific plan of work, the Women's Union of Turkmenistan and the Youth Organization of Turkmenistan and law enforcement authorities have been holding joint meetings, discussions and lectures among women and girls on the above-mentioned topics in enterprises, institutions, higher and specialized secondary educational establishments and general education schools. Under the Ministry of Internal Affairs plan of core activities for 2019, the local police units of the Ministry's Department of Public Safety held an event entitled “The Family” in which preventive work was carried out with persons who had previously committed dangerous or especially dangerous crimes and who maintain family relations. Special account is taken of

dysfunctional families. The adult members of such families are officially warned that infringement of the law will not be tolerated and provided with explanations of the possible legal consequences.

70. Police units of the Ministry of Internal Affairs consider applications from citizens whose families have experienced domestic disputes. The Ministry received 37 such applications from women in 2018 and 51 in the first six months of 2019. With a view to raising awareness among internal affairs officers about procedures for dealing with cases of violence against women for the period 2016–2018, 4,159 attended initial training, refresher and advanced professional training courses taught as part of the criminal law curricula at the Ministry's training centre (which included themes such as gender equality, non-discrimination on the basis of gender, the nature and causes of violence against women and their children and the legal rights and remedies available to victims of violence).

71. Members of the parliament, law enforcement officers, court officials and lawyers, together with international organizations, hold seminars, round tables and other events to tackle the issue of domestic violence and consider legislation to stop such violence, international recommendations of States parties to the relevant conventions and foreign best practice and law. The legislative programme of the Mejlis includes a bill aimed at ending domestic violence, which is being drafted in collaboration with United Nations agencies.

### **Paragraph 15 of the concluding observations**

72. The Anti-Extremism Act of 28 February 2015 establishes the legal and institutional framework for dealing with extremism with a view to protecting human and civil rights, freedoms and legitimate interests, the constitutional system and territorial integrity of Turkmenistan and ensuring the security of society and the State. Under the Act, anti-extremism measures are taken to prevent, uncover and end the causes and conditions that give rise to extremism and to detect, prevent and combat extremist activity by voluntary associations, religious and other organizations and citizens.

73. Article 1 (1) contains a definition that is in line with the Committee's recommendation on ensuring that the definition of extremism contains an element of violence or advocacy of hatred: Extremism means activity by a natural or legal person, and their associations, for the purpose of organizing and starting mass disturbances accompanied by violence, pogroms, arson, the destruction of property, the use of firearms, explosives or explosive devices, and also armed resistance to a public authority, and the commission of a crime motivated by political, social, ethnic, racial or religious hatred or enmity, or with the aim of taking revenge for the lawful acts of others or of concealing or facilitating another crime. During the reporting period, no cases were heard by Turkmen courts for crimes such as extremism and terrorism. The relevant provisions of anti-extremism legislation will be reviewed as part of the criminal law reform process, which will take account of the Covenant and the Committee's recommendations.

74. Turkmenistan cooperates with other States and their law enforcement, security and intelligence agencies, and also international organizations that deal with extremism, in efforts to tackle extremism, in accordance with the international agreements to which it is a party. Seminars, round tables, study visits and other activities aimed at preventing extremism are organized for members of the law enforcement agencies of Turkmenistan in cooperation with United Nations agencies and the OSCE Centre in Turkmenistan.

75. Furthermore, as part of a regional project to foster community resilience and cross-border cooperation to prevent violent extremism in Central Asia, the country is carrying out a national project aimed at mobilizing the energy, flexibility, openness and dynamism of young people as a potential positive force for stopping the spread and influence of violent extremism in individual radicalized communities. In the 2019–2020 period, the following measures have been planned within the framework of this project: workshops for 1,000 young people, including 500 former prisoners, on issues such as peace and security, conflict prevention and mediation and economic and social rights; round tables made up of young people and representatives from the Government, the parliament and law enforcement agencies for the purpose of raising awareness among young people about current planning

processes and national development; capacity-building measures in six youth centres in pilot cities (the capital and the administrative centres of the five provinces (*welayatlar*)) in order to provide social services to vulnerable groups of young people.

76. The Criminal Code establishes liability for the following: public calls for extremist acts; the establishment of an extremist organization; the financing of extremism; and engaging in, preparing for or providing weapons for terrorist or extremist activities. The reform of criminal and other counter-extremism legislation will take into account the Committee's recommendations on the need to review the list of activities considered extremist.

### **Paragraph 17 of the concluding observations**

77. The Constitution guarantees the inviolability and inalienability of human rights and freedoms. No one may restrict human rights and freedoms, except in accordance with the Constitution and the law. The Ministry of Internal Affairs has not received any complaints from citizens concerning the enforced disappearance of detained persons or persons sentenced to deprivation of liberty from remand centres or penal institutions. The appropriate law enforcement agencies are required to conduct a full criminal investigation into any reports of such disappearances.

78. Under the Constitution, everyone has the right to liberty and security of person. No one may be arrested on suspicion of committing a crime, detained or otherwise deprived of liberty except on grounds and in accordance with the procedure established by the Code of Criminal Procedure. Every person detained must be promptly informed of the reasons for his or her detention and the nature of the offence of which he or she is suspected or accused. The court or the procurator must immediately release any person who has been illegally detained, imprisoned or placed in a medical institution or held in custody for a period exceeding that provided for by law or a sentence. No one participating in criminal proceedings may be subjected to violence or cruel or degrading treatment. No one may be forced to take part in proceedings that are likely to endanger a person's life or health. Proceedings that infringe personal inviolability may be carried out against the will of a person or his legal representative only in the cases and manner provided for by the Code of Criminal Procedure.

79. Persons remanded in custody as a preventive measure or held on suspicion of committing a crime must be detained in conditions that do not endanger their lives or health. Any harm caused to a person as a result of unlawful deprivation of liberty, detention in conditions that endanger life or health or ill-treatment is to be compensated in accordance with the procedure prescribed by the Code (art. 13).

80. Suspects have the right to inform family members, close relatives or colleagues at work of their detention and whereabouts at their own request or at a lawyer's or legal representative's request, to take part in investigations and to bring complaints about acts or omissions and decisions of persons conducting the initial inquiries, investigators and procurators.

81. A lawyer may intervene in a case from the moment a person is questioned as a criminal suspect or, if charges are brought, from the moment the indictment is announced or, if the suspect is detained or remanded in custody as a preventive measure before formal charges are brought, from the moment the arrest record or detention order is issued, but no later than 24 hours from the moment that the person is detained or remanded in custody. (Code, art. 81).

82. With a view to implementing the Committee's recommendations in paragraph 17 of the concluding observations, the rules of the Code of Criminal Procedure and Penalties Enforcement Code will be reviewed, and the relevant provisions of these codes will be brought into line with international rules and standards relating to persons in detention.

83. Furthermore, a study will be made of the jurisprudence and laws of other States on granting representatives from civil society and international organizations access to places of deprivation of liberty.

### **Paragraph 19 of the concluding observations**

84. As part of the legislative reform process and in accordance with international standards and the recommendations of treaty bodies concerning the national reports of Turkmenistan, amendments were introduced to the Criminal Code with the addition of article 182<sup>1</sup>, which reproduces the concept of torture that is given in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under the Constitution, no one may be subjected to torture, violence or cruel, inhuman or degrading treatment or punishment or, without his or her consent, to medical, scientific or other experimentation, nor may persons be compelled to give testimony or explanations that might incriminate themselves or their close relatives. Evidence obtained through psychological or physical coercion or other unlawful methods has no legal effect. Furthermore, the Criminal Code criminalizes the intentional infliction of moderately severe bodily harm by means that constitute torture or cruel treatment. No one participating in criminal proceedings may be subjected to violence or cruel or degrading treatment (Code of Criminal Procedure, art. 13). The Penalties Enforcement Code contains provisions prohibiting the use of torture against prisoners (arts. 8 (2), 88 (1) and 125 (2)). Thus, the use of torture is prohibited under national criminal, criminal procedure and penalties enforcement laws. The provisions of the Constitution and the relevant codes provide a reliable legal guarantee that torture will not be used in Turkmenistan. With respect to the note to article 182<sup>1</sup>, no criminal liability is incurred for the infliction of severe pain or physical or mental suffering as a result of lawful acts such as self-defence and others. In the light of the Committee's recommendation and with a view to following it up, international experts will be consulted and the relevant international law and foreign legislation will be studied in order to draft proposals to amend this provision so that it fully meets international standards.

### **Paragraph 21 of the concluding observations**

85. To prevent the torture and ill-treatment of detained persons and others, video surveillance equipment has been installed in several police stations, remand centres and places of detention. The Ministry of Internal Affairs has made concerted efforts to provide police departments, remand centres and penal institutions with the necessary audiovisual equipment to record interrogations. Regular visits to penal institutions are conducted by the supervisory commissions attached to the Cabinet of Ministers operating in the administrative offices of the provinces, Ashgabat, districts, cities and towns, established pursuant to a presidential decision of 31 March 2010 on improving monitoring of compliance with the law by the authorities responsible for enforcing penalties and on State measures in respect of convicted persons and persons released on parole. Three such visits were carried out by the Central Supervisory Commission in 2018.

86. The Ministry of Internal Affairs system is working on a regular basis to provide more training to officers to ensure that no torture is tolerated under any circumstances. Prison service personnel of the internal affairs agencies receive appropriate training within the framework of the annually approved personnel skills development plan. In 2018, two workshops were held in the appropriate section of the Ministry's central administrative office, in which 96 officers underwent training. Officers are also trained as part of combat and service training. Eighteen training sessions on the above topics were held in various penal institutions, attended by 1,300 officers. Similar training on checking for signs of torture among convicted persons and providing victims with the necessary care was provided to 47 medical staff members of penal institutions in 19 sessions.

87. Narkuly Akmuradovich Baltayev, born on 15 December 1980 in Türkmenabat, Lebap Province, a Turkmen citizen residing at the Jeyhun housing complex, No. 610, Türkmenabat, Lebap Province, was sentenced by a court of Ahal Province on 3 June 2015 to 18 years and 9 months of deprivation of liberty. At present, Mr. Baltayev is serving his sentence at the AK-U/2 facility at the Ahal Province Police Department. He was provided with adequate food and clean water while serving his sentence in the above-mentioned facility. He was not subjected to any torture or other forms of ill-treatment while he was in custody in the colony. In March 2016, convicted prisoner N. Baltayev died of a chronic illness, as was confirmed in

the findings of a forensic examination. Lukman Yaylanov, born on 17 June 1980 in Burgut village, Seydi Family Farm (*dayhan*) Association, Garabekewül district, Lebap Province, was sentenced to 15 years of deprivation of liberty in a strict regime colony by the Lebap court on 22 May 2013. Mr. Yaylanov was serving his sentence in a specialized branch of the MR-U/16 institution (located in Tejen) of the Ahal Province Police Department. On 11 October 2016, convicted prisoner L. Yaylanov died of a chronic illness, as confirmed by the findings of a forensic examination.

88. The regimes in the LB-U/11 strict regime facility (located in Seydi) of the Lebap Province Police Department and AK-U/2 prison regime and AK-U/3 special regime facilities (located in Ovadan Depe) of the Ahal Province Police Department, referred to in paragraph 21 of the Committee's concluding observations, are established by appropriate departmental legal acts of the Ministry of Internal Affairs. Convicted prisoners in these correctional institutions, as in all other such institutions, are provided with personal hygiene supplies, food, bedding, medicines and other essentials, in accordance with 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. The presidential decision of 11 April 2014 on standards with regard to the diet and other living conditions of persons held in correctional institutions, remand centres and special rehabilitation centres raised the standards for food, clothing and personal hygiene. Under this decision, convicted prisoners who are pregnant or breastfeeding, minors and prisoners who are ill or have a category I or category II disability are entitled to increased nutritional standards. Medical services, including various health-care, prevention and disease control measures, are organized and delivered in pretrial detention facilities in accordance with the legislation on health care. The procedures for the provision of medical care to detained persons and for the use of medical facilities of the health-care system and the assignment of their personnel for that purpose are defined by the Ministry of Internal Affairs and the Ministry of Health and the Medical Industry. Medical care for convicted persons is provided in medical units within each facility of the prison system and, when specialized medical care is required, such persons are transferred to the MR-U/15 Central Hospital. To maintain their health, convicted persons 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 comply with health requirements. Sufficient artificial light is provided for prisoners to read or work without injury to eyesight.

89. The Medical Service of the Ministry of Internal Affairs has been provided with a grant from the Global Fund to Fight AIDS, Tuberculosis and Malaria to fight tuberculosis in Turkmenistan for the following:

- In 2011–2012, a ventilation system was installed in the multidrug-resistant tuberculosis department of the MRK-15 prison hospital and a Siemens digital X-ray system was purchased.
- Since 2014, medications have been provided annually to treat 50 patients with multidrug-resistant tuberculosis in MRK-15.
- In 2018, a GeneXpert system was installed in MRK-15 for rapid molecular diagnostic testing for multidrug-resistant tuberculosis in MRK-15 and cartridges and annual calibration of the device are covered.
- In 2019, BACTEC Mycobacteria Growth Indicator Tube system was supplied to MRK-15 for inoculation and susceptibility testing of all tuberculosis drugs. Auxiliary devices (biosafety cabinet, thermostat, laboratory scale, centrifuge, distiller, vortex mixer) and all medical consumables, laboratory dishes and reagents were also purchased and installed for the operation of the system. An engineer is scheduled to arrive in November 2019 to certify the biosafety cabinet.
- In 2019, a GeneXpert system was installed in the Lebap Province institution of the Ministry of Internal Affairs.
- By the end of 2020 it is planned to install another such system in the Ministry's Ahal Province institution.
- By the end of 2020, there are plans for the delivery of six microscopes with light and fluorescent microscopy functions to the Ministry of Interior.

- An international expert on tuberculosis control in prisons (Zhanna Zhandauletova, Kazakhstan) pays annual visits during which recommendations are made to update orders and other regulations of the Ministry of Internal Affairs. The Ministry is currently reviewing one such order.
- Training on tuberculosis control was conducted for the medical service staff of the Ministry, including visits by specialists from the Ministry to various countries (Kazakhstan, Republic of Moldova, Latvia, etc.) to learn from others' best practices.

90. Since 2016, the Ministry of Internal Affairs has carried out major construction and renovation work on penal institutions, the provision of special equipment and medical devices and the training of staff in order to improve detention conditions, safeguard the rights of convicted persons and prevent torture and other degrading treatment of persons deprived of liberty. The State regularly allocates resources from the State budget for construction work and capital repairs to facilities in the prison system and for the acquisition of medical equipment. Currently, according to the plan for the construction and repair of facilities of the penal system, 16 correctional facilities are undergoing major repair work. As part of the reform of the penal system and in order to bring it into line with international standards, there are plans to increase the budget for improving infrastructure in order to prevent and combat violence, torture and unlawful actions against detained persons, to provide for the necessary equipment and repairs and to improve the conditions of detention, food and medical care for persons serving sentences.

### **Paragraph 23 of the concluding observations**

91. The Penalties Enforcement Code regulates the basic rights of convicted persons. Under the Code, the State guarantees the protection of the rights, freedoms and lawful interests of convicted persons and ensures that the conditions established by law for the serving of sentences and the application of other criminal law measures are met and that social justice, personal safety and freedom of religion and belief are maintained. Convicted persons have the right to be informed of their rights and responsibilities and the procedure and conditions for serving sentences handed down by courts. On arrival at a correctional institution, they must be informed by the administration, in writing, about the regulations governing the treatment of prisoners, the institution's rules and the procedure for filing complaints. Convicted persons are entitled to be treated by the facility staff in a manner that is courteous and designed to instil in them a sense of personal dignity and responsibility. They have the right not to be subjected to torture or to cruel, inhuman or degrading treatment. Convicted persons have the right to submit proposals, claims and complaints to the administration of the penal enforcement facility, its supervising body and other authorities, the courts, the procuratorial service and civil society organizations and, if all domestic remedies have been exhausted, to international organizations. The Act also establishes the rights of convicted persons to correspondence, health care, mental health care, pensions and State benefits in accordance with the law, and to qualified legal assistance and other rights.

92. Prisoners may submit proposals, statements and complaints, including on issues involving violations of their rights or legitimate interests. Proposals, statements and complaints concerning the decisions or actions of the administration of the body responsible for enforcing penalties will not have the effect of suspending the execution of these decisions or actions. If such a proposal, statement or complaint is evidently well founded, the official examining it must suspend the decision or action should such suspension lie within his or her powers, or propose such suspension to an official having the necessary authority. Bodies and officials receiving proposals, statements or complaints from prisoners must examine them within the prescribed period and communicate any decision taken to the prisoner concerned (Penalties Enforcement Code, art. 11).

93. In accordance with the Penalties Enforcement Code, the following persons may visit places of detention in the exercise of their official duties without any special authorization by the institution: the Procurator General, his or her deputies, duly authorized procurators, and other procurators specifically monitoring compliance with the law in the enforcement of criminal sentences in a specific jurisdiction; the Ombudsman; officials of higher-ranking

correctional institution authorities; judges and other persons participating in the court's consideration of cases in the jurisdiction of the correctional institution; provincial, district or municipal governors in their respective jurisdictions; members of supervisory and other committees responsible for monitoring the activities of detention centres in their respective jurisdictions. Lawyers and other persons who are entitled to provide legal aid and have been retained by convicted persons have the right to visit them in prison in accordance with agreements on legal aid concluded as prescribed by national law. Representatives of civil society organizations that monitor the work of the authorities responsible for the enforcement of penalties may visit detention facilities, as prescribed by national law. Members of the diplomatic and consular institutions of foreign States and international organizations may visit prisoners, as prescribed by national law. Media workers and other persons may visit places of deprivation of liberty with special permission from the administration of such facilities or higher-ranking authorities (Penalties Enforcement Code, art. 21).

94. The Ombudsman Act of November 2016 sets out the powers, rights, obligations, guiding principles and safeguards in respect of the Ombudsman's activities. One of the Ombudsman's areas of activity is monitoring the observance of prisoners' rights. To this end, the Ombudsman visited a number of correctional facilities during 2018. In accordance with the Act, the complaints of persons held in remand and detention centres, correctional facilities and other specialized institutions are transmitted to the Ombudsman without being subject to screening within 24 hours. To achieve these goals, the Ombudsman has focused on upholding the rights of specific groups of prisoners, namely women and young people. For example, visits were made to Mary Province Police Department MR-E/13 facility for convicted juveniles and Dashoguz Province Police Department DZ-E/8 facility for convicted women prisoners. During the reporting period, the Office of the Ombudsman received no complaints from prosecuted or convicted minors, their close relatives or legal representatives. Following the visit to the young offenders' institution, relevant recommendations were prepared based on a full analysis of the types of offences committed by the minors, recidivism, the regions of the prisoners' place of residence and other circumstances.

95. The applications received concerned disagreement with the investigation carried out and the verdict of the court. In one application pertaining to a pardon, the available remedies to protect rights and freedoms set out in the Ombudsman Act were explained. In 2018, the Office of the Ombudsman received 78 written and 72 oral applications regarding civil and political rights. The applications were considered in accordance with the Act. Three of the written applications were granted. The Ombudsman's report on the monitoring of prison system facilities is available at <http://turkmenistan.gov.tm/?obdusmen>.

96. In cooperation with international organizations, the staff of correctional facilities regularly complete training courses on international standards for the rights and freedoms of prisoners and the conditions of their detention (see paragraph 81 of the present report). The Penalties Enforcement Code provides that international organizations may visit prisoners held in places of detention, as prescribed by national law. The Ministry of Internal Affairs cooperates closely with the International Committee of the Red Cross (ICRC) and OSCE on matters relating to access for representatives of international organizations to all places of detention. Each year, the Government of Turkmenistan and the ICRC Regional Delegation for Central Asia jointly adopt an action plan as part of multilateral cooperation in the prison sector. On 28 September 2015, the heads of the diplomatic missions of the United Kingdom, the United States of America, Germany and France in Turkmenistan and the heads of the UNDP office in Turkmenistan and the European Union office in Ashgabat visited the DZ-K/8 correctional institution of Dashoguz Province Police Department. Work is under way on the preparation of a draft memorandum of understanding between the Government of Turkmenistan and ICRC on cooperation and humanitarian activities for persons deprived of their liberty. Measures to implement international humanitarian law are provided for under a cooperation plan for 2018 concluded between the Government of Turkmenistan and ICRC. The young offenders' institution of Mary Province Police Department in Bayramali and the DZ-K/8 women's correctional colony of Dashoguz Province Police Department were visited on 6 December 2016 and 31 January 2017, respectively, by a delegation composed of representatives of international organizations accredited in Turkmenistan and the ambassadors of several European countries and the United States. The participants included representatives of UNICEF, UNDP, the OSCE Centre in Ashgabat, the European Union

liaison office and the embassies of the United States, Germany, Italy, France and the United Kingdom. On 13 November 2017 an international consultant on children's rights and a child rights monitor from the UNICEF office in Turkmenistan visited the MR-K/18 young offenders' institution in Bayramali. Efforts have been made through diplomatic channels with the Embassy of Germany in Turkmenistan to arrange a visit to a correctional institution for men by representatives of ambassadors of various European countries and the United States of America in Turkmenistan and representatives of some international organizations.

### **Paragraph 25 of the concluding observations**

97. As part of a reform of procedural law, non-custodial measures (bail, recognizance) have been added to the range of preventive measures applied in respect of suspects, accused persons and defendants. In accordance with criminal procedure legislation, the possible preventive measures include: pledge not to leave the area; recognizance; recognizance of an organization; bail; and remand in custody. For minors, the applicable preventive measures also include release under the supervision of their parents, persons in loco parentis or guardians and, for those who live in children's homes, release under the supervision of the administration of the home. For military personnel, the applicable preventive measures include surveillance by the command of the military units in which they serve (Code of Criminal Procedure, art. 147). When deciding whether it is necessary to apply preventive measures and which measures to apply, persons conducting the initial inquiry, investigators, procurators, judges and courts consider the gravity of the offence, the character of the suspect, accused person or defendant, his or her occupation, age, health and family situation and other circumstances. Remand in custody as a preventive measure is used in exceptional circumstances, for offences which carry a penalty of more than 2 years' deprivation of liberty. The parliament is working to reform national legislation. It will be working in cooperation with international organizations and foreign experts to review the matter of granting judges the procedural powers to authorize the arrest or detention of persons on criminal charges. Based on the results of the joint work, proposals will be elaborated to amend the relevant procedural legislation.

### **Paragraph 27 of the concluding observations**

98. The new Constitution guarantees the right of every person to work, to freely choose a profession, occupation and place of work and to enjoy safe and healthy working conditions. In accordance with the provisions of International Labour Organization (ILO) conventions, the Constitution prohibits forced labour and the worst forms of child labour. The main objectives of national labour legislation are to put in place the social and legal conditions and guarantees required to uphold citizens' constitutional right to work and the legal regulation of labour relations and other matters directly related to work. Employees have the right to remuneration commensurate with the quantity and quality of their work. This remuneration may not be less than the minimum wage set by the Government. To fulfil its obligation under ILO conventions, the Government of Turkmenistan takes effective measures to prevent forced and child labour, including in the cotton-farming sector.

99. The active use of new generation combine harvesters in the cotton-picking process shows that it is unnecessary to carry out mass recruitment of human resources for this work. For example, to ensure a timely harvest in 2017, more than 1,200 cotton harvesters were in operation in the fields (700 MX-1.8 machines manufactured in Uzbekistan and 500 machines from the United States companies John Deere and Case New Holland). In 2018, another 500 cotton harvesters were purchased from Uzbekistan and a contract was concluded with John Deere for the acquisition of another 200 units. All of the above further demonstrates that there is no economic need to use forced manual labour in the cotton fields of Turkmenistan. The State provides significant support in the form of 10-year agricultural loans with a 1 per cent interest rate for the development of farming and the procurement of agricultural equipment, 50 per cent State subsidies on fuel and fertilizers and the exemption of wheat and cotton farmers from rent and all taxes and charges. A favourable purchase price for cotton has been set and increased by 10 per cent in 2018.

100. Turkmenistan cooperates closely with ILO, as demonstrated by the following: the visit made to Turkmenistan in December 2015 by the ILO Assistant Director General, Mr. Heinz Koller and the Director of the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia, Ms. Dimitrina Dimitrova; the official meeting in February 2016 of the ILO Director-General, Mr. Guy Ryder, the Vice-Chair of the Cabinet of Ministers and the Minister of Foreign Affairs of Turkmenistan; the visit to Turkmenistan in March 2016 by an international labour standards specialist from the ILO regional office in Moscow concerning the application of ILO standards; and the visit to Turkmenistan in September 2016 by an ILO delegation headed by the Head of the Child Labour and Forced Labour Unit of the International Labour Standards Department, Ms. Deepa Rishikesh. Taking into consideration the recommendations of the ILO International Labour Standards Department regarding complaints of forced labour in the cotton sector, Turkmenistan continues its constructive dialogue with ILO entities, as shown by the working visit to Turkmenistan in January 2019 of international labour standards and labour law specialists from the ILO Country Office for Eastern Europe and Central Asia, to provide technical assistance at the invitation of the Government. During the visit, the ILO specialists studied national legislation, including in the area of the prevention of all forms of forced labour, and discussed steps to strengthen tripartite social dialogue and further close cooperation with ILO. Turkmenistan regularly submits national reports on its application of the ILO Conventions. In May of this year, a conference with the aim of expanding bilateral cooperation was held in Ashgabat to mark the hundredth anniversary of the ILO, entitled “The Future of Work and the International Labour Organization”. The conference, which had a tripartite format and was attended by the head of the Europe and Central Asia section at the ILO Bureau for Workers Activities, involved a presentation and discussion of the experience of Turkmenistan in promoting the principles of decent work and upholding the social and labour rights of workers. Another example of cooperation is the adoption by the parliament on 8 June 2019 of a decision to accede to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

101. The Ministry of Labour and Social Protection cooperates with social partners through the National Trade Union Centre, which is a workers’ organization, and the Union of Industrialists and Entrepreneurs, which is an employers’ organization. Consultations are held with these organizations in the preparation of draft legislation and regulations on work, employment, occupational health and safety, wage regulation and social protection. The social partners regularly conclude three-year general agreements. The latest general agreement was concluded in December 2018 for the period 2019–2021. In October 2018, the Act on the Tripartite Commission for the Regulation of Social and Labour Relations was adopted. The adoption of this law demonstrates that Turkmenistan implements the generally accepted standards and principles of ILO provisions in its national legislation.

102. In June 2018, the National Plan of Action on the Exercise of Children’s Rights for the period 2018–2022, developed in cooperation with UNICEF, was approved by presidential order. Goal 5 of the Plan, which concerns children’s right to freedom from violence, exploitation and abuse in the family and society, aims to raise public awareness on child rights issues, including the prohibition of the worst forms of child labour and also to ensure favourable conditions of work for persons under the age of 18 years. This goal also includes a target to improve the effectiveness of national measures to prevent violence and abuse of children, which will involve action to train specialists and persons working with children on issues of violence against children, including trafficking in children.

103. The Labour Code prohibits all forms of forced or compulsory labour. Forced or compulsory labour is defined as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily. Forced or compulsory labour also encompasses situations in which the employer requires the worker to carry out his or her duties without a system of collective or personal protection, or when performing the required work could endanger the life or health of the worker, and the late payment or underpayment of wages and unpaid overtime. It is prohibited to require the performance of work that does not fall within employment duties. Trade unions ensure public oversight of respect for the rights and legitimate interests of workers. When violations of labour legislation are identified, including the use by employers of forced or compulsory labour, the legal inspectorates of trade unions issue the employer with directives

to remedy the identified violations, which the employer must take into consideration. As part of its mandate and in accordance with the approved plans of action, the National Trade Union Centre and its local organizations perform inspections during the cotton-picking season to check compliance by employers with standards of labour legislation, health and safety at work and safety equipment and to look for evidence of forced or compulsory labour.

### **Paragraph 29 of the concluding observations**

104. In order to regulate internal migration, make it possible for internal migrants to exercise their rights and freedoms and fulfil its obligations towards other citizens, the Government has put in place a system for registering citizens' permanent and temporary places of residence in Turkmenistan. The right of all citizens to move freely and choose their place of residence in Turkmenistan is guaranteed by the Constitution. The residence registration system is only for social protection purposes. For example, it is used to address issues of social security (payment of pensions and State benefits by place of residence), health care and education in the place of residence. As regards employment, any person concluding an employment contract must provide the employer with: an identity document issued to citizens of Turkmenistan (passport or equivalent document; birth certificate for persons under the age of 16); a military service record for persons subject to military conscription or required to perform military service; a work-record book, except for persons concluding their first employment contract or taking up secondary employment; a degree certificate or other proof of education or of professional qualification or attesting to specialized skills for work that, under Turkmen law, requires special education or special training; and a medical report on state of health and other documents confirming other employment-related circumstances if their submission is required by Turkmen law. Persons who own several homes in Turkmenistan are registered in only one of them. The arrangements for registration of citizens' place of residence are to be approved by the President.

105. Students from out of town and citizens who temporarily move to another location for more than 45 calendar days without de-registration from their permanent place of residence must register their current address. Citizens who arrive in a location for the purpose of employment are registered by the relevant migration service and citizens who come for other reasons are registered by the relevant local administration. The following groups of citizens are exempt from registering by current address: citizens temporarily moving to another location for more than 45 calendar days without de-registration from their permanent place of residence within the same province or the same city with provincial status; citizens who have been called up for military service; and citizens who are required by court order to live in a particular place or who are serving a custodial sentence. Registration by current address entails the official registration of a citizen's temporary residence at a particular address. The registration by current address process is free. The procedure for registration by current address is to be approved by the President (Migration Act, art. 42).

106. According to the regulations on the passport system, approved by a presidential decision of 25 October 1996, citizens are to be registered at their place of residence with the consent of all the adults living in the dwelling, regardless of its size. Citizens who change their place of residence, except for those travelling for business trips, studies, holidays or vacation, treatment, leave from work, those who are called up for military service in the Armed Forces of Turkmenistan or other forces and those sentenced to deprivation of liberty, are required to de-register before leaving. The compulsory residence registration system is also regulated by a departmental regulation of the Ministry of Internal Affairs, namely the Guidelines on Implementation of the Regulations on the Passport System, approved by a Ministry of Internal Affairs order of 26 December 2016.

107. In accordance with current national legislation, violations of the compulsory residence registration procedure constitute an administrative offence (Code of Administrative Offences, arts. 369 and 371). There are no persons detained for the offences covered under these articles.

108. All citizens of Turkmenistan have the right to leave and enter the country. Citizens may not be deprived of the right to leave and enter Turkmenistan (Migration Act, art. 24). Citizens may be subject to temporary restrictions on leaving the country if: they are in

possession of State secrets, for the period prescribed by national law; a criminal case has been brought against them, until the end of proceedings; they are convicted of having committed a crime, until their sentence has been served or they have been released; they fail to fulfil obligations arising from a court order, until the obligations are discharged; they are convicted by a court of committing an especially serious offence or found to be a person who has intentionally committed a particularly dangerous repeat offence, or are under the administrative supervision of the police, until the criminal record is expunged or the period of supervision terminated; a civil lawsuit has been brought against them, until the end of proceedings; they are subject to military conscription, until the completion of military service or exemption from it, unless they are leaving to take up permanent residence abroad; a citizen of Turkmenistan is at risk of becoming a victim of trafficking in persons or slavery while outside the country; on a previous stay abroad, they have broken the law of the host country; leaving would endanger their lives or health; or their leaving is contrary to the interests of national security (Migration Act, art. 30).

109. Reports of a non-official curfew requiring the population to return home before 10 p.m. and the arrest of non-compliant individuals are untrue. That is shown by the simple fact that public transport operates until midnight. Curfews may be applied only in cases provided for by law. For example, pursuant to article 9 (2) of the State of Emergency Act, if a state of emergency is declared, in addition to the measures and temporary restrictions in the territory where the state of emergency exists, further measures and temporary restrictions may be introduced by presidential decree, such as the declaration of a curfew banning citizens from being in the streets and other public places at certain times of day without specially issued passes and identity documents.

110. The Committee's recommendations to bring the compulsory residence registration system into full compliance with the Covenant and eliminate arbitrary travel bans in accordance with the Covenant will be examined and proposals to amend the relevant legislation will be drafted on that basis.

### **Paragraph 31 of the concluding observations**

111. The independence of judges is guaranteed by the Constitution. Judges are independent and subject only to the Constitution and the law. Interference by any party in the work of the courts is prohibited and punishable by law (Constitution, art. 98). The Court Act, based on the Constitution, contains provisions for guarantees of the independence of judges. The independence of judges is ensured through: material and social benefits in accordance with their high status; legally prescribed procedures for the administration of justice; the prohibition on interference in the administration of justice by any party on pain of criminal and administrative penalties; an established procedure for suspension and removal from office; inviolability; and special State protection for the members of their families and property (article 51 of the Act). Moreover, the Court Act provides that any interference in judges' administration of justice is to be prosecuted in accordance with the law. Judges are not required to provide any explanations on the merits of a case that they have tried or are in the process of trying or to make them available to anyone except in the circumstances prescribed by law.

112. No criminal case may be brought against a judge, and a judge may not be arrested without the agreement of the President of Turkmenistan. The inviolability of judges applies to the judge's person, assets, place of residence and work, official and personal transport and other property. These guarantees also apply to assessors during the period of their service in court. It is not permitted to detain or summon judges or assessors in the performance of their duties as court assessors or to take administrative action against them. The Court Act was amended with the addition of article 64<sup>1</sup>, on the Code of Judicial Ethics. Paragraph 1 of the article provides that the Code is an act of the Conference of Judges, based on generally accepted moral principles and standards of society and the State. The Code of Judicial Ethics establishes rules of conduct for all judges in the discharge of their professional duties regarding the administration of justice. The Code of Judicial Ethics was discussed and first adopted at the first Conference of Judges of Turkmenistan, which was held on 19 January 2019. The high status of judges obliges them to be professionally trained and promote high

standards of legal awareness and legal behaviour to improve public confidence in the judicial system and the quality of justice, which is the basis for maintaining the dignity and high standing of the judiciary as fair, independent and impartial. To further improve the administration of justice by courts, ensure judicial independence and fulfil the international obligations of Turkmenistan, the limit on judges' tenure was removed from the new version of the Constitution and a public policy framework on improvement of the judicial system for 2017–2021 was elaborated and adopted. Taking into account the recommendations of the United Nations treaty bodies and the related rules of international law, this framework included proposals on the tenure of judges, the procedure for judicial appointments and the rights and duties of judges and court officials.

113. Chapter 24 of the Criminal Code contains provisions on offences against justice, which constitute measures to ensure the independence of the judiciary. For example, criminal legislation prohibits actions such as the obstruction of justice or pursuit of preliminary investigations (Code, art. 189), threats or violence against persons administering justice or conducting a preliminary investigation (Code, art. 189) and contempt of court (Code, art. 189).

114. Article 34 of the Constitution lays down the principle of the presumption of innocence: "Everyone is presumed innocent until proved guilty of committing an offence based on the law and established by an enforceable court judgment. No one is obliged to prove his or her innocence. Any remaining doubt as to the guilt must be resolved in favour of the accused." This constitutional provision is set out in detail in article 18 of the Code of Criminal Procedure (Presumption of innocence). In accordance with this article, everyone is presumed innocent until proved guilty under the procedure established by the Code and until an enforceable judgment to that effect has been handed down by a court. Any persisting doubt as to an accused person's guilt is interpreted in his or her favour. Any doubt arising as to the application of criminal law or the law of criminal procedure must likewise be interpreted in favour of the accused. No one is obliged to prove his or her innocence. In the absence of other evidence, confessions alone may not serve as proof of guilt. A guilty verdict may not be based on supposition; it must be supported by a sufficient body of credible evidence. Evidence that is collected by unlawful means or is of unknown provenance may not be considered or used in the administration of justice.

115. Legal proceedings in Turkmenistan are conducted in the official language. Parties to the proceedings who are not proficient in the language in which the proceedings are being conducted have the right to be fully apprised of the case, to participate in the proceedings through an interpreter and to address the court in their native language (Constitution, art. 104). This constitutional provision is reproduced in the Code of Criminal Procedure: "Legal proceedings in Turkmenistan shall be conducted in the official language; parties to the proceedings who are not proficient in the language in which the proceedings are being conducted shall have the right to make statements, give explanations and testimony, lodge petitions, file complaints, consult all materials in the case file and speak in court in their native language or another language in which they are proficient, and be assisted by an interpreter in accordance with the procedure established by the present Code; the investigative and judicial documents shall be provided to the accused person or defendant, translated into his or her native language or another language in which he or she is proficient, in accordance with the procedure established by the present Code" (Code of Criminal Procedure, art. 28).

116. The Anti-Corruption Act of 1 March 2014 is intended to combat corruption in all areas. It sets out the basic principles and the legal and organizational basis for efforts to combat and prevent corruption, to eradicate its underlying causes and the conditions conducive to the commission of such offences and to deal with their consequences. Offences involving or facilitating corruption and resulting in personal gain incur the criminal, administrative or disciplinary measures established by law.

117. Offences that facilitate corruption include: illegally interfering in the work of other government agencies and entities; using official powers to advance personal material interests; offering advantages not provided for by law upon entry into or promotion within public service; giving illegal preference to persons or legal entities when formulating and adopting decisions; refusing without reason to provide persons or legal entities with

information when such information must be provided in accordance with national law, wilfully holding up such information or giving inaccurate or incomplete information; requesting information not prescribed by national law from persons or legal entities; and offering gifts and unofficial services to higher-ranking officials, except for small tokens of appreciation or souvenirs, in keeping with the generally accepted standards of politeness and hospitality or when organizing protocol functional or other official events. If government officials commit any of the above violations and the act does not constitute a criminal or administrative offence, they will be subject to disciplinary action in accordance with the law of Turkmenistan.

### **Paragraph 33 of the concluding observations**

118. Pursuant to the Act on the Prevention of Illnesses Caused by the Human Immunodeficiency Virus (HIV) of 2016, citizens of Turkmenistan, foreign nationals and stateless persons living or present in the territory of Turkmenistan are entitled to a voluntary, confidential and anonymous HIV test in public medical facilities in Turkmenistan. HIV testing for children under the age of 18 is conducted with the consent of their parents or persons acting in loco parentis; HIV testing for persons declared to lack dispositive capacity is conducted with the consent of their legal representatives. The parents, persons acting in loco parentis or legal representatives are entitled to be present while the examination is carried out and to be informed of the results, which they are required to keep confidential. Upon the request of the person being tested, an HIV test may be carried out anonymously.

119. The Family Code, which is a special codified law regulating matters such as marriage contracts, does not contain any provisions requiring proof of HIV testing. Article 17 of the Code provides that persons of marriageable age who wish to get married may apply to the civil registration authorities in one of their places of residence or that of their parents. A passport (or equivalent document) must be presented with the application. HIV test certificates are not mentioned in the article. By mutual consent, persons wishing to marry may undergo a medical examination and also receive genetic counselling and family planning advice free of charge in public health-care institutions (Family Code, art. 21 (1)). Awareness-raising about this recommendation from the Committee will be carried out among public servants, including among law enforcement and judicial officials, and lawyers, health-care personnel and the general public. Existing practice and the current legal framework is being monitored to bring the legislation into conformity with the Covenant.

### **Paragraph 35 of the concluding observations**

120. Citizens' right to housing is guaranteed by the Constitution, in which the right of all citizens to housing and to government support to obtain or acquire a decent home or build their own home is enshrined. No one may be deprived of his or her home except on grounds established by law. The constitutional rights of citizens are exercised through the Housing Code. Evictions are permitted only on the grounds established by law and are carried out through judicial proceedings. In the specific cases of persons who are squatting or living in buildings at risk of collapse, evictions are permitted by order of the procurator. When citizens are evicted, they are provided with alternative accommodation that meets the requirements of national legislation. Residents may be evicted and provided with satisfactory alternative accommodation if: the building is to be demolished owing to seizure of the land; the accommodation is at risk of collapse; the accommodation is to be transferred to non-residential use; or the accommodation has been declared unfit for habitation (Housing Code, art. 109).

121. According to the Code, a private property right to all or part of a residence may be granted on the grounds that the residence in question is provided as compensation for the loss of a private home owing to the demolition or compulsory seizure of the home from its owner by decision of the competent authorities in the manner prescribed by national law. In the case of demolition of a private home owing to seizure of the land for State or public use, owners living in the property with family members or other persons permanently resident there are either given alternative accommodation in good condition and of equal value or paid

compensation to the value of the demolished property, household outbuildings and other structures and cultivated areas, as chosen by the owner and with the consent of the other residents. In the case of demolition of a private home owing to seizure of the land, if they so request and within the established standards, owners and members of their families are granted land for the construction and servicing of an individual property and paid the equivalent value of the demolished property, household outbuildings and other structures and cultivated areas. In the case of seizure of the land on which a private home, its household outbuildings and other structures and cultivated areas belonging to a legal entity are located, that entity is either provided with property of equal value and compensated for any other losses or is fully compensated for the losses arising from the seizure of the land.

122. Housing-related legal disputes are resolved through judicial proceedings. Based on article 280 of the Code of Civil Procedure, citizens may lodge complaints in court if they consider that the wrongful actions or omissions of a government agency or official have infringed their rights.

### **Paragraph 37 of the concluding observations**

123. The right of all persons to privacy and to keep private and family information confidential and protect it from arbitrary interference and violations of secrecy of correspondence, telephone calls and other communications is guaranteed by the Constitution. The collection, storage, use and dissemination of private information without the person's consent is prohibited.

124. This right is governed by the Personal Information and Protection of Personal Information Act of 2017. Pursuant to the Act, everyone is guaranteed the right to the protection of his or her personal data, the right of access to personal data concerning him or her and the right to update such data. The collection, processing and protection of personal data are carried out in accordance with the following principles: prohibition of the collection, storage, use and dissemination of personal data without the person's consent; observance of human and civil constitutional rights and freedoms; lawfulness of the purposes and means of personal data collection and processing; compatibility of the purposes of personal data collection and processing with the purposes initially determined when the personal data was collected and with the powers of the operator; assurance of individual, public and national security; compatibility of the amount and nature of the collected and processed personal data and the collection and processing means with the purposes of their collection and processing; accuracy of the personal data, their adequacy for the purposes of collection and processing, the inadmissibility of personal data collection and processing that is excessive in relation to the purposes determined when the personal data were collected; and the confidentiality of personal data with restricted access.

125. The collection and processing of personal data may be conducted without the consent of persons in the following cases: as part of the work of law enforcement authorities and courts in enforcement proceedings; as part of State statistical work; the use of personal data by State authorities for statistical purposes on condition that the data are anonymized; for compliance with international agreements ratified by Turkmenistan; to protect the life, health, other legitimate interests, constitutional rights and freedoms of the person or other persons when it is not possible to seek the person's consent; as part of the legitimate professional activities of the press or other media or research, literary or other creative activities provided that human and civil rights and freedoms are upheld; the publication of personal data in accordance with national law, including the personal data of candidates standing for election to public office; the failure of the person to comply with his or her obligations to provide personal data in accordance with national law; and other circumstances provided for by national legislation.

126. Under article 6 of the Police Investigations Act, investigative agencies must ensure respect for the human and civil rights of citizens to protection against arbitrary interference in their private lives and against violations of the confidentiality of correspondence, telephone and other communications and encroachments on honour, reputation and the

inviolability of the home. Police investigations and the use of information obtained during such investigations may not be used for purposes and objectives not provided for by law.

127. A person who considers that the actions of agencies carrying out police work have violated or restricted his or her rights and freedoms may file a complaint with a higher-ranking body conducting investigations, the procurator's office or the court. A person whose guilt in the preparation or commission of a crime has not been proved in the manner established by law is to have the right to obtain on demand from the agency conducting the police work information that provided the basis for the investigation of the person and on the nature of the available information on him or her, excluding the disclosure of State or other secrets protected by law. If the provision of such information is denied or he or she considers that the information provided is incomplete, the person in question may file an appeal with a higher-ranking body conducting investigations, the procurator's office or the court. Information obtained as a result of police work concerning a person's private life, honour, dignity and reputation may not be stored or disseminated if it does not contain information on the commission of acts prohibited by law and is to be expunged. This information may not be used to the detriment of the rights and legitimate interests of individuals and legal entities. In the event that an agency conducting police work violates the rights and legitimate interests of individual or legal entities, a higher-ranking body carrying out investigations, the procurator or the court is required to take measures in accordance with the law to restore any rights and legitimate interests that have been violated, provide compensation for any material or moral harm caused and bring those responsible to justice.

128. The results of investigations obtained lawfully may be used to prove a criminal case in accordance with the provisions of the Code of Criminal Procedures regulating the collection, examination and evaluation of evidence (Code, art. 138). Factual data are to be deemed inadmissible as evidence if they were obtained in violation of the requirements of the Code, which, by depriving participants in a trial of their legally guaranteed rights, restricting those rights or otherwise infringing the rules of criminal procedure during the investigation or the court hearing, affected or could have affected the credibility of such data (Code, art. 125 (1)).

### **Paragraph 39 of the concluding observations**

129. The Constitution guarantees freedom of religion and worship and the equality of religions and beliefs before the law. It guarantees the right of everyone to determine his or her attitude to religion, to profess any religion, individually or with others, or to profess no religion, to express and disseminate his or her religious beliefs and to take part in religious ceremonies. The right to freedom of thought and expression is guaranteed for all. No one has the right to prohibit a person from freely expressing his or her opinions or prevent their dissemination in accordance with the law. No one may be compelled to express or to renounce his or her opinions or convictions. Turkmenistan fulfils its obligations under international conventions to guarantee respect for rights without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

130. On 26 March 2016, a new version of the Act on Freedom of Religion and Religious Organizations was adopted. The law guarantees freedom of religious worship, including the right to profess any religion, individually or with others, or to profess no religion, to freely choose or change, hold and express religious and other beliefs and to act in accordance with them. It is prohibited to establish advantages, restrictions or any other form of discrimination on the basis of attitude to religion. Citizens are equal before the law in all fields of civil, political, economic, social and cultural life, irrespective of their religious beliefs or affiliation. Foreign nationals and stateless persons are to enjoy the right to freedom of religion on an equal footing with citizens of Turkmenistan. Religions and faiths are equal before the law. Turkmenistan is a secular State. Religious organizations are separate from the State. The State promotes mutual tolerance and respect between citizens and organizations professing no religion and between citizens and religious organizations of different faiths. It prohibits the manifestation of religious fanaticism or extremism, and of any actions seeking to polarize

and degrade relations and to kindle hostility between religious organizations. No religion may be established as the State or mandatory religion.

131. Religious organizations in Turkmenistan have the right to purchase, produce, use and, after an expert evaluation of the religious material is carried out, import and distribute religious literature and religious items. Turkmen citizens, foreign nationals and stateless persons have the right to acquire and use religious literature and other information materials with religious content in any language of their choice. Persons serving a prison sentence for criminal offences are also guaranteed freedom of religion in Turkmenistan. Under the Penalties Enforcement Code, convicted prisoners are guaranteed freedom of religion and belief. They have the right to profess any religion or not to profess any religion, freely choose and hold religious or atheist beliefs and act in accordance with them. Persons serving sentences in open prisons may, at their request, be granted permission to visit religious institutions located within the settlement where the prison is located. Ministers of duly registered religious associations may be invited to visit prisoners, at the prisoners' request, in the manner established by law. In correctional facilities, prisoners may perform religious rites and have and use ceremonial objects and religious literature. The correctional facility administration is to provide an appropriate space for such purposes (Penalties Enforcement Code, art. 10).

132. Tax legislation establishes certain tax benefits for religious organizations. In particular, no value added tax is paid on services provided by religious organizations, including rites and ceremonies, and on the sale of ceremonial and religious objects (Tax Code, art. 106). Religious organizations are also exempt from property tax (Code, art. 143).

133. Current legislation establishes criminal liability for thwarting the exercise of the right to freedom of conscience and religious belief (Criminal Code, art. 154). Incitement to racial or religious discrimination is a punishable offence (Criminal Code, arts. 33, 145, 154 and 168). A total of 131 religious organizations are currently registered. Among them, there are 108 Islamic organizations, including 193 Sunni and 5 Shiite organizations, 12 Orthodox organizations and 11 other organizations of various faiths. A list of Orthodox religious organizations, groups and churches is attached (annex 2).

134. In January 2019, senior priests of Orthodox churches held services in Turkmenistan, with support from the Commission on Cooperation with Religious Organizations. Other religious leaders visited the country in 2019, as follows: spiritual leader of the Society of Krishna Consciousness, United States citizen Sean O'Neil Hobgood, in February; a pastor from the Slovo Zhizni (Word of Life) Church, Russian citizen Aleksandr Gornovsky, in March; pastors of the Source of Life Church, German citizen Klaus Dieter and Kazakh citizen Yury Shumayev, Baha'i religious organization member Foad Rihani and spiritual leader of the Russian Orthodox Church, Archbishop and Theophylact Denis Kuryanov, in April; pastor of the "Source of Life" Church, Russian citizen Alexei Romanov, in June and July; and pastor of the New Apostolic Church, German citizen Vladimir Lazerev in October. The Source of Life Church received authorization to import 50 copies of the Bible to meet its needs. In honour of the opening of the Hazret Omar Mosque, 4,210 copies of the Holy Qur'an were imported into Turkmenistan. In 2019, from January to July, the import of 15 copies of the Qur'an was authorized. In 2019, 2,242 citizens of Turkmenistan visited the Holy City of Mecca and Medina. Among them, there were 1,045 men and 1,197 women, including 2,176 Turkmens, 56 Uzbeks, 4 Azerbaijanis, 1 Kurd, 1 Kazakh, 1 Karakalpak, 2 Tajiks and 1 Dagestani. Several religious festivals were held in January, March and April–August 2019 with the Society of Krishna Consciousness with the support of the Commission on Cooperation with Religious Organizations. On 8 June 2018 and 25 November 2019, the Institute for State, Law and Democracy organized round tables on freedom of religion and belief in Turkmenistan. The meeting was attended by the Ombudsman of Turkmenistan, representatives of the Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Justice (Adalat), the Institute for State, Law and Democracy, the Religious Affairs Department reporting to the Cabinet of Ministers and of various faiths and religious organizations in Turkmenistan. Participants in the meeting found out more about the efforts to ensure freedom of religion in accordance with national law and the international obligations assumed by Turkmenistan. It was noted that Turkmenistan has the necessary legal framework to provide religious organizations with legal guarantees. There were also

discussions about creating an interfaith website where anyone could ask a question and get an answer from representatives of various faiths. Open dialogue sessions of this kind offer opportunities to become acquainted with the working conditions of religious organizations in more detail and depth. The round-table participants exchanged views on ways to improve cooperation between State, public and religious organizations. They highlighted the effectiveness of the cooperation between Turkmenistan and bodies of the United Nations, OSCE and the European Union in the field of human rights through their programmes and projects.

135. It should be noted in particular that the Commission on Cooperation with Religious Organizations received letters from the above-mentioned religious organizations in which they expressed their gratitude for the efforts made to facilitate the visits of the religious leaders and the assistance provided by the Commission's staff and management in receiving them. It should also be noted that the Commission carries out advisory work with religious organizations during the reregistration process. For example, it provides all religious organizations with advice on changing their legal address and renewing registration in the unified State register of legal entities.

### **Paragraph 41 of the concluding observations**

136. The Constitution provides that every citizen has a sacred duty to defend Turkmenistan. Military service is compulsory for all male citizens. Article 41 of the Constitution provides that the defence of Turkmenistan is the sacred duty of every citizen. Military service is compulsory for all male citizens. Article 18 of the Military Duty and Military Service Act lists the grounds for exemption from conscription.

### **Paragraph 43 of the concluding observations**

137. 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 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.

138. The Media Act (2012) establishes the following principles in the area of freedom of the press: the media in Turkmenistan are free; Turkmen citizens have the right to use any form of media to express their views or beliefs and to seek, receive and distribute information; Turkmen citizens have the right to receive, through the media, information on the activities of State bodies, voluntary associations and officials; the freedom to gather, receive and disseminate information may not be restricted, except as provided by law where necessary to protect the constitutional order, health, honour and dignity, a citizen's private life or public order; no restrictions may be placed on the founding, ownership, use or management of a media outlet nor on access to and freedom to use information and communication technologies except in the cases provided for in the Act; the media may be prepared and disseminated in the official and other languages.

139. Journalism is a free profession and is not subject to licensing. Journalists have the right to: seek, request, obtain and disseminate information; visit State bodies and organizations, enterprises and institutions and voluntary associations or their press services; have access to documents and materials, with the exception of portions containing State, trade or other legally protected secrets; visit emergency scenes and be present at mass public gatherings; verify the reliability of information provided to them; to express their personal opinions and make assessments in reports and other news material intended for dissemination under their bylines.

140. The Act on the Legal Regulation of the Development of the Internet and Internet Services in Turkmenistan (2014) defines the basic principles of law regulating matters related to the development of the Internet in Turkmenistan. Relations related to the development of the Internet in Turkmenistan are regulated in accordance with the following basic principles:

ensuring the rights and freedoms of Turkmen citizens to use the Internet and have access to information posted on it; restricting areas of regulation of the Internet only to subjects for which rules and regulations at the international level are lacking or cannot be applied because of requirements under national law; ensuring that regulations do not extend to relations related to the development of the Internet and do not affect the rights and interests of citizens, society and the State established by law; and making sure that individuals and legal entities may conclude an agreement for the provision of Internet services on the same terms of use as other users. As part of the reform of the national legal framework, domestic legislation on the media will be reviewed and proposals put together to bring media law into line with the Covenant.

141. In accordance with the National Human Rights Action Plan for the period 2016–2020, the State Publishing Service and the enterprises and organizations under its jurisdiction, at the invitation of Members of Parliament, representatives of State bodies, voluntary associations and cultural figures, hold events to raise awareness about human rights.

142. As of 1 January 2019, 21 newspapers and 8 magazines were published in Turkmenistan. There are also trade magazines published by ministries and departments. The *Neitralny Turkmenistan* (Neutral Turkmenistan) newspaper is published in Russian and English and the *Vozrozhdenia* (Revival) magazine is published in Russian. There are several independent private print media outlets funded by independent sources, including *Rysgal*, *Zaman*, *Yupek ëly*, *Biznes reklama* and others. Turkmen journalists participate in all political and public events held in the country and abroad. They cover international summits, conferences, forums and meetings of Heads of State.

143. They take part in forums on freedom of speech and training workshops and conferences led by agencies of the United Nations, OSCE, the European Union and the Regional Environmental Centre for Central Asia. In particular, the OSCE Centre in Ashgabat has held the following events:

- Seminar on media law reform in the digital age led by experts from Georgia and Russia, on 23–24 May 2019. There were 30 persons who took part in the event, including representatives of the Mejlis, the Office of the Ombudsman, relevant ministries and academic institutions, as well as national print, online and broadcast media. The panel members exchanged views on areas of action for modernizing media law and carrying out media reform.
- Seminar on models of funding television in the twenty-first century led by international experts from the United Kingdom and Ukraine, on 5–6 June 2019. There were 29 persons who took part in the event, including representatives of the State Committee on Television, Radio and Film, the Mejlis, the Ministry of Finance and Economic Affairs, the Office of the Ombudsman, the Institute for State, Law and Democracy and a number of other departments. During the discussion, the results of the seminar on television funding models were presented and optimal models for such funding in Turkmenistan were explored.
- Training course on how to cover political, economic and humanitarian issues, on 18–20 June 2019. The training, which was conducted by international trainers from Russia and Kyrgyzstan, was attended by 28 journalists from the print, online and broadcast media in Turkmenistan.
- Study visit to Slovenia to exchange experiences with television funding, on 2–4 July 2019. There were five persons from Turkmenistan who took part in the visit, including employees of the State Committee on Television, Radio and Film, the Mahabat advertising agency, the Ministry of Finance and Economic Affairs and a member of the Mejlis.
- Training course on online media skills, on 10–12 July 2019. The training, which was conducted by international trainers from Russia and Poland, was attended by employees of the national print, broadcast and online media, private websites and foreign agencies.
- Seminar organized by the OSCE in Ashgabat with a focus on modern approaches to journalism education, on 13–14 November 2019. The two-day event was attended by

university journalism professors, journalists from broadcast, print and online media, and representatives of the Ombudsman's Office, Ministry of Education and other competent authorities of Turkmenistan.

The participants exchanged views on the future direction of reforms in journalism education and optimal approaches to developing a module on freedom of expression, which is envisaged under the National Human Rights Action Plan of Turkmenistan for 2016–2020.

144. Gulgely 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, was sentenced by the Supreme Court on 7 October 2008 to 11 years' imprisonment and 5 years' expulsion. After serving his sentence, in August 2019, Mr. Annaniyazov was released from prison. Saparmamet Nepesgulyev, born on 5 February 1978 in Balkanabat, Balkan Province, residing at apartment 23, building 30, residential district 211, Balkanabat, was sentenced to 3 years' imprisonment by a court in Turkmenbashi, Balkanabat Province, on 31 August 2015. Mr. Nepesgulyev was released from prison on 19 May 2018 after serving his sentence. Gaspar Matalaev was released from prison on 6 September 2019 after serving his sentence. He is currently employed as a road transport worker.

### **Paragraph 45 of the concluding observations**

145. The Constitution provides that citizens are free to hold assemblies, rallies, demonstrations and other mass events under the conditions prescribed by law (art. 43). This constitutional provision is elaborated on in detail in the Act on the Organization and Conduct of Assemblies, Rallies, Demonstrations and Other Mass Events (2014). The holding of a mass event is based on the principles of the rule of law, voluntary participation in a mass event and respect and observance of human and civil rights and freedoms. Restrictions have been placed on holding mass events in certain places to ensure the safety of participants in such events and to protect human and civil rights and freedoms, ensure law and order, public safety and the operation of critical infrastructure. Citizens may bring appeals in court against the decisions and actions (or omissions) of authorities, voluntary associations and officials that violate a citizen's right to hold mass events in the manner established by law. With a view to implementing the Committee's recommendations, consultations will be held with international experts to review the law on the organization and holding of meetings, rallies and demonstrations and to come up with proposals for bringing it into line with the Covenant.

### **Paragraph 47 of the concluding observations**

146. The right of citizens to establish voluntary associations is regulated by the Voluntary Associations Act (2014). Citizens have the right to establish voluntary associations of their choosing without any prior authorization from State and local government bodies and to join such associations, provided they observe their statutes (Act, art. 4). A decision to refuse to register a voluntary association can be appealed against in court. The Act guarantees the rights of voluntary associations to freely disseminate information about their activities, to hold assemblies, rallies and demonstrations in the manner prescribed by law, to establish media outlets and carry out publishing activities in accordance with the law, and to assert and defend their rights and the rights and legitimate interests of their members and participants before State and local government bodies.

147. International, national, regional and local voluntary associations may be established in Turkmenistan. Voluntary associations are to be established on the initiative of their founders, who may consist of no fewer than five persons.

148. Citizens of Turkmenistan have the right, acting on a voluntary basis, to form a trade union, freely join one according to the established procedure or elect not to join one, take part in trade union activities and freely resign from membership. Trade unions are established on the basis of the equality of their members. No limit may be placed on the number of trade unions formed for a given trade (Trade Unions, Rights and Safeguards Act of 2013, art. 3). Annexes 3 and 4 contain a list of voluntary associations registered in the period 2010–2019 and a list of associations that have ceased their activities. With a view to implementing the

Committee's recommendations, consultations will be held with international experts and an interdepartmental working group has been established to review the law on voluntary associations and to come up with proposals for bringing it into line with the Covenant.

149. Cooperation with international organizations is aimed at developing civil society and bringing national legislation on voluntary associations into line with the Constitution and international standards. On 26 April 2016, the Institute for State, Law and Democracy, in cooperation with UNDP and the European Union, held an international seminar on the development of civil society in Turkmenistan. On 6–7 December 2016, the UNDP country office held a round table entitled "The role of voluntary organizations in achieving the Sustainable Development Goals". On 17–21 September 2018, a study tour to Sofia was organized within the framework of the UNDP project aimed at empowering civil society organizations to participate in policymaking and social service delivery so that representatives of civil society organizations could learn from best practices in the area of providing social services to vulnerable segments of the population. In December 2018, the Institute for State, Law and Democracy, in cooperation with UNDP, held an international forum on the role of voluntary organizations in the provision of social services for sustainable development in Turkmenistan, with the participation of international experts and representatives of ministries, departments and voluntary associations.

### **Paragraph 49 of the concluding observations**

150. The Constitution includes new provisions concerning political parties. Political diversity and a multiparty system are recognized in Turkmenistan. The State sets in place the necessary conditions for the development of civil society. Voluntary associations are equal before the law (art. 17). The ideology of a political party, religious organization, voluntary association or other organization may not be imposed on a citizen (art. 17). Citizens have the right to form political parties and other voluntary associations operating within the Constitution and the law.

151. Citizens are accorded equal rights and enjoy equal opportunities to establish political parties and freely to participate in their activities. Citizens have the right, acting on a voluntary basis and in line with their political opinions, to form political parties, freely join such parties in the prescribed manner or elect not to join them, take part in their activities and freely resign from membership. The membership of citizens in political parties or their lack of membership in parties must not lead to any restriction of their rights and freedoms. Citizens may not be granted or denied privileges and benefits on account of their affiliation or lack of affiliation with a political party (Political Parties Act, art. 2). 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 these authorities or officials is prohibited.

152. Political parties registered with the State prior to a decision to hold elections have the right to participate in elections independently or together with other political parties and voluntary associations, in accordance with electoral law. Political parties are required to publish information on candidates put up in elections and their programmes in accordance with the procedure established by electoral law. A list of political parties in Turkmenistan is attached (annex 5). With a view to implementing the Committee's recommendations, consultations will be held with international experts to review the law on political parties and to come up with proposals for bringing it into line with the Covenant.

### **Paragraph 51 of the concluding observations**

153. On 4 May 2013, the parliament adopted the Electoral Code, in which all previously existing laws on elections and referendums were consolidated. The new Code, unlike the laws on elections and referendums, also granted persons who have been convicted but whose sentences have not become enforceable the right to vote. This is one of the new developments in national electoral law. With a view to implementing the Committee's recommendations, there are plans to hold consultations with experts from OSCE and other international

organizations to review electoral law and come up with proposals for bringing it into line with international standards on safeguarding citizens' electoral rights.

## Annex 1

## Breakdown of the employed population of Turkmenistan by type of ownership and gender (%)

	<i>Both sexes</i>	<i>Men</i>	<i>Women</i>
2017			
<b>Employed in the economy: total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Type of ownership:			
State-owned	24.9	26.4	23.1
Private	48.2	44.6	52.6
Including:			
Sole proprietorship	27.1	24.0	30.9
Private part-time farming, horticulture, gardening	18.1	16.1	20.5
Voluntary associations	0.2	0.2	0.1
Cooperative associations	0.4	0.4	0.4
Public-private (without foreign equity)	22.8	23.3	22.2
Including:			
Private farm associations	21.9	21.9	21.9
Property owned by other States and jointly owned property with Turkmen and foreign equity	3.5	5.1	1.6
2018			
<b>Employed in the economy: total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Type of ownership:			
State-owned	25.5	27.1	23.6
Private	48.6	45.5	52.2
Including:			
Sole proprietorship	27.9	25.5	30.6
Private part-time farming, horticulture, gardening	18.3	16.4	20.5
Voluntary associations	0.2	0.2	0.1
Cooperative associations	0.4	0.4	0.4
Public-private (without foreign equity)	22.5	23.2	21.9
Including:			
Private farm associations	21.6	21.8	21.4
Property owned by other States and jointly owned property with Turkmen and foreign equity	2.8	3.6	1.8

## Breakdown of the employed population of Turkmenistan by type of ownership and gender (%)

	<i>Both sexes</i>	<i>Men</i>	<i>Women</i>
2017			
<b>Turkmenistan: total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Including:			
Agriculture, forestry and fishery	43.4	43.1	43.7
Mining and quarrying	1.6	2.7	0.3
Manufacturing	9.4	8.4	10.6

	<i>Both sexes</i>	<i>Men</i>	<i>Women</i>
Electricity, gas, steam and air conditioning supply	0.9	1.4	0.4
Water supply, purification, waste processing and extraction of recyclable materials	0.4	0.6	0.2
Construction	6.9	10.3	2.9
Wholesale and retail trade repair of motor vehicles and motorcycles	7.8	8.2	7.2
Transport and cargo storage	4.4	5.4	3.1
Hotels and restaurants	1.0	1.0	1.1
Information and communications	1.4	1.5	1.2
Financial intermediation and insurance	0.4	0.3	0.5
Real estate	1.3	1.4	1.3
Professional, scientific and technical activities	1.1	1.3	0.8
Administrative and ancillary activities	1.0	1.1	0.8
Public administration and defence Compulsory social security	1.7	2.4	0.9
Education	8.1	4.7	12.2
Health care and social services	3.7	2.2	5.6
Art, entertainment and leisure	2.9	2.2	3.6
Other service activities	2.6	1.8	3.6
2018			
<b>Turkmenistan: total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Including:			
Agriculture, forestry and fishery	43.3	43.3	43.2
Mining and quarrying	1.6	2.7	0.3
Manufacturing	10.1	9.2	11.1
Electricity, gas, steam and air conditioning supply	0.9	1.4	0.4
Water supply, purification, waste processing and extraction of recyclable materials	0.5	0.7	0.2
Construction	6.0	8.8	2.6
Wholesale and retail trade repair of motor vehicles and motorcycles	7.2	7.3	7.1
Transport and cargo storage	4.4	5.4	3.2
Hotels and restaurants	1.1	1.1	1.0
Information and communications	1.3	1.5	1.1
Financial intermediation and insurance	0.5	0.4	0.5
Real estate	1.5	1.6	1.4
Professional, scientific and technical activities	1.1	1.3	0.8
Administrative and ancillary activities	0.9	1.0	0.8
Public administration and defence compulsory social security	1.7	2.5	0.9
Education	8.6	5.3	12.5
Health care and social services	3.6	2.0	5.6
Art, entertainment and leisure	2.9	2.3	3.7
Other service activities	2.8	2.2	3.6

## Annex 2

### List of Orthodox religious organizations

1. Parish of Resurrection Cathedral, Ashgabat.
2. Parish of Saint Alexander Nevsky Cathedral, Ashgabat.
3. Parish of Saint Nicholas Cathedral, Ashgabat.
4. Parish of Saints Cyril and Methodius Cathedral, Abadan district, Ashgabat.
5. Parish of Saint Thomas Cathedral, Tejen, Ahal Province.
6. Parish of the Church of the Icon of the Mother of God the Seeker of the Lost, Dashoguz, Dashoguz Province.
7. Parish of the Cathedral of Archangel Michael, Turkmenbashi, Balkan Province.
8. Parish of the Cathedral of the Nativity of the Most Holy Mother of God, Balkanabat, Balkan Province.
9. Parish of the Cathedral of the Protecting Veil of the Mother of God, Mary, Mary Province.
10. Parish of the Church of Saint Alexis the Metropolitan of Moscow, Bayramaly, Mary Province.
11. Parish of the Cathedral of the Holy Apostles Peter and Paul, Turkmenabat, Lebap Province.
12. Parish of Saint Nicholas Cathedral, Turkmenabat, Lebap province.

### List of religious groups and religious organizations

1. Seventh Day Adventist (religious group).
2. Society of Krishna Consciousness of Turkmenistan (religious organization).
3. Great Grace Evangelical Christian Church of Turkmenistan (religious organization).
4. Light of the East Evangelical Christian Church (religious group).
5. Full Gospel Christian Church of Turkmenistan (religious organization).
6. Society of New Apostolic Church of Turkmenistan (religious organization).
7. Source of Light East Evangelical Christian Church (religious organization).
8. Baha'i Faith of Turkmenistan (religious organization).
9. Great Grace Evangelical Christian Church of Turkmenistan (religious organization).
10. Church of Evangelical Christian Baptists of Turkmenistan (religious organization).
11. Transfiguration of the Lord Roman Catholic Centre in Turkmenistan (religious organization).

### List of Orthodox churches in Turkmenistan

1. Parish of Resurrection Cathedral, Ashgabat.
2. Parish of Saint Alexander Nevsky Cathedral, Ashgabat.
3. Parish of Saint Nicholas Cathedral, Ashgabat.
4. Parish of Saints Cyril and Methodius Cathedral, Abadan district, Ashgabat.
5. Parish of Saint Thomas Cathedral, Tejen, Ahal Province.
6. Parish of the Church of the Icon of the Mother of God the Seeker of the Lost, Dashoguz, Dashoguz Province.
7. Parish of the Cathedral of Archangel Michael, Turkmenbashi, Balkan Province.

8. Parish of the Cathedral of the Nativity of the Most Holy Mother of God, Balkanabat, Balkan Province.
9. Parish of the Cathedral of the Protecting Veil of the Mother of God, Mary, Mary Province.
10. Parish of the Church of Saint Alexis the Metropolitan of Moscow, Bayramaly, Mary Province.
11. Parish of the Cathedral of the Holy Apostles Peter and Paul, Turkmenabat, Lebap Province.
12. Parish of Saint Nicholas Cathedral, Turkmenabat, Lebap province.

## Annex 3

### Registration of voluntary organizations (2009–2019)

#### 2009

1. National Automobile Sports Centre.
2. Wrestling Federation.
3. Chess Centre of Turkmenistan for Persons with Visual Impairments.

#### 2010

4. International Association of Akhal-Teke Horse Breeding.
5. Society of Guitar Amateurs.
6. Football Federation of Balkan Province.
7. Bar Association of Mary Province.
8. Bar Association of Ahal Province.
9. Bar Association of Dashoguz Province.

#### 2011

10. Bar Association of Balkan Province.
11. Balkan Sports Club of Balkan Province.
12. Buýsanç Turkmen Film Club.

#### 2012

13. Winter Sports Centre of Turkmenistan.
14. Gymnastics Federation of Turkmenistan.
15. Athletic Sports Centre of Turkmenistan.
16. National University Sports Federation of Turkmenistan.
17. Täze zaman voluntary organization.
18. Ýaşyl şöhle voluntary organization.
19. Mert Mountain Climbers Club.
20. Maşgala voluntary organization.
21. Ýeňme voluntary organization.

#### 2013

22. Ekodurmuş voluntary organization.

#### 2014

23. Dance Sport Federation of Turkmenistan.
24. Kurash Federation of Turkmenistan.
25. Bowling Federation of Turkmenistan.
26. Thai Boxing Federation of Turkmenistan.
27. Evaluators Union of Ashgabat.
28. National Bar Code Organization of Turkmenistan.
29. Rowing Federation of Turkmenistan.

**2015**

- 30. National Archery Federation of Turkmenistan.
- 31. Firefighting Sports Federation of Turkmenistan.

**2016**

- 32. World Wrestling Federation Entertainment, Inc.
- 33. Hockey Federation of Turkmenistan.

**2018**

- 34. National eSports Federation of Turkmenistan.

**2019**

- 35. Sport Shooting Federation of Turkmenistan.
- 36. National Pétanque Federation of Turkmenistan.

## **Annex 4**

### **List of voluntary organizations that have ceased their activities**

1. Ashgabat Gardeners Society, on 19 March 2015.
2. Turkmenistan Veterans Union, on 21 May 2015.
3. Organization of Young Researchers and Specialists of Turkmenistan, on 10 October 2015.
4. Organization of Horse Breeders of Turkmenistan in Lebap Province, on 11 April 2016.
5. Council of Elders of Turkmenistan, on 4 December 2018.

## **Annex 5**

### **List of political parties of Turkmenistan**

1. Democratic Party of Turkmenistan, 16 December 1991.
  2. Industrialists and Entrepreneurs of Turkmenistan Party, 25 September 2012.
  3. Agrarian Party of Turkmenistan, 9 October 2014.
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