



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
26 July 2023
English
Original: Russian
English, French, Russian and
Spanish only

Committee against Torture

**Third periodic report submitted by Turkmenistan
under article 19 of the Convention, due in 2020***

[Date received: 7 December 2020]

* The present document is being issued without formal editing.



I. Introduction

1. Turkmenistan ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 20 December 1996 and submitted its initial report in 2009 and its second periodic report in 2015.
2. The present report is the third periodic report of Turkmenistan on the implementation of the Convention. The report was prepared pursuant to article 44 (1) (b) of the Convention, in accordance with the guidelines on the form and content of periodic reports to be submitted by States parties ([CRC/C/58](#)).
3. The report covers the period 2015–2020 and contains information on key legislative, judicial, administrative and practical measures taken during the reporting period that are of direct relevance to the provisions of the Convention. In addition to reflecting legal, structural and policy developments since the last report, the present report describes follow-up to the concluding observations adopted by the Committee against Torture following its consideration of the second periodic report of Turkmenistan ([CAT/C/TKM/2](#)) at its 1480th and 1483rd meetings (see [CAT/C/SR.1480](#) and [CAT/C/SR.1483](#)), held on 21 and 22 November 2016. In preparing the present report, due consideration was also given to the general comments adopted by the Committee.
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.
5. The report was prepared on the basis of material and information provided by ministries, departments and officials whose remit includes addressing the issues covered by the Convention and safeguarding and giving effect to the rights enshrined therein, and on the basis of State statistics, the results of special studies and information received from the country's voluntary associations.
6. The working group of the Interdepartmental Commission held a number of meetings and consultations with international experts invited by the United Nations Development Programme (UNDP) office in Turkmenistan. The results of the discussions were taken into account when preparing the final version of the report.
7. On 25 September 2020, a national assembly took place – the People's Council of Turkmenistan met to hold a comprehensive discussion of a set of constitutional reforms attesting to the country's commitment to democratic values and international experience of parliamentarianism.
8. Thus, a new step was taken in the democratic process. By laying the constitutional foundations for the formation of a bicameral parliament, the Milli Gengesh – consisting of the Halk Maslahaty, the upper house, and the Mejlis, the lower house – Turkmenistan once again demonstrated its adherence to the principles of parliamentarianism and democracy. The adoption of the Constitutional Act amending the Constitution of Turkmenistan is aimed at ensuring the well-being of the people.
9. The conceptual approaches underlying the Turkmen model of parliamentarianism are clearly reflected in the Constitutional Act. A number of fundamental lines of development are to be observed:
 - The national parliament, the Milli Gengesh, is a representative body exercising legislative power and consisting of two chambers, the Halk Maslahaty and the Mejlis.
 - Turkmen parliamentarism reflects the unity of the legislative branch, which represents the interests of all segments of the population.
 - The parliament reflects the principles of political pluralism and multipartism.
10. Under the Act, the parliamentary chambers differ in their composition, the procedure for their formation and their terms of reference. The rationale for dividing the parliament into two chambers is to ensure both proportional representation of the country's entire population and equal representation of the individual territorial units of Turkmenistan.

11. The Act also sets out the procedure for establishing the parliamentary chambers, holding sessions and adopting laws and the requirements for candidates for election to the two chambers and defines the powers of members of the Halk Maslahaty and deputies of the Mejlis.

12. As a result of the reforms, 1 article was deleted from the Basic Law, 3 articles were added to the Constitution and 27 articles were amended.

13. On 14 January 2020, an international conference entitled “Turkmenistan and International Organizations – Cooperation for Peace and Development” was held in Ashgabat to mark the twenty-fifth anniversary of the country’s permanent neutrality. At the conference, participants emphasized the need to implement United Nations global strategies and programmes, in particular the 2030 Agenda for Sustainable Development, as well as the need for closer multilateral cooperation in the modern world in order to realize the purposes and principles embodied in the Charter of the United Nations, strengthen international peace and security and ensure economic, environmental, social and humanitarian development. Turkmen neutrality is a significant factor in regional security. The basic principles are fully aligned with United Nations strategic policies in Central Asia, which are aimed at transforming the region into a zone of peace and cooperation and making it a keystone for the continent’s stability. Participants underscored the unique nature of the country’s policy of neutrality, which is intended to achieve the global goals of maintaining stability, economic growth and security through exclusively peaceful means and coordinated actions by all members of the international community.

14. A number of national and regional programmes and projects are being implemented in Turkmenistan in cooperation with international organizations. For example, the National Strategy for Preventing Violent Extremism and Countering Terrorism for the period 2020–2024 and the National Plan of Action to Combat Trafficking in Persons for the period for 2020–2022 were adopted on 6 December 2019.

15. The outcome document of the International Conference was published in the United Nations official languages and distributed at the seventy-fourth session of the General Assembly.

16. On 19 February 2020, the Ministry of Foreign Affairs hosted a meeting of the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law, with the participation of representatives of international organizations, including the United Nations and its funds and programmes, the Organization for Security and Cooperation in Europe (OSCE), the European Union and the International Committee of the Red Cross (ICRC). The representatives of international organizations acknowledged the high level of cooperation between Turkmenistan and international organizations in protecting human rights and vulnerable segments of the population. The meeting participants noted the important role played by the Interdepartmental Commission in the process of preparing national programmes, plans and draft laws in the field of human rights protection and exchanged views, recommendations and proposals. During the meeting, the importance 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 Children’s Rights for the period 2018–2022 and the National Early Child Development Strategy for the period 2020–2025 was noted.

17. Another important topic of discussion was awareness-raising with regard to human rights issues, such as the accession of Turkmenistan to international instruments and the optional protocols thereto. Priority areas of cooperation with United Nations agencies and other international organizations in the field of human rights and international humanitarian law were considered, as were issues related to the accession of Turkmenistan to international instruments and the optional protocols thereto, monitoring of national legislation and preparation of relevant recommendations, and efforts to raise public awareness of international and national human rights norms. Special attention was given to the expansion of cooperation in the fields of human rights protection, gender equality, protection of the rights of women, children and persons with disabilities, youth policy, preparation of national

reports on the implementation of international human rights instruments and their submission to United Nations treaty bodies, as well as capacity-building for the Office of the Ombudsman.

18. The key parameters of the Sustainable Development Goals have been seamlessly integrated into the President's Programme for the Socioeconomic Development of Turkmenistan for the period 2019–2025. From an economic perspective, it is intended that the implementation of the Goals will facilitate access to affordable, reliable and modern energy for all, sustainable economic growth and full employment, and the building of flexible infrastructure, promotion of sustainable industrialization and fostering of innovation. Broad-based digitalization of the economy is of paramount importance in this regard. The implementation of the Sustainable Development Goals in Turkmenistan has a clear social orientation. In that connection, critical aspects include achieving food security and improved nutrition, promoting healthy lifestyles throughout the country, ensuring full gender equality and creating the conditions for inclusive and equitable quality education. When embarking on the implementation of national plans in the various sectors of the economy and the social sphere, Turkmenistan undertakes a conscientious and rigorous examination of their consistency with the environmental component of the Sustainable Development Goals. With that in mind, the country is transitioning to the use of modern, environmentally-sound and resource-efficient technologies in all sectors of the economy: industry, agriculture, transport and others. In this context, the country's partnerships with UNDP, the United Nations Children's Fund (UNICEF), the World Health Organization, the United Nations Population Fund (UNFPA), the United Nations Environment Programme and other specialized agencies and institutions of the United Nations are being progressively developed.

19. According to a rapid integrated assessment conducted with UNDP in 2018, 84 per cent of Sustainable Development Goals have been integrated into national plans and strategies. When embarking on the implementation of national plans in the various sectors of the economy and the social sphere, Turkmenistan undertakes a conscientious and rigorous examination of their consistency with the environmental component of the Sustainable Development Goals.¹

20. In 2019, Turkmenistan presented the outcome of the first voluntary national review of progress made in implementing the Sustainable Development Goals, taking as a basis a book by the President of Turkmenistan entitled *Towards the Implementation of the Sustainable Development Goals*. The preparation of the first voluntary review involved not only governmental organizations, but also non-governmental organizations (NGOs), the private sector and young people; this provided new insights into the measures being taken in Turkmenistan and allowed the next steps in the implementation of the Goals to be identified.

21. On 11 February 2020, the President of Turkmenistan held a meeting with the corps of parliamentary deputies to discuss constitutional reform, the refinement of legislation on human rights and freedoms, the decriminalization of some offences and the reclassification of certain types of criminal offence as administrative violations. The need to humanize criminal law policy and the concomitant need to draft a new version of the Criminal Code aligned with the Constitution and the generally recognized norms of international law were emphasized. Special attention was given to issues related to the refinement of social, civil and labour legislation and the law on administrative procedure.

II. Follow-up information (CAT/C/TKM/CO/2)

A. Follow-up information relating to paragraph 6 of the concluding observations

22. Turkmenistan consistently incorporates international legal standards into its national law. Considering the importance of this task, new efforts are under way to further reform

¹ <https://www.mfa.gov.tm/ru/news/1520>.

national legislation, with a view to ensuring full compliance with the international obligations of Turkmenistan and observance of the highest human rights standards.

23. The Constitution, which is the country's fundamental legal instrument, states that society and the State place the highest value on human beings and guarantees social protection for everyone. Pursuant to article 9 of the Constitution, Turkmenistan recognizes the primacy of the generally recognized norms of international law.

24. On 23 November 2016, the Ombudsman Act was adopted, providing for a mechanism to help restore rights and freedoms that have been violated. The Ombudsman considers complaints and has the right to conduct inquiries relating to 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. Persons who submit complaints to the Ombudsman are not precluded from having recourse to the courts. The Ombudsman does not consider matters under the jurisdiction of the courts. There are no fees for filing complaints with the Ombudsman.

25. Pursuant to a law of 2017, the Penalties Enforcement Code was amended to stipulate that the Ombudsman is entitled to visit facilities where custodial sentences are served, without special authorization.

26. The Penalties Enforcement Code provides that representatives of international organizations may visit convicted persons in places of deprivation of liberty in accordance with the procedures established in national legislation.

27. The staff of correctional facilities regularly attend seminars and training courses on international standards regarding the rights, freedoms and detention conditions of persons serving sentences, organized in cooperation with international organizations.

B. Follow-up information relating to paragraph 7 of the concluding observations

28. The country's legislation on torture prevention is based on the relevant standards of international law. Under the Constitution, no one may be subjected to torture, violence or cruel, inhuman or degrading treatment or punishment, nor may anyone be subjected to medical, scientific or other experimentation without his or her consent. No one may be forced to testify against himself or herself or his or her close relatives. Evidence obtained through psychological or physical coercion or other unlawful methods has no legal force.

29. The use of torture or ill-treatment to obtain confessions at the time of arrest or during pretrial detention is prohibited under national law. Specifically, article 62 of the Constitution states that no one may be forced to testify against himself or herself or his or her close relatives and that evidence obtained through psychological or physical coercion or other unlawful methods has no legal force.

30. The concept of torture described in the Criminal Code is fully in line with article 1 of the Convention. In accordance with article 1821 of the Code, torture is the intentional infliction of severe pain or physical or mental suffering on a person for such purposes as obtaining from him or her, or a third person, information or a confession, punishing him or her for an act he or she, or a third person, has committed or is suspected of having committed, or intimidating or coercing him or her, or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or with the consent or acquiescence of, a public official or other person acting in an official capacity.

31. This provision of the Criminal Code is intended to provide a firm legal guarantee against the use of torture in Turkmenistan. The Code also prohibits the intentional infliction of moderate bodily harm in a way that renders it tantamount to torture or ill-treatment.

32. Under article 23 of the Code of Criminal Procedure, violence, threats and other unlawful means may not be used to obtain testimony from suspects, accused persons, defendants or other participants in legal proceedings.

33. Turkmenistan takes effective measures to prevent acts of torture and cruel treatment throughout the country. The approaches and methods used by the relevant units of special institutions to prevent persons serving sentences of deprivation of liberty from being subjected to torture or cruel treatment are being improved. First and foremost, the penalties for officials who fail to comply with the established rules governing the serving of sentences have been increased and the supervision of operational and educational activities conducted with prisoners has been strengthened.

34. National law establishes liability for law enforcement officers who use violence or bullying against persons involved in criminal proceedings for the purpose of obtaining testimony. Specifically, article 197 of the Criminal Code provides that is an offence for any procurator, investigator or person conducting an initial inquiry to use threats, blackmail or other unlawful acts to coerce a suspect, accused person, victim or witness into testifying or an expert into giving an opinion. Where such acts are accompanied by the use of violence or bullying, this constitutes an aggravating factor.

35. Pursuant to article 206 of the Code of Criminal Procedure, when there is evidence that a criminal offence has been committed, bodies conducting initial inquiries, investigators and procurators must open a criminal case in accordance with the procedures set out in the Code and must take all measures prescribed by law to establish the circumstances of the offence and identify and punish the perpetrators.

36. If there are sufficient grounds to initiate criminal proceedings, this is done by a judge or court and the case is referred to a procurator for investigation.

37. In accordance with article 167 of the Code of Criminal Procedure, persons conducting initial inquiries, investigators, procurators and judges, on the basis of a reasoned decision, or courts, on the basis of an order, may suspend accused persons or defendants from their posts if there are sufficient grounds to believe that they would obstruct the investigation or court proceedings or the reparation of the harm caused by the offence or would continue to engage in criminal activity related to their functions if they continued to occupy them.

38. In addition, under article 43 of the Civil Service Act, the existence of an enforceable guilty verdict handed down by a court is grounds for termination.

39. In 2019, the Office of the Ombudsman received 346 written and 394 oral communications. A total of 16, or 4.7 per cent, of the written communications and 2 of the oral communications related to misconduct by law enforcement officers.

40. Under the Act on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings of 2016, the list of participants in criminal proceedings who are entitled to State protection includes suspects, accused persons, defendants, their legal representatives, convicted and acquitted persons, and persons whose criminal case or criminal prosecution has been terminated, among others. Pursuant to the Act, State protection is provided in accordance with the principles of legality, respect for human and civil rights and freedoms, prioritization of the rights and legitimate interests of individuals and the mutual responsibility of the bodies providing such protection and the protected persons.

41. The Ministry of Internal Affairs is conducting systematic work to provide police stations, remand centres and penal institutions with audiovisual equipment to record interrogations. Procurators, lawyers and the Commissioner for Human Rights have access to these recordings.

42. On 19 May 2015, Çärjew District Court convicted XX under article 177 (2) of the Criminal Code (Incitement to social, ethnic or religious hatred) and sentenced him to 4 years' imprisonment. He served his sentence at the LB-E/12 institution of Lebap Province Police Department.

43. XX regularly enjoyed visiting rights, receiving 25 short and 24 long visits and 11 food parcels from his relatives.

44. On 13 February 2019, XX was released as he had served his sentence.

45. On 18 August 2016, a court in Dashoguz convicted MM under article 211 (1) of the Criminal Code (Death threats or the use of violence against law enforcement or military

personnel) and sentenced him to 1 year's imprisonment. He served his sentence at the LB-E/12 institution of Lebap Province Police Department.

46. MM regularly enjoyed visiting rights, receiving three short visits.

47. On 12 May 2017, he was released as he had served his sentence.

C. Follow-up information relating to paragraph 10 of the concluding observations

48. The Mejlis conducts regular and comprehensive monitoring of national legislation for compliance with the international instruments to which Turkmenistan is a party and adopts new laws on the protection of human rights.

49. The Mejlis is currently working on a new version of the Criminal Code. A working group is analysing the provisions of the Code with a view to making them more humane and bringing them into line with the international obligations of Turkmenistan.

50. National law provides for lawyers' participation in criminal proceedings. Specifically, under article 81 of the Code of Criminal Procedure, lawyers may participate in proceedings from the time that someone is interrogated as a suspect in a criminal case, from the time that charges are brought in the event of an indictment or, if a suspect in a criminal offence is detained or remanded in custody as a preventive measure prior to charging, from the time that he or she is presented with the record of arrest or the decision to apply the preventive measure is handed down and no later than 24 hours from the start of detention or remand in custody.

51. Lawyers may be invited to participate in proceedings by suspects, accused persons or defendants, by their legal representatives or by other persons, on behalf of or with the consent of the suspect, accused person or defendant. Upon the request of the suspect, accused person or defendant, the person conducting the initial inquiry, investigator, procurator or court must appoint a lawyer. Article 82 of the Code of Criminal Procedure provides for the mandatory participation of a lawyer.

52. According to information provided by the national bar association, the number of lawyers who participated in proceedings at the time of detention is:

- 377 in 2016
- 338 in 2017
- 313 in 2018
- 299 in 2019
- 237 in 2020

	2016	2017	2018	2019	2020
Ashgabat	58	54	47	48	48
Ahal Province	19	17	18	17	17
Balkan Province	180	148	128	97	60
Dashoguz Province	53	46	45	62	35
Lebap Province	43	44	46	48	49
Mary Province	24	29	29	27	28
Total	377	338	313	299	237

D. Follow-up information relating to paragraph 11 of the concluding observations

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

54. The media operate freely in Turkmenistan. The State guarantees their freedom of expression. No one may prevent or hinder the media from disseminating information that is in the public interest, except in accordance with the law (Media Act of 2012).

55. The Internet Development and Internet Service Legal Regulation Act of 2014 establishes State guarantees for protecting the rights and legitimate interests of Turkmen citizens and the national interest of Turkmenistan in the context of Internet-based relations.

56. Under the Constitution, no one may be convicted or punished except in strict accordance with the law. No one may be subjected to torture, violence or cruel, inhuman or degrading treatment or punishment, nor may anyone be subjected to medical, scientific or other experimentation without his or her consent.

57. On the basis of a note of 24 October 2016 from the European External Action Service referring to the death of AA following brutal beatings by officers of the country's law enforcement agencies, the Ministry of Internal Affairs conducted an investigation, the results of which are explained below. According to his wife and daughter, AA had been diagnosed with heart failure several years previously and was being monitored by doctors and receiving treatment at his local health centre.

58. On 4 September 2016, AA died at home. According to the findings of a forensic medical assessment and the death certificate, the cause of death was heart failure.

59. AA had never been summoned by the internal affairs authorities or undergone any interrogation or questioning.

60. YY was convicted under article 214 (Illegal crossing of the State border of Turkmenistan) and article 217 (Theft of or damage to documents, stamps, seals or forms) of the Criminal Code and sentenced to 11 years' imprisonment, with the requirement to live in a specified place for 5 years as an additional penalty.

61. On 12 March 2019, upon completion of his main sentence, YY was sent to Garabogaz in Balkan Province to serve the additional sentence (5 years' residence in a specified place) and was given paid employment in the local housing department. His state of health is currently satisfactory.

62. KK was sentenced in 2003 to 5 years' imprisonment for committing offences under articles 220 (Assumption of an official's identity or authority) and 228 (Fraud) of the Criminal Code and for complicity in an offence under article 185 (Active bribery). He was released later that year pursuant to a presidential pardon. On 25 August 2006, an Ashgabat court convicted him of a further offence, under article 287 (2) of the Criminal Code (Illicit acquisition, sale, storage, transport, shipment or carrying of weapons, ammunition, explosives or explosive devices), and sentenced him to 7 years' imprisonment. He was released early on 15 February 2013, having been pardoned by presidential decree.

63. While he was serving his sentence in a correctional facility, KK was provided with sufficient food and clean water and allowed daily outdoor exercise. The detention conditions in the facility, including the provision of health care, are in line with international standards. While serving his sentence, KK was granted 17 short visits from his wife and mother and received 30 food parcels from his wife. He was not subjected to torture or other ill-treatment while detained in the correctional facility.

64. NN was convicted in 2002 under article 292 of the Criminal Code (Illicit manufacture, processing, acquisition, storage, transport or shipment of narcotic drugs or psychotropic

substances for the purpose of their sale) and sentenced to 9 years' imprisonment. He was released in 2003 pursuant to a presidential pardon. He reoffended and, on 25 August 2006, he was convicted by an Ashgabat court under article 287 of the Criminal Code (Illicit acquisition, sale, storage, transport, shipment or carrying of weapons, ammunition, explosives or explosive devices) and sentenced to 7 years' imprisonment. On 15 February 2013, he was released pursuant to a presidential pardon.

65. During his imprisonment, NN was not subjected to torture or other ill-treatment.
66. LL was convicted under article 3031 (1) of the Criminal Code (Illicit trafficking in medicines containing tramadol hydrochloride (other tramadol products) or other psychoactive substances) and sentenced to 3 years' imprisonment.
67. While serving his sentence, he was granted long and short visits from his relatives and received food parcels on a regular basis, in line with national criminal procedure legislation.
68. On 19 May 2018, he was released as he had served his sentence.
69. GG is a pensioner with no prior convictions.
70. The Ministry of Internal Affairs has no information about her harassment.

E. Follow-up information relating to paragraph 13 of the concluding observations

71. OO was born in 1948 and was a Turkmen citizen of Turkmen ethnicity. She was a pensioner with no prior convictions. On 10 June 2006, while in her home, she entered into a conspiracy with HH to sell ammunition for small arms to NN. On 17 August 2006, an Ashgabat court sentenced her to 6 years' imprisonment under article 287 of the Criminal Code (Illicit acquisition, sale, storage, transport, shipment or carrying of weapons, ammunition, explosives or explosive devices), with the sentence to be served in an ordinary-regime correctional institution.

72. In September 2006, while in prison, OO committed suicide by hanging. Following an investigation, on 13 September 2006, the procurator's office declined to open a criminal case because there was no evidence that a criminal offence had been committed. The body of OO was handed over to her relatives, as described in correspondence between the administration of the facility and the morgue doctor, which is included in her case file.

F. Follow-up information relating to paragraph 14 of the concluding observations

73. In Turkmenistan, the central forensic service of the Ministry of Health and the Medical Industry is currently responsible for forensic examinations.

74. Forensic assessments are conducted in specialized facilities under the responsibility of the provincial health departments and the Ministry of Health and the Medical Industry.

75. The country's forensic service consists of the central forensic institution in Ashgabat, four provincial institutions in Lebap, Mary, Dashoguz and Balkan Provinces and 38 district forensic departments.

76. The central and provincial forensic institutions have departments for the examination of living persons and tests on cadavers, and laboratories. The forensic laboratories have chemical, biological (physical evidence), histological and crime detection units.

77. The country's forensic service currently employs 110 forensic experts.

78. Forensic experts qualify by passing an examination to receive a certificate of competency to perform a particular type of forensic assessment.

79. The conduct of these examinations and the issuing of certificates of competency are administered by the qualification boards of the forensic authorities.

80. The rules governing the work and composition of the qualification boards and the procedures for administering the qualifying examinations for forensic experts are set out in national laws and regulations.

81. The procedures, grounds and conditions for suspending, renewing, terminating and revoking forensic expert licences are established in national licensing legislation.

82. Individual forensic expert licences may be suspended on the general grounds laid down in national licensing laws and, in addition, while the holder is employed as a public official, serving as a deputy of the Mejlis or member of a peoples' council or local council, working as a forensic expert for the forensic authorities or completing compulsory military service.

83. Individual forensic expert licences may be terminated on the general grounds laid down in national licensing laws and, in addition, when the holder is declared to be lacking or partially lacking dispositive capacity, deceased or missing in an enforceable court decision, loses his or her Turkmen citizenship or becomes a permanent resident in another country, is exempted from criminal responsibility for an intentional offence but not exonerated or is found guilty in an enforceable court judgment.

84. Individual forensic expert licences may be revoked on the general grounds laid down in national licensing laws and, in addition, through judicial proceedings initiated by the forensic authorities when the holder has committed gross or repeated violations of national legislation while conducting his or her activities as a forensic expert, is unable to carry out the duties of a forensic expert owing to inadequate professional training, as shown by the results of a performance appraisal, or declines to undergo a performance appraisal. In such cases, the forensic authorities file a petition in court for the revocation of the forensic expert licence.

85. The revocation of a forensic expert licence entails its termination. The head of the forensic authority decides on suspension, renewal and termination of forensic expert licences on the basis of evidence submitted by the forensic licensing board.

86. The national forensic service carries out all its activities in accordance with Order No. 311 of 4 October 2017 on procedures for the forensic assessment of cadavers, which was approved by the Ministry of Health and the Medical Industry and coordinated with the Office of the Procurator General, the Supreme Court, the Ministry of Internal Affairs and the Ministry of National Security. Pursuant to the Order, the forensic assessment of cadavers must be carried out pursuant to a decision of a person conducting an initial inquiry, investigator, procurator or judge or a court ruling, in order to determine the cause of death and address other questions set out in the decision or ruling that fall within the specialist knowledge of forensic experts.

87. The Psychiatric Care Act was adopted in 2016. A psychiatric evaluation may be conducted at the request or with the consent of the person being examined or with the consent of his or her representative or, if the person being examined is a minor or a person who has been declared, under the legally established procedure, to lack dispositive capacity, at the request or with the consent of his or her parents (or other legal representatives). In the event of an objection by a parent (or other legal representative) of a minor or of a person who has been declared, under the legally established procedure, to lack dispositive capacity, or in the absence of the parent (or other legal representative), the psychiatric evaluation may be carried out pursuant to a decision of the tutorship or guardianship agencies.

88. An involuntary psychiatric evaluation may be conducted in cases where, according to the available information, the behaviour of the person being examined gives grounds to believe that he or she has a serious mental disorder resulting in: a direct danger to the person himself or herself or those around him or her; a state of helplessness (inability to meet basic vital needs independently); or the possibility of harm to the person's life or health as a consequence of his or her worsening mental health if he or she is left without psychiatric care.

89. If a patient constitutes a direct danger to himself or herself or others around him or her or if the person concerned has been placed under clinical observation, a specialist doctor may decide independently to order an involuntary psychiatric evaluation. In such cases, requests by citizens for a specialist doctor to order such an evaluation may be made orally.

90. Persons suffering from mental disorders may be hospitalized or undergo a psychiatric evaluation at their own request or with their consent or, in the cases provided for in article 21 of the Psychiatric Care Act, without their consent or that of their representatives (involuntary hospitalization).

91. Involuntary hospitalization may be carried out in cases where the medical examination or treatment of a person suffering from a mental disorder is possible only in an inpatient setting and if the mental disorder is serious and causes:

- A direct danger to the person himself or herself or those around him or her
- A state of helplessness (inability to meet basic vital needs independently)
- The possibility of harm to the person's life or health as a consequence of his or her worsening mental health if he or she is left without psychiatric care

92. Within 48 hours of their involuntary hospitalization, persons suffering from mental disorders must undergo a psychiatric evaluation by a medical advisory commission, which will determine whether the involuntary hospitalization is justified and issue its findings.

93. The findings of the medical advisory commission on the need for involuntary hospitalization must be transmitted to the local court with jurisdiction over the psychiatric institution, in accordance with the Code of Civil Procedure.

94. Persons subject to involuntary hospitalization have the right to participate in person in court hearings about their hospitalization. If a representative of the psychiatric institution indicates that the hospitalized person is unable to participate in such a hearing owing to the state of his or her mental health, the judge must go to the psychiatric institution to consider the application for involuntary hospitalization.

95. Both the psychiatric institution applying for involuntary hospitalization and the person whose involuntary hospitalization is being considered must be represented in any court hearing on the application for involuntary hospitalization.

96. Following consideration of the application, the court decides whether to accept or reject it. If the judge finds the application for involuntary hospitalization to be unfounded, the hospitalized person must be promptly discharged. The decision of a judge to accept such an application constitutes grounds for involuntary hospitalization.

97. Under the Code of Criminal Procedure, any disinterested person with the special scientific knowledge required to conduct an expert assessment and produce a conclusion may be called as an expert.

98. Pursuant to the Forensic Activities Act of 2014, when conducting assessments, forensic experts enjoy procedural autonomy and independence, including in respect of the body or official that ordered the assessment and the head of the forensic authority.

99. Unlawful influence on forensic experts and obstruction of their lawful activities are prohibited and punishable under national law.

100. Forensic assessments may be conducted by the personnel of forensic authorities and individuals with a licence to perform such assessments.

101. In accordance with the Health Care Act of 23 May 2015, forensic assessments are under the jurisdiction of the Ministry of Health and the Medical Industry.

102. In accordance with article 51 of the Act, forensic assessments are carried out in public health-care facilities by an expert from the forensic assessment bureau or, in the absence of such an expert, by a doctor assigned for that purpose on the basis of a decision of a person conducting an initial inquiry, investigator or procurator or a ruling of a judicial body.

103. Citizens and their legal representatives are entitled to apply to the body that ordered the forensic assessment for the inclusion on the expert panel of an independent expert with the relevant profile (with the expert's consent).

104. The procedures for organizing and conducting forensic assessments are established in national legislation.

105. The findings of institutions that conduct forensic assessments may be challenged in court in the manner established by national law.

G. Follow-up information relating to paragraphs 15 and 16 of the concluding observations

106. The Constitution governs the election of the Commissioner for Human Rights by the Mejlis upon the proposal of the President.

107. In March 2017, the Ombudsman was elected by the national parliament and began the work of guaranteeing State protection of human and civil rights and freedoms and ensuring that central and local government bodies and their officials uphold and respect these rights and freedoms.

108. The Ombudsman's mandate is compatible with the international requirements for such officials, including the right to make unhindered and unannounced visits to the premises of government bodies, correctional and other special institutions, places of detention and remand, units of the Armed Forces of Turkmenistan and other military units or bodies, and to conduct independent monitoring of such places. The Ombudsman is also mandated to request documents and other materials required to carry out his or her functions from the heads of the aforementioned bodies.

109. The Ombudsman's activities complement the existing State protections for human and civil rights and freedoms. These activities do not entail restrictions on the competence of other public bodies protecting human and civil rights and freedoms in accordance with the Constitution and other national laws and regulations.

110. The relevant Act applies to any relations that arise during the exercise of human and civil rights or freedoms between a citizen of Turkmenistan, regardless of his or her whereabouts, or a foreign national or stateless person in the territory of Turkmenistan, and central and local government bodies and their officials.

111. 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, fairness, objectivity and transparency. The Ombudsman's powers are exercised independently and without subordination to any State body or official.

112. During his or her mandate, the Ombudsman is independent and does not represent any State bodies, officials, political parties or voluntary associations.

113. The Ombudsman's decisions reflect legal positions that are non-political and comply with the Constitution, national law, the international agreements to which Turkmenistan is a party and the generally recognized norms of international human rights law.

114. Interference in the Ombudsman's activities for the purpose of influencing his or her decisions or actions, infringement of his or her inviolability, failure by officials to fulfil the obligations set out in the Act and any form of obstruction of the Ombudsman's work are punishable under national law.

115. The Ombudsman has the power to:

(a) Make unhindered and unannounced visits to central and local government bodies, enterprises, institutions and organizations irrespective of their organizational and legal forms and their forms of ownership, correctional and other special institutions, remand centres and other places of detention, the Armed Forces of Turkmenistan and other military units and facilities, for the purpose of monitoring their activities, either independently or jointly with the competent State agencies, public officials or civil servants;

(b) Request and receive from officials of central and local government bodies and of enterprises, institutions and organizations irrespective of their organizational and legal forms and their forms of ownership the required documentation, materials and other information and clarifications;

(c) Instruct the competent State agencies and scientific organizations to conduct expert studies on issues requiring elucidation;

(d) Address proposals to the duly authorized State agencies or officials for the initiation of disciplinary, administrative or criminal proceedings against officials who have violated human rights and freedoms;

(e) Exercise other powers provided for by the Act and other laws and regulations of Turkmenistan.

116. To establish whether human and civil rights and freedoms have been violated, the Ombudsman, within the limits of his or her competence, verifies reports of violations of human and civil rights and freedoms. This is done either on the basis of complaints received or at the Ombudsman's own initiative, if he or she learns about such violations from official sources or the media.

117. The Ombudsman, within the limits of his or her competence, considers complaints from citizens of Turkmenistan and foreign nationals and stateless persons in the territory of Turkmenistan about actions and decisions of officials and organizations that have given rise to a violation of the rights and freedoms guaranteed by the Constitution, other laws and regulations and international agreements to which Turkmenistan is a party.

118. The Ombudsman's powers are not restricted and his or work is not suspended or terminated in the event of a state of emergency or martial law, whether imposed throughout the country or in specific localities.

119. The Ombudsman's main functions concern:

- Observance of human and civil rights and freedoms
- Restoration of violated human and civil rights and freedoms
- Ratification of international human rights treaties
- Improvement of national legislation on human and civil rights and freedoms
- Legal education of citizens regarding human and civil rights and freedoms and the forms and methods of their protection
- Cooperation among government agencies for the protection of human and civil rights and freedoms
- Development and coordination of international cooperation in the field of human and civil rights and freedoms

120. The Ombudsman considers complaints about the decisions, actions or omissions of central and local government bodies, public officials and civil servants from citizens of Turkmenistan and foreign nationals and stateless persons within its territory who have already challenged the decision, action or omission through judicial or administrative proceedings but are not satisfied with the decisions taken regarding their complaint.

121. In the exercise of his or her mandate, the Ombudsman gathers and analyses information obtained from central and local government bodies, enterprises, institutions and organizations irrespective of their organizational and legal forms and their forms of ownership, private individuals and the media.

122. 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.

123. In accordance with the Act, the complaints of persons held in remand centres, detention centres, correctional facilities and other special institutions are transmitted to the Ombudsman, without being subject to screening, within 24 hours.

124. To achieve her goals, the Ombudsman has focused on upholding the rights of specific groups of prisoners, namely women and juveniles. For example, visits have been conducted to the Mary Province Police Department MR-E/13 institution for convicted juveniles and the Dashoguz Province Police Department DZ-E/8 institution for convicted women prisoners.

125. During the reporting period, the Office of the Ombudsman received no complaints from prosecuted or convicted minors, their close relatives or legal representatives. Following a visit to a young offenders' institution, appropriate recommendations were prepared on the basis of a full analysis of the types of offence committed by the minors, the issue of recidivism, the regions of the prisoners' places of residence and other circumstances.

126. The communications received concerned disagreements with regard to the investigation carried out and the verdict of the court. In response to one communication pertaining to a pardon, the remedies to protect rights and freedoms set out in the Ombudsman Act were explained.

127. The Ombudsman's 2018 and 2019 reports on the monitoring of penal institutions are available at <http://turkmenistan.gov.tm/obdusmen>.

128. In 2019, the Ombudsman visited the MR-E/16 and AN-E/1 facilities and the AN-M/4 special rehabilitation centre of Ahal Province Police Department under the Ministry of Internal Affairs. After visiting these facilities, the Ombudsman sent the Ministry of Internal Affairs three recommendations on operational improvements and follow-up.

H. Follow-up information relating to paragraph 18 (c) of the concluding observations

129. The government authorities oversee correctional institutions in their respective territories. Oversight commissions established under local administrations are involved in the monitoring of those institutions by civil society. The tasks of the commissions are to improve monitoring of compliance with the law by bodies responsible for the enforcement of criminal penalties and to work with inmates and persons released on parole. Commissions on juvenile affairs established under local administrations help young offenders.

130. Under penalties enforcement legislation, the courts are obliged to supervise the execution of sentences. In the cases and under the procedure established by law, the courts consider complaints lodged by convicted persons regarding actions taken by the administration of the body responsible for enforcing their penalty.

131. The Procurator General of Turkmenistan and the procurators working under him or her carry out procuratorial supervision of compliance with the law in the enforcement of criminal penalties, as provided by law.

132. The Ombudsman has the right to inspect the work of correctional institutions and to consider complaints by inmates about violations of their rights by the employees and administrations of correctional institutions.

I. Follow-up information relating to paragraph 19 of the concluding observations

133. The Ministry of Internal Affairs cooperates closely with ICRC and OSCE in granting representatives of international organizations access to places of detention. The Government of Turkmenistan and the ICRC regional office in Central Asia annually adopt a plan of action for multilateral cooperation in reforming the prison system.

134. Work has been undertaken to draft a memorandum of understanding between the Government and ICRC on cooperation and humanitarian activities concerning persons deprived of their liberty. The Government and ICRC signed a cooperation plan for 2018, which envisaged measures to implement international humanitarian law.

J. Follow-up information relating to paragraph 20 (a) of the concluding observations

135. The mandate of the Ombudsman to visit correctional institutions is covered in the previous paragraphs of this report.

136. One of the Ombudsman's activities with regard to the protection of civil and political rights involves monitoring the observance of the rights of convicted persons and persons held in correctional and rehabilitation institutions.

137. Under article 21 of the Penalties Enforcement Code and article 18 of the Ombudsman Act, the Ombudsman is empowered to visit correctional and other special institutions, pretrial detention facilities and places of detention freely and without prior notification and to inspect their activities independently or jointly with the competent government agencies, officials or civil servants.

138. In fulfilment of her official duties under the law, the Ombudsman visited a number of such institutions in the course of 2019 to verify respect for the rights of persons detained there and compliance with the requirements of the Penalties Enforcement Code.

139. For example, on a visit to institution MR-E/16, a facility of Ahal Province Police Department, the Ombudsman conducted an inspection to determine full compliance overall with health standards in the convicted persons' living quarters and the availability of health care, food, cultural and sporting activities, proper working conditions and opportunities for short and long meetings with close relatives. At the time of the inspection, 1,190 convicted persons were held at the strict regime facility.

140. Priority was given to investigating health-care provision. A 21-bed unit has been established in the institution's medical services department for convicted persons to receive inpatient treatment, as well as to undergo medical examinations and outpatient treatment.

141. If necessary, arrangements are made for their transportation under guard to medical diagnostic centres outside the institution. Medical services are provided to convicted persons by six assigned medical services personnel, namely four university-educated doctors and two employees with specialized college-level training. No expired medicines were found during an inspection of medicines in the medical department and the institution's medicines storage area. Information on convicted persons and diagnoses of diseases is processed in an appropriate manner. Twenty-two convicted persons with disabilities who have various health conditions receive special attention.

142. The institution has also provided convicted persons with access to books by Turkmen and foreign writers and poets, newspapers and magazines. The library is stocked with 206 copies of books by the President of Turkmenistan, 253 copies of economic and political works and 612 copies of works of fiction. It is evident from the lending records kept that the library's services are used by dozens of convicted persons on a daily basis.

143. Convicted persons are also able to make use of a shop that is under the authority of the Ministry of Trade and Foreign Economic Relations. No expired food products were found in the shop during inspection.

144. At the time of the inspection, there were 1,190 convicted persons in the facility, of whom a certain number exercise the right to work in accordance with the requirements of the Penalties Enforcement Code.

145. The inspection found that 202 convicted persons were provided with jobs. Seventy-six work at a shop producing brick and chalk; 16 at a shop manufacturing iron and aluminium windows and doors; 10 at a woodworking shop; 74 at a sewing shop; 9 at a saddle-making shop, and 17 in institution-related services.

146. As can be seen, a significant proportion of convicted persons work in production, and their wages are paid according to the volume of output. The remaining 17, who work in institution-related services, are paid wages set in the State budget.

147. Wages are transferred in cashless form to each convicted person's current account, and the option has been introduced of transferring money from these current accounts to relatives or making cashless purchases at the shop located within the institution.

148. It should be noted that, to ensure the convicted persons' right under the law to freedom of religion, a mosque with 600 seats and all amenities has been built and opened in the institution and is freely used by the inmates.

149. The institution was also inspected for its compliance with legislation regarding the consideration of communications received from both convicted persons themselves and their relatives. It was determined in the course of the inspection that, during the first 11 months of the reporting period, only 171 applications had been received from relatives of convicted persons; these applications were registered and considered under the procedure established by law. A significant proportion concerned pardon, parole and such social matters as obtaining powers of attorney, dissolution of marriage and land issues; they were considered under the procedure and within the time limits established by law. In the same period, four applications had been received from convicted persons themselves regarding dissolution of marriage and obtaining powers of attorney; these applications too were considered under the established procedure.

150. The Ombudsman also visited institution AN-E/1, which is operated by Ahal Province Police Department, a unit of the Ministry of Internal Affairs, where she conducted an inspection to determine full compliance overall with health standards in the prisoners' living quarters and the availability of health care, food, cultural and sporting activities, proper working conditions and opportunities for short and long meetings with close relatives. At the time of the inspection, the facility held 338 remand prisoners under investigation and convicted persons.

151. A 24-bed unit has been established in the institution's medical services department for prisoners to receive inpatient treatment, as well as to undergo medical examinations and outpatient treatment.

152. Medical services are provided to prisoners by eight assigned medical services personnel, namely five university-educated doctors and three employees with specialized college-level training.

153. No expired medicines were found during an inspection of medicines in the medical department and the institution's medicines storage area.

154. Information on the diagnosis of prisoners with diseases is processed in accordance with the established procedure.

155. The institution has also provided prisoners with access to library services. The library is stocked with books by Turkmen and foreign writers and poets, newspapers and magazines. Its collection contains a total of 1,242 books, including 329 books written by the President of Turkmenistan and 913 works of fiction. In addition to 790 books in Turkmen, it is also possible to read books in frequently used foreign languages: there are 423 books in Russian and 66 in English.

156. As noted, at the time of the inspection there were 338 prisoners in the facility, of whom 196 were convicted persons. Eight of the convicted persons were engaged in institution-related work.

157. The staffing level of the institution-related services department is 19 persons, and the wages paid to them are set in the State budget. Wages are transferred in cashless form to each convicted person's current account. No violations of the labour rights of the convicted persons were discovered.

158. The institution was also inspected for its compliance with legislation regarding the consideration of communications received from prisoners themselves and their relatives. In the course of the inspection, it was found that, during the first 11 months of the reporting period, a total of 57 applications from prisoners' relatives had been registered, while 55 applications had been registered from prisoners themselves. These were primarily enquiries about obtaining powers of attorney. The communications were considered under the procedure and within the time limits established by law.

159. The Ombudsman visited individual cells in order to inspect the conditions of detention in the institution and hold private interviews with prisoners. These included private meetings with 20 women and four minors held at the institution. In the course of these meetings, the Ombudsman provided explanations of current legislation with regard to communications raising objections to the conduct of investigations.

160. Checkpoints were also reviewed on the day of the inspection, together with the conditions in place for visits by relatives, and discussions were held with some visiting relatives. While no violations of legislation were discovered, a need to improve the operation of the checkpoints was identified and the Ombudsman made appropriate proposals in that regard.

161. During the past reporting year, in addition to visiting institutions for convicted and remand prisoners, the Ombudsman conducted an inspection to determine respect for the rights of detainees in specialized rehabilitation centres.

162. Specifically, special rehabilitation centre AN-M/4, a facility of Ahal Province Police Department, was visited. Here, the Ombudsman checked compliance with the requirements of the Act on Measures to Treat Persons Suffering from Alcoholism, Drug Addition or Dependence on Psychoactive Substances and the Regulations on the Procedure for Holding Persons Undergoing Treatment in Rehabilitation Centres of the Ministry of Internal Affairs.

163. The rehabilitation centre in question was inspected for compliance with health standards in the living quarters of persons undergoing treatment and the availability, as required by legislation, of rehabilitative health care, food, cultural and sporting activities, proper working conditions and opportunities for meetings with close relatives.

164. At the time of the inspection, 1,216 persons were undergoing treatment in the rehabilitation centre, of whom 304 persons were provided with work in production, in particular in sewing, brick-making, ironware, carpet and reedware workshops, and 48 persons were engaged in institution-related work with wages paid from the State budget.

165. The separate building of the special rehabilitation centre was renovated in 2012 under the Central Asia Drug Action Programme (CADAP) of the European Union. This unit has come to be used for special work with persons who are three months away from the end of their treatment period. At the time of the inspection, 20 persons were being treated there.

166. During the inspection period, the centre had 219.5 posts, of which 50 were occupied by officers, 123 by enlisted and non-commissioned personnel and 46.5 by civilian workers, while 10 posts were vacant. Twenty-six personnel are attached to the medical service and are directly involved in the health-related rehabilitation of those in treatment at the centre. Of these, 10 are university-educated doctors and 16 are employees with specialized college-level training. No expired medicines were identified at the service's hospital and pharmacy.

167. The centre has provided people undergoing treatment with access to library services. The library is stocked with 2,961 books, 203 of which were written by the President of Turkmenistan and 2,758 of which are works of fiction. In addition to 1,655 books in Turkmen, it is also possible to read books in frequently used foreign languages: there are 1,006 books in Russian and 97 in English.

168. During the first 11 months of 2019, only 121 applications were received from relatives of persons undergoing treatment. Of these, 35 were for the early release of such persons, while 86 concerned social matters such as obtaining powers of attorney. These applications were considered in accordance with the requirements of the law.

169. During the inspection, the Ombudsman held individual interviews with persons undergoing treatment and visited their rooms, the medical services department and the workshops. Explanations of the provisions of legislation were provided in response to many questions. The Ombudsman did not receive any complaints during the meetings from persons undergoing treatment concerning violations of their rights.

170. Despite the centre's overall compliance with the requirements of legislation, during the inspection a need was identified to improve the realization of the rights of persons undergoing treatment, specifically in such areas as occupational safety and access to sporting and cultural activities.

171. As the inspections conducted at special rehabilitation centre AN-M/4 and institutions AN-E/1 and MR-E/16 have shown, while these facilities generally comply with the requirements of legislation, there are some areas where operations need to be improved and consistent monitoring ensured. The Ombudsman sent three recommendations in this regard to the Ministry of Internal Affairs. The main thrust of these recommendations was that

occupational health and safety regulations under labour legislation should be observed, that sports grounds with the necessary equipment for physical exercise should be provided and that special rooms should be equipped for cultural activities to enable persons held in the facilities to exercise their cultural rights.

172. In order to save time and eliminate risk associated with the transfer of prohibited items and to improve, in accordance with legislation, the monitoring of parcels and packages sent by relatives to persons held at these institutions, it was proposed that the possibility of installing special scanning devices at checkpoints should be considered.

173. Places of detention are subject to constant monitoring by oversight commissions that periodically visit inmates and scrutinize their well-being and conditions of detention.

174. The oversight commissions, which are independent supervisory bodies, check that correctional institutions: comply with the law and with the procedures and conditions for the detention of convicted persons; provide adequate living and sanitary conditions; engage convicted persons in socially useful work; provide medical care; allow visits from relatives and other persons; respect the legislative provisions governing parole and substitution of milder forms of punishment for the unserved portion of sentences; and comply with the procedures for the receipt or dispatch by convicted persons of packages, parcels, remittances and correspondence.

175. The oversight commissions conduct visits to places of deprivation of liberty in accordance with an annually approved plan. In the period 2017–2019, the commissions made 10 visits to places of deprivation of liberty: 4 visits in 2017, 3 in 2018 and 3 visits in 2019.

K. Follow-up information relating to paragraph 20 (b) of the concluding observations

176. In recent years, the Government has organized more than 10 visits to places of deprivation of liberty for representatives of international organizations and foreign embassies accredited in Turkmenistan.

177. Under article 21 of the Penalties Enforcement Code, representatives of diplomatic and consular missions of foreign States and of international organizations may visit convicted persons in places of deprivation of liberty under the procedure established by law.

178. Following the submission by Turkmenistan of its second periodic report on the implementation of the Convention against Torture, a visit to young offenders' institution MR-E/18, a facility of Mary Province Police Department, was organized on 6 November 2016; a visit to women's correctional institution DZ-E/8, operated by Dashoguz Province Police Department, was organized on 31 January 2017; and a visit to a specialized unit at correctional institution MR-E/16, run by Ahal Province Police Department, was organized on 6 November 2018 for a delegation consisting of representatives of international organizations and accredited ambassadors of several European States and the United States of America (representatives of UNDP, the European Union Liaison Office, the OSCE Centre in Ashgabat, the United Nations Regional Centre for Preventive Diplomacy for Central Asia and the embassies of the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, the French Republic, the Republic of Italy, Romania and the United States of America).

179. On 13 November 2017, a visit to young offenders' institution MR-E/18 of the Mary Province Police Department was organized for representatives of UNICEF to familiarize them with the conditions of detention of minors, the safeguards for their rights and freedoms and the educational and pastoral process established there, as part of monitoring of the General Programme of Turkmenistan on the Development of the Juvenile Justice System.

L. Follow-up information relating to paragraph 21 of the concluding observations

180. The basic rights of convicted persons are regulated by the Penalties Enforcement Code. The State guarantees the protection of the rights, freedoms and legitimate interests of convicted persons and ensures that the conditions established by law for the serving of criminal sentences and the application of other corrective measures are met and that social justice, personal security and freedom of religion and belief are respected.

181. Convicted persons have the right to be informed of their rights and obligations and of the terms and conditions under which the sentence handed down by the court is to be served. Upon arrival at a correctional institution, each convicted person must be informed by the administration, in writing, about the regulations governing the treatment of convicted persons, the institution's rules and the procedure for filing complaints.

182. Convicted persons are entitled to be treated by the staff in a manner that is courteous and aimed at instilling in them a sense of personal dignity and responsibility. They must not be subjected to torture or cruel, inhuman or degrading treatment.

183. Coercive measures may be used on convicted persons only as prescribed by law. Regardless of whether or not they have given their consent, convicted persons may not be subjected to medical or other experimentation that could constitute a threat to their life or health.

184. Convicted persons have the right to submit proposals, claims and complaints to the administration of the body responsible for enforcing their penalty, its supervising body and other authorities, the courts, the procuratorial authorities, the Ombudsman and civil society organizations, and – if all domestic remedies have been exhausted – to international organizations.

185. The Code guarantees and ensures 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.

M. Follow-up information relating to paragraph 22 (a)–(d) of the concluding observations

186. Under article 79 of the Code of Criminal Procedure, a suspect has the right:

- To know what he or she is suspected of and to have knowledge of any record regarding any decision to initiate criminal proceedings against him or her, detain him or her or subject him or her to any other preventive measure
- To testify in his or her native language or a language that he or she can effectively employ and to use the services of an interpreter
- To appoint counsel as provided for by law and to benefit from free legal assistance
- To inform his or her family members, close relatives or place of work of his or her detention and whereabouts
- At his or her own request or at the request of a lawyer or legal representative, to participate in investigations
- To acquaint himself or herself with the records of the investigative activities carried out with his or her participation and make comments on them, etc.

187. The Code of Criminal Procedure provides that an accused person has the right:

- To be informed of the charges brought against him or her and have knowledge of the indictment
- To inform his or her family members, close relatives or place of work of his or her place of detention

- To testify in his or her native language or a language that he or she can effectively employ and to use the services of an interpreter
- To appoint counsel as provided for by law and to benefit from free legal assistance, or to forgo the services of counsel and opt to defend himself or herself in person
- As soon as counsel is granted access to the case file, to meet with counsel in private and confidentially, without any restriction as to the number or duration of the meetings, etc. (Code of Criminal Procedure, art. 80)

188. Under article 179 of the Penalties Enforcement Code, remand prisoners are provided with appropriate living conditions that comply with health and hygiene regulations. They are provided free of charge with food according to the established norms, an individual sleeping place, bedding and other supplies necessary for daily life. When needed, they are issued regulation clothes and footwear.

189. Medical care, treatment, prevention and epidemiological measures are organized and implemented in remand centres in accordance with health legislation. The procedures for the provision of medical care to remand prisoners 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.

190. Under article 180 of the Penalties Enforcement Code, visits from relatives or other persons may be granted to remand prisoners only with the authorization of the person or body handling the case. The duration of the meetings varies between one and two hours. The person or body handling the case may as a rule permit such meetings not more than once a month.

191. From the moment that counsel is granted access to the case file, as attested by a written communication from the person or body handling the case, remand prisoners may meet with counsel in private without any restriction as to the number or duration of the meetings.

192. Under article 255 of the Code of Criminal Procedure, if a suspect has been detained or taken into custody, he or she has the right to give his or her statement with the participation of counsel. If it is impossible to ensure the participation of counsel immediately, the person conducting the inquiry, investigator and procurator must ensure his or her participation no later than 24 hours after the suspect has been arrested or taken into custody.

N. Follow-up information relating to paragraph 24 (a) of the concluding observations

193. Under article 88 of the Penalties Enforcement Code, male convicts in special-regime colonies who have wilfully violated the established procedure governing the serving of sentences may be transferred to solitary confinement for up to three months, in exceptional cases, as an option of last resort.

194. However, these convicted persons retain the following rights:

- (a) To spend, each month, up to 50 per cent of the money earned in the month preceding their transfer to solitary confinement for the purchase of food and basic necessities;
- (b) To enjoy a daily walk of one and a half hours;
- (c) To receive necessary medical care;
- (d) To receive one short visit, where permission to do so is granted by the administration of the institution (Penalties Enforcement Code, art. 92).

195. This category of convicted person is also permitted:

- To receive visits from members of the clergy, subject to the personal safety of the latter being ensured (Penalties Enforcement Code, art. 10 (5))
- Under exceptional circumstances, to have a phone call

196. The transfer of convicted persons to solitary confinement cells takes place following medical clearance.

197. Transfers to solitary confinement may be suspended on medical grounds under the procedure prescribed by law. Convicted persons held in solitary confinement are visited on a daily basis by a health-care worker, who must immediately inform the head of the correctional institution in writing should it be necessary to suspend enforcement of this sanction owing to the inmate's physical or mental condition.

198. Solitary confinement cells, like other cells, are provided with natural and electric light, drinking water and a place to sleep. The cells are heated during the cold season, and convicted persons are provided with three meals a day (Penalties Enforcement Code, art. 93).

O. Follow-up information relating to paragraph 24 (b) of the concluding observations

199. In order to improve conditions of detention, safeguard the rights of convicted persons and prevent torture and other degrading treatment of persons in detention, the leadership of the Ministry of Internal Affairs worked extensively between 2011 and 2016 to build and renovate penal correction facilities, to make medical and other special equipment available and to train staff to uphold the rights of convicted prisoners. Work is in progress to bring the living conditions in facilities of the penal system into full compliance with the requirements of the Penalties Enforcement Code.

200. Persons serving sentences in correctional institutions are provided with essential amenities. The spaces used by convicted persons and all dormitories and sanitation and hygiene facilities meet all relevant requirements and are appropriate to the climatic conditions of Turkmenistan. Sufficient artificial light is provided for inmates to read or work without damaging their eyesight.

201. Under the law, the minimum living space per convicted person is 4 m² in correctional colonies, 3 m² in prisons and 5 m² in women's colonies, young offenders' institutions and secure medical facilities.

202. In order to create decent conditions for every convicted person in penal institutions, work is being undertaken systematically and consistently work to repair, renovate and refit such facilities and to provide convicted persons with medical services and employment.

203. Work has been and continues to be carried out to renovate and modernize existing facilities of the penal system. For these purposes, over the period 2017–2019 funds amounting to more than 26,220,331.12 manat (US\$ 7,491,000) were allocated from the State budget for construction work, major repairs of the said facilities and the purchase and installation of relevant equipment.

204. The allocated funds were used to build a complex of facilities at institution AK-E/3, two residential buildings with a capacity of 400 and two laundries at institution MR-E/16, a building for visits at institution MR-E/16, phone centres on the premises of institutions AKh-E/4, MR-E/12, MR-E/13, MR-E/14, DZ-E/7, LB-E/11, LB-E/12 and BL-E/6, a new building with a capacity of 300 at institution BL-E/5, buildings and facilities at institution BL-E/6, a dormitory at institution LB-E/10 and a complex of pretrial detention buildings with a capacity of 320 operated by Dashoguz Province Police Department.

205. According to the construction and renovation plan of the Penal Correction Department of the Ministry of Internal Affairs, reconstruction and major repairs are currently in progress at institutions AKh-E/2, MR-E/15, MR-E/15, MR-E/17, LB-E/9 and LB-E/10, and major repairs are planned in stages for all correctional institutions.

P. Follow-up information relating to paragraph 24 (c) of the concluding observations

206. The occupancy rate of places of deprivation of liberty is limited under the detention regime established by law.

Q. Follow-up information relating to paragraph 24 (d) of the concluding observations

207. Convicted persons are provided with personal hygiene items, food, bedding, medicines and other basic necessities, as envisaged in the daily schedule, in sufficient amounts and of sufficient quality to maintain the health and strength of each inmate, with funding from the State budget.

208. The presidential decision on nutritional and other material welfare standards for persons held in correctional institutions, remand centres and special rehabilitation centres established improved standards in relation to the food, clothing and personal hygiene items provided to such individuals. Higher nutritional standards are set for inmates who are pregnant or breastfeeding, minors and those who are ill or have a category I or category II disability.

209. Article 179 of the Code of Criminal Procedure provides for measures to ensure the rights of all convicted persons to a medical examination by a doctor and, if possible, by a doctor of their choice. Medical care, treatment, prevention and epidemiological measures are organized and implemented in remand centres in accordance with health legislation.

R. Follow-up information relating to paragraph 24 (e) of the concluding observations

210. Medical care is provided to inmates in the medical units of each facility of the penal system. If specialized medical services are required, inmates are transferred to central hospital MR-E/15, a facility of the Mary Province Police Department.

211. A ventilation system for patients with multidrug-resistant tuberculosis has now been installed at the MR/E-15 facility and is fully functional. Furthermore, the hospital's ward for multidrug-resistant tuberculosis has been provided with sufficient Dezar devices (BVE-60, BCS-2017).

212. As part of the National Tuberculosis Prevention and Control Programme, the Ministry of Internal Affairs and the Ministry of Health and the Medical Industry adopted a joint order on 28 December 2011 on the organization of tuberculosis services in penal institutions and the introduction of a directly observed treatment, short-course, (DOTs) programme. In addition, planned work is being carried out pursuant to a Ministry of Health and the Medical Industry order of 28 December 2011 to improve the work of tuberculosis services.

213. The administration of a correctional institution is responsible for meeting the established health, hygiene and epidemic control requirements and for ensuring prisoners' health.

214. Medical and preventive care for prisoners are organized in close cooperation with the local health authorities and are delivered in conformity with the legislation of Turkmenistan, the internal regulations of prisons and the order of the Ministry of Internal Affairs of 16 July 2002 containing guidelines on medical care for persons held in remand centres and correctional institutions of the Ministry.

215. The women's colony contains a special medical building equipped with modern medical equipment for diagnosis and treatment.

216. 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 for the following initiatives:

- 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 at MRK-15.

- In 2018, a GeneXpert system was installed in MRK-15 for rapid molecular diagnostic testing for multidrug-resistant tuberculosis at MRK-15; cartridges and annual calibration of the device are covered.
- In 2019, a 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 was scheduled to visit in November 2019 to certify the biosafety cabinet.
- In 2019, a GeneXpert system was installed at the Lebap Province institution of the Ministry of Internal Affairs.
- In 2019, another GeneXpert system was installed at the Ministry's Ahal Province institution. Six microscopes with light and fluorescent microscopy functions were delivered to the Ministry.
- Annual visits by an international expert on tuberculosis control in prisons (Zhanna Zhandauletova, Kazakhstan) have been organized, during which recommendations are made to update orders and other ministry regulations. 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.

S. Follow-up information relating to paragraph 24 (f) of the concluding observations

217. In accordance with the requirements of article 43 (1) of the Penalties Enforcement Code, correctional facilities keep records of inmates, details of whom are entered in the relevant register. Instructions for individualized and centralized record-keeping on convicted persons and for maintaining an up-to-date reference index were approved pursuant to an order of the Ministry of Internal Affairs. Individuals are included in the index following a decision by an investigator, approved by a procurator, to apply a preventive measure or following a court judgement imposing punishment in the form of deprivation of liberty.

T. Follow-up information relating to paragraph 27 of the concluding observations

218. Under the Constitution, no one may be forced to testify against himself or herself or his or her close relatives. Evidence obtained through psychological or physical coercion or other unlawful methods has no legal force. The right of every person to legal assistance is guaranteed by the State.

U. Follow-up information relating to paragraphs 29 and 30 of the concluding observations

219. Judicial power in Turkmenistan is vested solely in the courts. The function of the judiciary is to uphold citizens' rights and freedoms and State or public interests protected by law. The independence of judges is guaranteed by the Constitution. They are subject only to the Constitution and the law. Interference by any party in the work of the courts is prohibited and punishable by law.

220. 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).

221. The Courts Act, based on the Constitution, contains guarantees of the independence of judges. The independence of judges is ensured by: material and social provision commensurate with their important 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; the established procedure for suspension and removal from office; the inviolability of judges; and the special State protection afforded judges' family members and property (Courts Act, art. 51).

222. The Courts Act furthermore provides that any interference in the administration of justice is prosecuted under the law.

223. Judges are not required to provide any explanations on the substance of cases they have tried or are in the process of trying or to make such explanations available to anyone for review except in the circumstances prescribed by law.

224. 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 their person, assets, place of residence and work, official and personal transport and other property. These guarantees also apply to lay judges during the period of their service in court. It is not permitted to detain or summon professional judges or lay judges during the period of their service in court or to impose administrative penalties on them.

225. The Courts Act was amended with the addition of article 641, on the Code of Judicial Ethics. Paragraph 1 of the article provides that the Code is an enactment of the Conference of Judges, based on generally accepted moral principles and standards of society and the State. The Code of Judicial Ethics establishes binding rules of conduct for all judges in the discharge of their professional duties regarding the administration of justice.

226. The Code was discussed and first adopted at the first Conference of Judges 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 so as 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 judges as fair, independent and impartial authorities.

227. 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 the enhancement of the judicial system for 2017–2021 was developed and adopted.

228. Taking into account the recommendations of the United Nations treaty bodies and the related norms 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.

229. 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 law prohibits actions such as obstruction of justice or 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).

V. Follow-up information relating to paragraphs 31 and 32 (a), (b) and (f) of the concluding observations

230. One of the objectives of the National Plan of Action for Gender Equality for the period 2015–2020 is the analysis of national legislation with a view to the possible adoption of a law criminalizing gender-based violence, as well as the conduct of a survey on the prevalence, causes and consequences of all forms of violence against women, including domestic violence.

231. Under the Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men, the State guarantees the equal right of women and men to protection from sexual assault, abduction and trafficking, with perpetrators of such acts subject to prosecution under the Criminal Code.

232. This legislative provision is the basis for the implementation of international norms on these issues, as well as for further legislative work to prevent violence against women in all its forms.

233. Under the Criminal Code, unlawful acts committed in the home are offences. The relevant provisions of the Code criminalize unlawful acts of degradation, humiliation or cruelty and the infliction of various types of bodily injury, including on women.

234. In 2018, the parliament and UNFPA conducted a joint analysis of national legislation for consistency with international legal instruments in the field of gender equality. A discussion on the results of the analysis was held in October of that year with the participation of deputies and experts from the parliament. One of the main outputs of the analysis was a recommendation to consider improving legislation on gender-based violence.

235. As part of a study on the prevention of gender-based violence, the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law and its working group were familiarized with the framework for inter-agency response to gender-based violence, with the participation of UNFPA in Turkmenistan. The development of standard operating procedures for health-care workers, police officers and social service providers is well under way. These standard operating procedures are designed to ensure the provision to women and girls affected by domestic violence of services that are rights-based, respectful of the victims' interests, confidential and ethical.

236. As part of research on domestic violence against women, considerable preparatory work has been carried out for the conduct of a survey on women's health and status in the family; the survey will include a review of legislation of foreign countries on domestic violence.

237. A special expert working group has been set up to conduct the survey, consisting of representatives of the Ministry of Health and the Medical Industry, the Ministry of Internal Affairs, the Ministry of Labour and Social Protection, the State Statistics Committee, the Institute for State, Law and Democracy and the Women's Union of Turkmenistan.

238. This expert group is not only carrying out work related to the survey, but is also responsible for all national action related to the issue of gender-based violence against women. It is planned that this working group will continue to operate after the completion of the survey as the main national mechanism for coordinating, initiating and implementing action to prevent and combat gender-based violence against women.

239. To ensure the sustainability of this mechanism, active work is being carried out to enhance the capacity of working group members through focused training sessions, seminars and trips to foreign countries to exchange experience.

240. As part of efforts to implement the National Plan of Action for Gender Equality for the period 2015–2020, work is presently continuing to conduct surveys on women's health and status in the family.

241. From 25 February to 1 April 2020, data-collection fieldwork was carried out in Ashgabat and in the five provinces of Turkmenistan. This work was carried out under the guidance, precise coordination and oversight of the survey working group, with technical support from the UNFPA office in Turkmenistan.

242. The collected data were entered into a specially designed computer program based on Statistical Package for Social Sciences (SPSS) version 25 in order for the survey microdata to be processed. Thematic output tables have been prepared that take into account international recommendations for the production of statistics on violence against women.

243. At present, the data obtained are being analysed and a report drafted. In accordance with the survey road map, it is planned that the survey report will be finalized by the end of 2020, after which the results will be presented to the members of the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law.

244. The survey will be used to identify the prevalence and root causes of this social phenomenon and, depending on the results, proposals will be prepared for amendments to current national legislation or a determination will be made as to the advisability of drafting a bill on domestic violence.

245. Issues relating to the prevention of domestic violence, the legislative regulation of efforts to combat and prevent domestic violence and the study of international recommendations addressed to countries that are parties to the relevant conventions and of foreign practice and legislation form the subjects of seminars, round tables and other events held jointly with international organizations for members of the national parliament, law enforcement officers and judicial officials and lawyers.

246. In order to consolidate women's rights and protect their legitimate interests, strengthen the family and create favourable conditions for family relations, the plan for the legislative activity of the parliament of Turkmenistan for the period 2018–2022 provides for the preparation of a bill on the prevention of family and domestic violence against women.

247. The relevant units of the internal affairs agencies are taking specific measures to implement the prevention and awareness-raising programmes on violence against women laid out in the National Plan of Action for Gender Equality for the period 2015–2020.

248. On the basis of special plans, in cooperation with other law enforcement agencies, the Women's Union of Turkmenistan and the Youth Organization of Turkmenistan, meetings, talks and lectures on relevant topics are being held for women and girls at enterprises, institutions, higher and specialized secondary education establishments and general education schools.

249. Under the Ministry of Internal Affairs plan of core activities for 2019, the local police units of the Ministry's Department of Public Safety conducted an initiative entitled "The Family", in which preventive work was carried out with persons who had previously committed dangerous or especially dangerous crimes and who maintained family relations. Dysfunctional families are placed on a special register. 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.

250. Units of the Ministry of Internal Affairs consider applications from citizens whose families have experienced domestic disputes.

251. The Ministry received 37 such applications from women in 2018, and 31 applications in the first six months of 2019.

252. With a view to raising awareness among internal affairs officers about procedures for dealing with cases of violence against women, over the period 2016–2018, 4,159 officers attended initial, 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 equality of the sexes, non-discrimination on the basis of sex, the nature and causes of violence against women and their children, and the legal rights and remedies available to victims of violence).

253. The initiative known as "The Family" is currently scheduled to be conducted twice yearly by units of the Department of Local Police in accordance with the plan of core activities for 2020. As part of this initiative, during a one-month period, checks are carried out at the homes of persons who have previously committed dangerous or especially dangerous crimes and who live with families (wives and children), and additional preventive work is undertaken with them (home visits, interviews, etc.). When the exercise is completed, the results of the work done are shared. Dysfunctional families are placed on a special register. The adult members of these families, including those with previous convictions, are officially warned that infringement of the law will not be tolerated, with a record drawn up to that effect. The possible legal consequences of unlawful actions on their part are explained to them.

254. The Ministry of Internal Affairs has planned meetings and outreach activities to implement prevention and awareness-raising programmes on the unacceptability of violence against women, including in the family. The special plans drawn up each year by local police

units, in cooperation with other law enforcement agencies, the Women's Union of Turkmenistan and the Magtymguly Youth Organization, provide for the conduct of meetings and talks at enterprises and institutions, higher and specialized secondary education establishments and general education schools, during which lectures and advisory sessions are held on the themes "My family, my fortress", "My friendly, happy family", "The sanctity of the family begins with marriage" and "Equal rights of men and women".

255. To give effect to the points of the National Plan of Action for Gender Equality, in 2019 the Ministry of Internal Affairs published eight articles in national newspapers and magazines and produced 10 television and radio programmes dedicated to gender-specific issues.

256. In order to implement the measure referred to in subparagraph 12.1 of the National Plan of Action for Gender Equality (Holding of training sessions for Ministry of Internal Affairs staff working with female inmates, including medical personnel and guards, with a view to ensuring the equality, dignity and safety of all women held in custody), service and military readiness training programmes for staff of special institutions now cover gender-specific aspects of working with women prisoners.

<i>Year</i>	<i>Number of courses held at the Ministry of Internal Affairs Directorate</i>	<i>Number of participating employees</i>	<i>Number of courses held at correctional institutions</i>	<i>Number of participating employees</i>
2017	5	106	20	1 596
2018	4	139	53	2 708
2019	1	82	18	1 548
Total	10	327	91	5 852

257. With a view to raising awareness among internal affairs officers about procedures for dealing with cases of violence against women, over the period 2017–2019, 4,159 officers attended initial, 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 equality of the sexes, non-discrimination on the basis of sex, the nature and causes of violence against women and their children and the legal rights and remedies available to victims of violence).

258. The management of the Ministry of Internal Affairs Institute, which trains future officers of the internal affairs agencies, special institutions and internal troops, has been instructed to review training courses in labour law, family law, administrative law and penalties enforcement law taught at all faculties, with a view to including such topics as equality of the sexes, non-discrimination on the basis of sex, the nature and causes of violence against women and their children, the legal rights and remedies of victims of violence, the legal obligations of police officers with regard to making arrests and providing protection and assistance to women, and methods of handling cases of violence against women and their children.

259. The voluntary organization Keyik Okara operates one hotline for victims of domestic violence with the support of the OSCE Centre in Ashgabat.

260. A total of 2,031 calls were made to the domestic violence hotline between January 2017 and July 2020.

261. There is one shelter for victims of domestic violence, which can accommodate three women or girls at a time.

262. A total of 61 women were housed at the shelter between January 2017 and July 2020.

263. Keyik Okara has produced 2,500 copies of its booklet on gender-based violence, which is published annually in the *Neitralny Turkmenistan* and *Habarlary* newspapers. These newspapers are distributed throughout Turkmenistan.

264. In cooperation with the International Organization for Migration, the non-governmental organization Yenme is implementing a project entitled "A Shelter for Victims

of Human Trafficking”. This shelter, which is intended for women who have fallen victim to trafficking, is located in Ashgabat.

265. Rehabilitation and reintegration programmes are run at the shelter. A total of 82 women have participated in these programmes since 2012. The shelter provides the following services: psychological and physical health assessments; temporary accommodation; counselling; legal support; social support; and assistance in obtaining professional skills with a view to job placement.

266. As part of its work in collaboration with the International Organization for Migration, Yenme has carried out projects relating to an information campaign against human trafficking. These projects were aimed at raising public awareness of efforts to combat human trafficking and were conducted between 2012 and 2019 in Ashgabat and in Ahal Province. Seminars, quizzes and campaigns were held and videos shown. Some 10,700 people were reached.

W. Follow-up information relating to paragraphs 33 and 34 of the concluding observations

267. In Turkmenistan, foreign nationals and stateless persons have the same rights, freedoms and duties as citizens of Turkmenistan, in accordance with national law and the international treaties to which Turkmenistan is a party. Turkmenistan, in keeping with the generally recognized norms of international law, grants asylum to foreign nationals and stateless persons under the procedure prescribed by law.

268. As stipulated in the Refugees Act (2017), persons in Turkmenistan who have a well-founded fear of becoming victims of persecution in their State of nationality on account of their race, sex, religion, nationality, membership of a particular social group or political opinions are granted refugee status (Mejlis).

269. The Act defines the procedure and grounds for recognizing a person as a refugee and granting subsidiary or temporary protection in Turkmenistan and the legal status of persons granted refugee status or subsidiary or temporary protection and establishes legal, economic and social guarantees for the protection of the rights of persons granted refugee status or subsidiary or temporary protection in Turkmenistan.

270. There are no asylum-seekers among the foreign nationals serving sentences in correctional institutions in Turkmenistan.

X. Follow-up information relating to paragraph 35 of the concluding observations

271. The Psychiatric Care Act (2016) establishes safeguards for the rights of persons suffering from a mental disorder, including the rights to: protection of their rights and legitimate interests; exercise of their civil, political, economic, social and cultural rights; provision of information on their rights and mental health status, along with information – in a form that is accessible to them – on the nature of their mental disorder and the treatment methods, except where such information may be harmful to their life or health; and assistance from a lawyer under the procedure established by law.

272. A person is deemed not to have a mental disorder until the existence of the disorder has been established on the basis and in the manner prescribed by the Act (Mejlis).

273. The State guarantees persons suffering from a mental disorder the protection of their rights and legitimate interests, the provision of quality and safe psychiatric care in outpatient and inpatient settings and the adoption of other measures necessary to afford them social support. Persons suffering from a mental disorder may be granted other State guarantees as provided by law.

274. Persons receiving psychiatric care have the right to invite a representative of their choosing to protect their rights and legitimate interests. Such representation must be formalized under the procedure established in civil law.

275. The rights and legitimate interests of persons receiving psychiatric care who are minors or who have been declared, under the legally prescribed procedure, to lack dispositive capacity are protected by their parents (or other legal representatives) or, in the absence of the parents (or other legal representatives), the tutorship or guardianship agency.

276. The rights and legitimate interests of persons receiving psychiatric care may be protected by a lawyer. Persons receiving psychiatric care must be given the opportunity by the administration of the psychiatric institution concerned to engage the services of a lawyer. The lawyer's services must be engaged and payment for such services made as provided by law.

277. A person is deemed not to have a mental disorder until the existence of the disorder has been established on the grounds and in the manner prescribed by the Act.

278. No one may be compelled to undergo a medical examination to determine whether he or she has a mental disorder, except in the cases provided for in the Act and other laws and regulations of Turkmenistan.

279. A psychiatric evaluation may be conducted at the request or with the consent of the person being examined or with the consent of his or her representative or, if the person being examined is a minor or a person who has been declared, under the legally established procedure, to lack dispositive capacity, at the request or with the consent of his or her parents (or other legal representatives).

280. In the event of an objection by a parent (or other legal representative) of a minor or of a person who has been declared, under the legally established procedure, to lack dispositive capacity, or in the absence of the parent (or other legal representative), the psychiatric evaluation may be carried out pursuant to a decision of the tutorship or guardianship agencies.

281. In the cases specified in the Act, a psychiatric evaluation may be conducted without the consent of the person being examined or his or her representatives or parents (or other legal representatives) or the tutorship or guardianship agencies; this is referred to as "involuntary psychiatric evaluation". An involuntary psychiatric evaluation may be conducted if the person being examined has been placed under clinical observation on the grounds provided in the Act. The data from the psychiatric evaluation and the finding regarding the mental health status of the person examined are recorded in the medical documents, along with the reasons for referral to a medical specialist and the medical recommendations.

282. An involuntary psychiatric evaluation may be conducted in cases where, according to the available information, the behaviour of the person being examined gives grounds to believe that he or she has a serious mental disorder resulting in: (1) a direct danger to the person himself or herself or those around him or her; (2) a state of helplessness (inability to meet basic vital needs independently); or (3) the possibility of harm to the person's life or health as a consequence of his or her worsening mental health if he or she is left without psychiatric care.

283. Involuntary hospitalization may be carried out in cases where the medical examination or treatment of a person suffering from a mental disorder is possible only in an inpatient setting and if the mental disorder is serious and causes: (1) a direct danger to the person himself or herself or those around him or her; (2) a state of helplessness (inability to meet basic vital needs independently); or (3) the possibility of harm to the person's life or health as a consequence of his or her worsening mental health if he or she is left without psychiatric care.

Y. Follow-up information relating to paragraph 36 of the concluding observations

284. Section VI of the Criminal Code stipulates the grounds and procedure for the application of coercive measures of a medical nature. In accordance with article 77 of the Code, a person who, after committing a crime, develops a mental disorder that deprives him or her of the ability to understand the import of his or her actions or to control them must be

absolved from punishment, while a person serving a sentence must be released from serving the remainder of it. The court may impose coercive medical measures on such a person.

285. A person who, after committing a crime, develops another serious illness that prevents him or her from serving a sentence, may be absolved from punishment by a court.

286. The purposes of the application of coercive medical measures are reflected in article 95 of the Criminal Code.

287. Coercive medical measures are applied for the purpose of preventing the persons on whom they are imposed from committing new criminal offences, as well as curing those persons or improving their mental state to such an extent as to eliminate the danger they pose to themselves or others or the risk of their causing other serious harm.

288. In accordance with article 96 of the Criminal Code, a court may impose the following types of coercive medical measure: (a) involuntary outpatient observation and treatment; (b) involuntary treatment in a general psychiatric hospital; (c) involuntary treatment in a specialized psychiatric hospital; and (d) involuntary treatment in a specialized psychiatric hospital with intensive observation.

289. Persons convicted of criminal offences committed while they were of sound mind but in need of treatment for alcoholism, drug addiction or substance abuse, may be sentenced by the courts, alongside their punishment, to a coercive medical measure in the form of involuntary outpatient observation and treatment.

290. Involuntary outpatient observation and treatment may be ordered where a person's mental state does not require him or her to be placed in a psychiatric hospital.

291. Involuntary treatment in a psychiatric hospital may be ordered where the nature and severity of a person's mental disorder call for conditions of treatment, care, support and supervision that can only be provided in a hospital setting.

292. Involuntary treatment in a general psychiatric hospital may be ordered where a person requires hospitalization owing to their mental state, but not intensive observation.

293. Involuntary treatment in a specialized psychiatric hospital may be ordered where a person requires constant observation owing to their mental state.

294. Involuntary treatment in a specialized psychiatric hospital with intensive observation may be ordered where a person's mental state poses a particular danger to the patient himself or herself or to others and he or she requires constant and intensive observation (Criminal Code, art. 96).

Z. Follow-up information relating to paragraph 38 of the concluding observations

295. The Ombudsman's plans include a visit to a psychiatric facility.

AA. Follow-up information relating to paragraph 40 of the concluding observations

296. National legislation governs the direct application by the national courts of the norms of international conventions. In accordance with the Penalties Enforcement Code, in the event that the provisions of an international treaty to which Turkmenistan is a party differ from the provisions of the Code, the provisions of the international treaty will take precedence.

297. The Criminal Code states that the criminal law is based on the Constitution and the generally recognized principles and norms of international law.

298. The Code of Criminal Procedure contains a similar provision: "International treaties to which Turkmenistan is a party and the general principles and norms of international law, as recognized by Turkmenistan, governing the conduct of criminal proceedings are an integral part of the law of criminal procedure."

299. In order to provide specific training for staff who deal with prisoners or are involved in the investigation and documentation of cases of torture on how to identify signs of torture and ill-treatment, regular courses are organized for personnel working in correctional institutions run by the Penal Correction Department of the Ministry of Internal Affairs and the Department's local units on the international conventions and treaties to which Turkmenistan is a party and also on the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Code of Conduct for Law Enforcement Officials and the Principles of Medical Ethics (for doctors working in correctional institutions), among other instruments.

300. Between 2017 and 2019, 719 training courses on topics connected with torture were conducted in internal affairs agencies. Of these training courses, the following took place in the Ministry's Penal Correction Department and local correctional institutions:

<i>Year</i>	<i>Number of courses held in the Ministry's Penal Correction Department</i>	<i>Number of participating employees</i>	<i>Number of courses held in correctional institutions</i>	<i>Number of participating employees</i>
2017	4	130	34	1 727
2018	2	96	18	1 300
2019	1	82	18	1 548
Total	7	308	70	4 575