



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the sixth and seventh combined
periodic reports of Turkmenistan, adopted by the Committee
at its eightieth session (13 February–9 March 2012)**

Addendum

**Information received from the Government of Turkmenistan
regarding the recommendations in paragraphs 9, 15 and 17
of the concluding observations***

[22 March 2013]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

General Information

1. Recognizing the precedence of the universally accepted norms of international law, Turkmenistan continues consistently to fulfil its international commitments.
2. The Government's policy to ensure sustainable social and economic development puts priority on issues related to human rights and compliance with its obligations under the international instruments. The civil rights and freedoms established by the Constitution and laws of Turkmenistan conform to the principles and norms of international law proclaimed by the international community.
3. The international human rights commitments undertaken by neutral Turkmenistan proclaim that our country "shall guarantee to every person the rights and freedoms enshrined in the Constitution, our national laws and the universally accepted norms of international law, without distinction of any kind ..." (Declaration on the International Human Rights Commitments of Neutral Turkmenistan, of 27 December 1995).
4. Holding fast to these commitments, Turkmenistan has incorporated the provisions of the international instruments and treaties on civil rights and freedoms that it has ratified into national legislation. The recommendations made by international organizations are taken into account in this process.
5. Turkmenistan has intensified cooperation with all the universally recognized international organizations, and maintains an active dialogue with the regional representative of the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and other United Nations agencies on implementing the recommendations of the United Nations treaty bodies and conducting joint activities.

Paragraph 9

6. A general population and housing census was conducted in December 2012. The State Statistics Committee will present the results of the census data analysis during the first quarter of 2014. It will thus be possible to provide the Committee with information on any variable requested in paragraph 9 of the concluding observations in 2014.

Paragraph 15

7. The norms set out in article 4, paragraph (a), of the International Convention on the Elimination of All Forms of Racial Discrimination are reflected in article 177 of the Criminal Code of Turkmenistan, which establishes criminal responsibility for incitement to social, ethnic or religious hatred where the acts are intended to incite racial hatred or discord, or to promote exclusiveness or inferiority of citizens on the basis of racial origin. The article establishes more severe penalties where such acts are committed with the use of mass media, or the use or threat of physical violence, or in the context of an organized group.
8. Furthermore, articles 101 (intentional homicide), 107 (intentional causing of serious injury to health), 108 (intentional causing of less serious injury to health) and 113 (cruel treatment) establish that grounds of racial hatred and enmity in the commission of such acts are considered as aggravating circumstances, for which more severe penalties are provided.

Under articles 33 and 35 of the Criminal Code, incitement to commit such acts is also a punishable offence.

9. The norms set out in article 4, paragraph (b), of the Convention are covered by article 178-3 of the Code of Administrative Offences, which establishes liability for acts to form voluntary associations, political parties or mass movements whose activities are intended to incite racial hatred, enmity or contempt or violence on those grounds, and the activities of such organizations.

10. It is important to note in respect of the norms set out in article 4, paragraph (c), of the Convention that article 19 of the Constitution provides State guarantees of equal civil and human rights and freedoms, as well as the equality of persons and citizens before the law, regardless of any differences, including of racial origin.

11. Article 14 of the Code of Criminal Procedure makes the body conducting criminal proceedings responsible for protecting the rights and freedoms of any person involved in the proceedings, for creating the conditions in which those rights and freedoms may be exercised, and for urgently adopting appropriate measures to meet the legal requirements of those involved in the proceedings.

12. Article 240 of the Code of Administrative Offences also establishes that cases concerning administrative offences must be heard on the basis of the equality of all citizens before the law, regardless of any differences, including of racial origin. Cases involving administrative offences are heard in the State language of Turkmenistan or in the language of the majority of the population in the place concerned. Persons accused in such cases and others taking part in the proceedings have the right to use their mother tongue and the services of an interpreter.

Paragraph 17

13. As a Member State of the United Nations, Turkmenistan works actively to reduce the number of stateless persons. Specifically, it has acceded to many international humanitarian agreements and conventions, including the Convention relating to the Status of Refugees (10 July 1997), the Convention relating to the Status of Stateless Persons (14 September 2011) and the Convention on the Reduction of Statelessness (4 August 2012). Turkmenistan also collaborates actively with the international humanitarian organizations.

14. Article 53, paragraph 10, of the Constitution gives the President exclusive competence in issues related to the granting and withdrawal of citizenship and asylum.

15. The Presidential Decree of 4 August 2005 granted Turkmen citizenship to 13,245 refugees living in Turkmenistan.

16. The Presidential Order of 4 August 2005 granted permanent residence in the country to 3,053 refugees.

17. In 2011, guided by the principles of humanitarianism and humanism, affirming the country's commitment to the universally recognized international norms that uphold human rights and freedoms, and taking account of the right to free choice of citizenship, the President signed decrees granting citizenship to 3,318 persons living in Turkmenistan. This was seen throughout the world as an act of humanism and fairness.

18. The work to grant citizenship of Turkmenistan in accordance with the country's legislation is continuing.

19. Persons living in the country who do not have valid identity papers or citizenship documents are registered in line with the Migration Act of 31 March 2012, which implements the international norms on the legal status of stateless persons, and specifically its articles 12 and 13 governing registration and 14 to 17 regulating the issuance of residence permits. Other legislation adopted includes amendments to the Refugee Act that take account of international norms (4 August 2012).
