



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2502nd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 30 November 2016, at 3 p.m.

Chair: Mr. Khalaf (Vice-Chair)

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Combined eighth to eleventh periodic reports of Turkmenistan

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In the absence of Ms. Crickley (Chair), Mr. Khalaf (Vice-Chair) took the Chair.

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

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** *(continued)*

*Combined eighth to eleventh periodic reports of Turkmenistan (CERD/C/TKM/8-11;
and CERD/C/TKM/Q/8-11)*

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

2. **Mr. Tayliev** (Turkmenistan), introducing his country's combined eighth to eleventh periodic reports (CERD/C/TKM/8-11), said that, in Turkmenistan, all laws, including the Constitution, guaranteed equal rights and freedoms for all citizens, irrespective of their nationality, race, gender, origin, financial or official status, place of residence, language, religion, political views, or party affiliation or lack thereof. As part of the ongoing reform of the Turkmen legal system, a State Commission for the improvement of legislation had been set up.

3. Representatives of civil society, the Government and the private sector, academics, lawyers and young people had all participated in the drafting of the new Constitution. The suggestions of citizens and international experts had also been taken into account. The legislation approving the text of the new Constitution, which reflected international human rights standards and best practices, had been adopted by the national parliament, the Mejlis, in September 2016. The new Constitution included an article guaranteeing citizens the right to free legal assistance, which, in some cases, could be provided free of charge. In addition, the Constitution guaranteed equal rights and freedoms for all citizens and provided for equality of opportunity for men and women and equal treatment before the law and the courts. It also prohibited the worst forms of child labour and contained provisions relating to the Human Rights Ombudsman. The Act on the Human Rights Ombudsman, which defined the powers and status assigned to that institution, had been adopted by the Mejlis in November 2016. The Constitution established non-discrimination as a principle separate from the other more general human rights and freedoms that it enshrined.

4. The Government recognized political diversity and the multiparty system and created the conditions necessary for the development of civil society. All persons had the right to undertake economic activities that were not prohibited by law and to own and freely use and dispose of property.

5. Referring to the recommendation contained in paragraph 8 of the Committee's previous concluding observations (CERD/C/TKM/CO/6-7), he said that the concept of racial discrimination was covered by article 145 of the Criminal Code, which prohibited the direct or indirect violation or restriction of a person's rights and freedoms on the basis of nationality, race, sex, origin, financial or official status, place of residence, language, religion, political views, or party affiliation or lack thereof, if such violation or restriction entailed serious consequences. The amended legislation on the courts, which regulated the most important aspects of judicial proceedings, also enshrined the principle of equality before the law without distinction of any kind. Other laws that contained provisions prohibiting racial discrimination included the amended Procurator's Office Act, the Migration Act, the Act on the agencies of the Ministry of Internal Affairs, the Act on national security agencies and the Act on the protection of victims, witnesses and other participants in criminal proceedings.

6. As to the recommendation contained in paragraph 9 of the Committee's previous concluding observations, he explained that information on the ethnic composition of the

population was normally collected through censuses. The 2012 population and housing census had shown the population to be relatively homogeneous, as more than 81 per cent of the total population were Turkmens, with Uzbeks accounting for 9.9 per cent, Russians 3.8 per cent, Kazakhs 1 per cent, Azerbaijanis 0.7 per cent, Armenians 0.5 per cent, Tatars 0.4 per cent and other nationalities 2.4 per cent.

7. In order to meet its obligations with regard to monitoring the implementation of the Sustainable Development Goals, the Government had taken steps to improve its approach to data disaggregation. Categories of disaggregation such as ethnicity and race were being gradually incorporated into various surveys.

8. In the recommendation contained in paragraph 10 of its previous concluding observations, the Committee had reminded Turkmenistan of the need to observe the principle of self-identification of members of ethnic and national minorities, including the Baluchis. The Culture Act guaranteed all citizens the right to participate in cultural activities, to belong to cultural organizations and to express their culture without distinction of any kind. In 2015, 25 members of national minorities, including the Baluchis, had been elected to local government.

9. Turning to the recommendation contained in paragraph 11 of the Committee's previous concluding observations, he said that the Constitution established the primacy of international law over domestic law and that there was a mechanism for transposing the provisions of the international human rights treaties ratified by Turkmenistan into the domestic legal framework. Judicial and administrative authorities could therefore apply the provisions of international human rights treaties directly.

10. As to the recommendations contained in paragraphs 12 and 15 of the Committee's previous concluding observations, he explained that the Act on ethics and official conduct of civil servants prohibited civil servants from making statements or engaging in conduct that discriminated against individuals on the grounds of nationality, race, sex, origin, financial or official status, place of residence, language, religion, political views, or party affiliation or lack thereof; from making false or unlawful accusations or engaging in slander; and from making threats, engaging in offensive conduct or inciting unlawful behaviour. Both the Criminal Code and the Code of Administrative Offences prohibited incitement to social, national or religious hatred and the commission of offences motivated by ethnic, racial or religious hatred or enmity.

11. With regard to the recommendation contained in paragraph 13 of the Committee's previous concluding observations, he informed the Committee that the Employment Act, which had been adopted in 2016, protected persons against any form of discrimination in the workplace, unjustified refusal to hire, wrongful dismissal and violations of their rights under the Labour Code. A programme aimed at improving employment opportunities for the period 2015-2020 and the action plan for its implementation had been adopted in May 2015. The programme included measures to promote employment and to ensure appropriate working conditions in even the remotest regions of the country. The implementation of the programme was coordinated and monitored by the Ministry of Labour and Social Protection.

12. Referring to the recommendation contained in paragraph 16 of the Committee's previous concluding observations, he said that article 177 of the Criminal Code prohibited the carrying out of actions intended to incite social, national, ethnic, racial or religious hatred or to offend national dignity, as well as the dissemination of ideas based on religious, social, national, ethnic or racial superiority, and imposed a fine of 20 to 40 times the average monthly wage or a prison term of up to three years on offenders. The aforementioned provision served to prevent hate speech and hate crimes.

13. Turning to the recommendation contained in paragraph 17 of the Committee's previous concluding observations, he said that the Mejlis had adopted a resolution on the country's accession to the Convention relating to the Status of Stateless Persons in September 2011 and on the country's accession to the Convention on the Reduction of Statelessness in August 2012. Between 2011 and 2013, some 4,000 stateless persons who had been residing in the country on a permanent basis had been granted Turkmen citizenship. A decree granting Turkmen citizenship to a further 786 stateless persons had been passed in June 2014 and Turkmen citizenship had been granted to another 361 stateless persons in June 2015.

14. With regard to paragraph 18 of the Committee's previous concluding observations, he confirmed that, in accordance with the legislation on citizenship, dual citizenship was not recognized in Turkmenistan. Persons wishing to renounce their Turkmen citizenship needed only to submit a written request to that effect.

15. As to the recommendation contained in paragraph 19 of the Committee's previous concluding observations, he confirmed that the Employment Act guaranteed equality of opportunity and equal treatment to all persons, including in elections to parliamentary posts, and recruitment to posts in the State administration, without distinction on grounds of race or national origin. Of the 125 deputies elected to the Mejlis in December 2013, 1 had been Russian, 1 Kazakh, 1 Uzbek and 122 Turkmens. Of the 1,720 members elected to provincial, district and city bodies in November 2014, 3 had been Russians, 1 Kazakh, 50 Uzbeks, 2 Azerbaijanis and 1,664 Turkmens. Of the 6,041 members elected to the local councils known as *gengesh* in August 2015, 1 had been Russian, 11 Kazakhs, 354 Uzbeks, 1 Azerbaijani, 25 Baluchis, 4 Persians, 1 Karakalpak, 2 Uighurs, 1 Ukrainian and 5,641 Turkmens.

16. In relation to the recommendation contained in paragraph 20 of the Committee's previous concluding observations, he confirmed that, of the 1,850 schools in Turkmenistan, at least 70 used Russian as the main language of instruction, 1 school had adopted both Turkmen and Russian as the languages of instruction and 1 school had adopted both Turkmen and Turkish. Textbooks were also available in those languages. English, French, German, Chinese, Japanese, Arabic and Farsi were also taught in secondary schools.

17. Regarding the recommendation contained in paragraph 23 of the Committee's previous concluding observations, he explained that the Code of Administrative Offences guaranteed the right of victims to compensation for any material or moral damage caused in the course of administrative activities or arising from unlawful actions.

18. Referring to the recommendation contained in paragraph 25 of the Committee's previous concluding observations, he said that the Act on the regulation of Internet access and the provision of Internet services guaranteed governmental and non-governmental bodies universal and equal access to Internet services. According to the State Statistics Committee, the number of Internet users and mobile phone subscribers had increased significantly between 2007 and 2015.

19. As to the recommendation contained in paragraph 27 of the Committee's previous concluding observations, he said that Turkmenistan had been one of the co-sponsors of United Nations General Assembly resolution 70/139 on combating the glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/RES/70/139). Information on the measures taken to give effect to the remaining recommendations could be found in the periodic report. A number of issues were still under examination.

20. **Ms. Hohoueto** (Country Rapporteur) said that she was pleased to learn that various mechanisms intended to establish the rule of law in Turkmenistan had been introduced since its previous periodic report (CERD/C/TKM/6-7) had been considered. However, the

Committee was still concerned by the restrictions on the freedom to criticize the Government's political and economic policies and on freedom of expression and association, as well as by the conspicuous absence of opposition political parties.

21. She recalled that, in its previous concluding observations (CERD/C/TKM/CO/6-7), the Committee had expressed doubts over the State party's commitment to establishing an independent national human rights institution in conformity with the Paris Principles, as it had preferred to assign the functions that would normally be performed by such an institution to the National Institute for Democracy and Human Rights, established within the Office of the President, and to the State Commission for the consideration of citizens' complaints concerning activities of law-enforcement agencies and the Interdepartmental Commission on compliance with the country's international human rights obligations. She was pleased to learn from the delegation's opening statement that the position of Human Rights Ombudsman had since been created.

22. Interestingly, the Interdepartmental Commission on compliance with the country's international human rights obligations, which was responsible for drafting the reports to be submitted to international human rights treaty bodies, had sought the input of government ministries and the most important voluntary associations, which had links to the presidential party and participated in government activities. The Committee was of the opinion that such an arrangement was the vestige of the one-party system of the former Soviet Union.

23. The current restrictions on human rights defenders' freedom of expression led the Committee to conclude that civil society was all but non-existent in Turkmenistan, despite the existence of NGOs in certain sectors. It also appeared that the Turkmen authorities purposely drew out the registration process for NGOs to prevent them from carrying out their activities in the country legally. She asked how the voluntary associations that participated in the drafting of the reports to be submitted to international human rights bodies were selected and why the Turkmen authorities felt the need to draw out the registration process for NGOs.

24. She noted that, although Turkmenistan had undertaken many legislative reforms, including the adoption of a plan of action for human rights, discrimination lingered in all areas of life. She urged the State party to implement the reforms as quickly as possible. The article of the Criminal Code that addressed discrimination did not include the concept of colour and could therefore not be used to prosecute cases of racial discrimination. It should be brought into line with the recently amended Constitution, which did include the concept. Nevertheless, the provisions of international instruments, including the Convention, took precedence over domestic legislation.

25. She asked whether the results of the 2012 census had been published; she would welcome information on those results, as well as on housing and on the plan of action for human rights. The Committee had been informed that Muslims, a group that included most of the country's ethnic minorities, were stigmatized by the authorities in the name of national security, as illustrated by the destruction of a 20-year-old mosque on the grounds that it had been built without authorization. However, no inquiries had been launched into such actions.

26. There were reports that the authorities arrested human rights activists arbitrarily, particularly those belonging to ethnic minorities, and that young Muslims suffered prejudice and were prohibited from travelling abroad on the assumption that they were involved in jihadism. The State party should ensure that young Muslims were not automatically viewed as terrorists and that they did not suffer discrimination in the justice system. Statistics on the prison population, disaggregated by age, sex, ethnic origin, offence and sentence, should be included in the country's next periodic report.

27. She asked what the eligibility criteria for legal aid were, what legal aid consisted of, in what circumstances an acquitted person or a legal person could benefit from it, to which levels of the justice system it applied and whether it was accessible to persons in detention. Legal aid should cover the cost of language interpretation.

28. While it was commendable that education was free for all, it was given only in the Turkmen or Russian languages, thus placing members of minorities not originating in former Soviet States at a disadvantage. She would welcome statistics on education rates among minorities. Minority languages were also not taken into account in the cultural sphere, and expressions of minority culture, including songs, clothing and books, were either restricted or prohibited. Muslims were classified as either Shiite or Sunni, which could give rise to discrimination.

29. The procedure for the expropriation of homes as part of urbanization efforts was not always respected, and individuals were often forced into smaller houses and required to pay a high price to maintain their access to a garden. Although complaints had been lodged with the courts, no data had been provided on how many had been lodged or how they had been dealt with.

30. Persons belonging to the Uzbek minority, who had previously been able to visit their families in nearby Uzbekistan freely, were now required to obtain a visa to cross the border, something that was impossible for most given the costs involved. Women from minority groups who worked in public institutions were forbidden from wearing clothing that expressed their culture.

31. The Committee remained concerned at the restriction of information from abroad. There were reports that 2015 had seen an increase in the arbitrary arrest and detention of human rights activists, journalists, members of religious groups and NGO workers who had communicated with parties abroad. The Committee would welcome information on those arrests, and on the case of Mansur Mingelov, a Baluchi activist who had been arbitrarily detained between 2012 and 2014 and who remained in detention despite a re-examination of his case.

32. Although the Government granted citizenship to refugees, the asylum process was slow and applicants were not always given the correct information. As a result, around 20,000 asylum seekers were awaiting the results of their application, in contravention of the Convention relating to the Status of Refugees.

33. Groups were occasionally displaced from urban to rural areas, with only those registered in cities allowed to remain there. That practice primarily affected foreign nationals, minorities and illegal migrants and violated the right to freedom of movement. She asked why individuals were required to register in a city before moving there, how the process was carried out and how displaced groups were integrated into their new communities.

34. While the State party's ratification of the Convention on the Reduction of Statelessness represented a positive step, there was a high number of stateless persons in Turkmenistan, including Uzbek women who had been married to Turkmen men and living in the country since the Soviet era. Given that Turkmenistan did not permit dual citizenship, some women with Russian nationality had been forced to move to Russia, leaving their husbands and children behind. She asked what measures the Government planned to adopt to address the situation and to prevent the separation of families.

35. Lastly, she encouraged the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance

and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The meeting was suspended at 4 p.m. and resumed at 4.10 p.m.

36. **Mr. Kut** (Special Rapporteur for follow-up on concluding observations) said that while it was commendable that the State party had provided information on its follow-up to the Committee's previous concluding observations in a timely manner, the three issues specified for follow-up, namely the ethnic composition of the country's population, hate speech used by officials and statelessness, had not been addressed in sufficient detail. He would welcome further information on those issues.

37. **Mr. Bossuyt** said that the Committee had received reports that the Government had adopted a series of repressive measures, including restrictions on access to information, such as access to foreign media, the harassment of journalists and the arrest of persons taking photographs in public; the harassment of Muslims, including restrictions on their movements and their extradition on the grounds of religious extremism; the prioritization of the interests of the State or of persons with close ties to the Government by the courts and the prevention of persons who did not reside in the capital from seeking employment there.

38. Other long-standing issues had not been resolved. There was widespread discrimination against members of linguistic and ethnic minorities, who were excluded from working in the government sector, a major employer in the country. Additionally, higher education was available only in the Turkmen language, and senior State officials engaged frequently in nationalistic rhetoric. Prisoners' rights were denied, in particular for members of the Baluchi community, who were often suspected of drug trafficking because they spoke the languages used in Afghanistan and the Islamic Republic of Iran. Many prisoners disappeared after their incarceration and cruel treatment was common, with prison staff running extortion schemes, and basic human needs, such as medical care, going unmet. Furthermore, there were reports of discrimination against citizens with dual nationality and against foreign citizens married to Turkmen citizens; the latter encountered great difficulties in obtaining entry and residence visas.

39. The Government of Turkmenistan should be invited to provide information on issues related to the Convention in domestic law and the institutional and policy framework for its implementation and on the situation of ethnic minorities, as set out in paragraphs 4, 6-10, 13, 15 and 16 of the list of themes (CERD/C/TKM/Q/8-11).

40. Referring to paragraph 97 of the State party's periodic report (CERD/C/TKM/8-11), he said that he would like to hear about any instances of restriction of the freedom of information during the past decade, on what grounds restrictions had been imposed, how the public had been informed and what government bodies had been responsible for enforcing the restrictions.

41. Referring to paragraph 124 of the report, he asked how many residence permits and family visas had been requested and approved, and on what basis any negative decisions had been taken. Referring to paragraph 125, he asked what programmes had been set up for the protection of refugees and with what budget. What Government bodies were responsible for their implementation? Referring to paragraph 126, he said that he would like to know under what laws restrictions had been placed on access to specific territories. The Committee would like to receive statistics on the relocation of citizens to other provinces than their own.

42. With regard to paragraph 153, he asked the delegation to provide statistics on members of ethnic minorities enrolled in institutions of higher education as a proportion of the overall population. Referring to paragraph 224, he said that he would like to know what action had been taken to connect people to the Internet and with what budget allocation.

Could the Government provide data on the number of Internet connections in the various provinces and cities and an overview of the restrictions on Internet content currently in force?

43. He asked the State party to inform the Committee about its domestic priorities in reducing discrimination, any new initiatives in that regard, the principles underlying its agenda for tackling discrimination, how improvements were measured and the key issues it had identified in its efforts to combat discrimination within its borders. There was undoubtedly a need for more transparency and accountability. Political reforms should be initiated and the independence of the judiciary should be guaranteed. Without those changes, efforts to reduce racial discrimination in Turkmenistan would not succeed.

44. **Mr. Avtonomov** said that the Committee was grateful to the State party for sending such a high-level delegation.

45. Referring to paragraph 10 of the State party's report, he asked whether the round table convened to discuss the draft report had included only State agencies or whether civil society and human rights bodies, for example, had also participated. A new Constitution had come into force after the State party had submitted its report and he would like to know what changes there had been to the constitutional provisions on human rights.

46. In addition to its concerns about the Baluchis, who constituted the largest ethnic minority in Turkmenistan, the Committee had concerns about the smaller minorities such as Persians, Armenians, Russians, Azerbaijanis and Kazakhs. He would like to know if they had access to education in their mother tongue. The number of schools offering mother tongue education for minorities was dwindling, and indeed he wondered whether any such schools still existed.

47. Could the delegation clarify whether there were any Roma — sometimes referred to in central Asia as “Lyuli” — in the State party? Recalling the Committee's general recommendation No. 27 (2000) on discrimination against Roma, he pointed out that the smaller the group the more vulnerable it was to discrimination and that it was up to the Government to prevent such discrimination.

48. **Ms. Dah** said that the State party was to be commended for its decision to opt for neutrality, a status not easy to maintain in the geographical region where the country was located. Noting that Turkmen society was multi-ethnic, she said she would like to see a full list of all the ethnic groups in the country based on the 2012 census. The State party should also provide information about the status of any minority groups, such as refugees, that were not nationals of Turkmenistan. In that regard she noted that, according to paragraph 248 of the State party's report, Turkmenistan had assumed its obligations towards national minorities as a member of the Organization for Security and Cooperation in Europe (OSCE), and would like to know what special measures the State party was taking to facilitate their integration.

49. The State party appeared not to have understood the provisions of article 3 of the Convention, which dealt with racial segregation and apartheid. Under that article the Committee expected States parties to check their legislation for any provisions that might be segregationist in nature, notably in relation to housing, health and education.

50. Noting that, in addition to Turkmen, Russian and Turkish were given priority as languages of education, she asked what forms of funding were available for education in other languages.

51. According to article 14 of the Family Code persons of “marriageable age” had the right to marry; she would like to know what the marriageable age was for men and women.

52. **Mr. Yeung Sik Yuen** said that paragraphs 68 and 69 of the State party's report referred to article 145 of the Criminal Code, which had been amended in 2013. He would like to know how that article had read before the amendment because, at paragraph 214, the report stated that no offences had been registered under article 145 since 2010, which meant that no cases had arisen under either the old or the new version. Noting that the offence covered by article 145, i.e., violation of equal civil rights, was punishable only if it had "serious consequences", he wondered whether the terms of the article were not unnecessarily restrictive. In addition it was uncertain exactly what the offence was, all the more so as the seriousness of the consequences was a matter for interpretation by the courts.

53. He also wished to know how many cases had been brought under the articles of the Criminal Code mentioned in paragraphs 73, 100 and 115 of the report, namely: article 177 concerning "incitement to social, ethnic or racial hatred" and articles 101, 107 and 168, which also dealt with cases of discrimination. What had been the outcome of those cases?

54. Paragraph 286 of the report mentioned the procedure for the appointment and dismissal of judges by the Mejlis, on the recommendation of the President. However, it should be clarified whether and how often that procedure had been carried out. The delegation should also give details of the possible grounds for the lawful dismissal of a judge, and explain how the officials of the lower judiciary, such as magistrates, were appointed.

55. He had been troubled to learn from paragraph 291 of the report that the President was calling on the Mejlis to reconsider the length of the terms of office of judges. He would therefore be grateful for information on the duration of those terms, whether they were renewable, and whether the President intended to lengthen or shorten them. Such questions went to the very core of the independence of the judiciary.

56. **Mr. Murillo Martínez** said that he, too, had specific concerns regarding information contained in the report, notably paragraph 116 concerning the intentional infliction of bodily harm that endangered life, on various grounds, which was punishable by 5 to 10 years' deprivation of liberty. In particular, he wished to know whether the article in question referred to aggravating circumstances, or whether it established a separate offence. Regarding paragraphs 106 to 110 concerning racial discrimination in the workplace and disciplinary, administrative and criminal liability for such conduct, he would be grateful if the State party would indicate whether it had been able to incorporate the reversal of the burden of proof into its legislation.

57. In view of the information contained in paragraph 19 of the core document (HRI/CORE/TKM/2009), to the effect that the Turkmen economy had enjoyed a rapid rise in GDP in the period around 2007, he wished to know whether that growth trajectory had continued. Moreover, further to the information set forth in paragraph 32 of the core document, namely that the State provided its citizens with free gas, electricity and water, as well as other services subject to nominal charges, he said that the Committee would welcome information on whether those services were extended to migrant populations. Information should also be provided regarding the situation in relation to trafficking in persons in Turkmenistan, and on efforts to combat such practices.

58. **Mr. Kemal** said that he appreciated the timely report submitted by the State party. By respecting the recommended gap of four years between reports, Turkmenistan had shown excellent organization and willingness to comply with the Committee's procedure and the requirements of the Convention. While Turkmenistan had achieved independence relatively recently, and its progress in a short space of time gave grounds for optimism, the Country Rapporteur had outlined many areas for improvement which he hoped the State party would address. In his view, the State party should pursue a strategy of incremental advancement, rather than a holistic approach that aimed for perfection. One area of

potential progress was that of collecting disaggregated data on minorities, which would allow the Government to address weaknesses as it worked towards democratization. Given that the minorities in question were from neighbouring countries and shared some similarities with the people of Turkmenistan, such measures would not be detrimental to the national interest or to national unity. One further recommendation was that the Government of Turkmenistan should establish a comprehensive definition of racial discrimination, aligned with article 1 of the Convention.

59. Recalling that the Committee had recently adopted its general recommendation No. 35 on combating racist hate speech, which contained a comprehensive definition of that phenomenon, he expressed concern at reports of influential people engaging in nationalistic rhetoric, which could have negative consequences. Measures to counter such forms of behaviour might include the launch of a media awareness campaign to promote solidarity among ethnic groups.

60. **Ms. Hohoueto** said that she would be grateful if the delegation could clarify whether the new Constitution had been amended and whether the Mejlis had enacted a law for that purpose. The State party's report (CERD/C/TKM/8-11) stated that work was being done to improve the Constitution, but the delegation's introductory statement had given the impression that it had since been amended. She would also welcome an indication of whether the Committee's concluding observations might be taken into account in the new Constitution, especially with regard to the inclusion of a definition of racial discrimination.

61. **Ms. Dah** said that she was curious to know whether conflicts in the region had led to a refugee influx into Turkmenistan, for example from Afghanistan. If so, details should be provided concerning trends in the number of arrivals, whether those movements were ongoing, and the number of Afghan nationals living in the country. Had Turkmenistan received any refugees from Ukraine?

62. Lastly, responding to the information that incitement to ethnic, racial or religious hatred was punishable by fines of 20 to 40 times the average monthly wage, she said that she would be grateful if the State party could indicate the average monthly wage in Turkmenistan in 2016 and explain why it had decided to apply a system of fines rather than prison sentences or other penalties.

63. **Mr. Calí Tzay**, referring to paragraphs 114 to 120 of the report regarding liability for disseminating ideas based on racial superiority and hatred, observed that article 4 of the Convention specifically condemned all propaganda and organizations inspired by such ideas. He was particularly interested to learn whether schools taught children about human rights and the provisions of the Convention, for example in the context of the recent history of Turkmenistan. He also wondered what was the size of the prison population in Turkmenistan, including its ethnic composition, since such data often allowed the Committee to take stock of the racial discrimination existing in a country, with national minorities sometimes forming the majority in prison populations owing to factors such as a lack of awareness of their rights or a lack of trust in the authorities.

64. **The Chair** said that he had two questions regarding the delegation's introductory statement. First, noting that the appointment of the Human Rights Ombudsman was a significant development for the advancement of human rights in the country, he asked whether the appointment had already been made and what powers the Ombudsman would exercise. Did the delegation believe that it would be a truly independent institution? Secondly, he had been struck by the claim that the population of Turkmenistan was "relatively homogeneous" in ethnic terms, since he understood that the country was also home to Armenians, Uzbeks and other groups besides the Turkmen majority. In that regard, could the delegation explain how the term "relatively homogeneous" was understood and applied in Turkmenistan?

65. **Mr. Tayliev** (Turkmenistan) said that his delegation was ready to provide responses to the questions raised by the Committee; however, he would be grateful for a short break in which to identify the paragraphs mentioned by Mr. Yeung Sik Yuen and Mr. Murillo Martínez in their questions concerning the national report.

The meeting was suspended at 5.25 p.m. and resumed at 5.40 p.m.

66. **The Chair** said that he considered it advisable to bring the meeting to a close, so as to give the delegation more time to prepare its responses before continuing the dialogue.

The meeting rose at 5.45 p.m.