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**Human Rights Committee**

**Concluding observations of the Human Rights  
Committee: Turkmenistan**

Addendum

**Information received from Turkmenistan on the  
implementation of the concluding observations of the  
Committee\***

[31 August 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

### **Information on the implementation of the concluding observations (CCPR/C/TKM/CO/1)**

1. Turkmenistan, recognizing the primacy of universally accepted norms of international law, is working relentlessly to fulfil the international commitments it has taken upon itself.
2. The Government's sustainable social and economic development policy assigns priority to human rights issues and compliance with its obligations under 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 the country "shall guarantee to every person the rights and freedoms enshrined in the Constitution, laws and generally recognized norms of international law, without distinctions 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 domestic law. The recommendations of international organizations are taken into account in this process.
5. Turkmenistan has intensified cooperation with all generally recognized international organizations and is in constant contact with the regional representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Fund for Population Activities (UNFPA), the Office of the United Nations High Commissioner for Refugees (UNHCR), other United Nations agencies and the International Committee of the Red Cross over the implementation of recommendations made by United Nations treaty bodies and the conduct of joint activities.
6. It must be pointed out that the delegation of Turkmenistan has already provided exhaustive replies to all the questions raised in the concluding observations of the Human Rights Committee.
7. It should also be borne in mind that written replies to the questions have been submitted previously in response to the Committee's request for additional information.

#### **Paragraph 6 of the concluding observations**

8. As part of a joint project with the European Commission, OHCHR and UNDP to build Turkmenistan's capacity to promote and protect human rights, seminars were held in 2010 in all regions and in the city of Ashgabat to promote awareness of international human rights standards among law enforcement officials (judges, prosecutors, lawyers and police officers). Similar seminars are due to be held in Ashgabat in 2012.
9. Under the cooperation programme with the UNICEF office in Turkmenistan, seminars were held in the regions and Ashgabat in 2010 and 2011 for law enforcement officials (judges, prosecutors, lawyers, youth affairs inspectorate officials and police officers) on international standards in the administration of juvenile justice.
10. There are plans to hold similar seminars in two regions in July and August 2012.
11. The 2010 and 2011 seminars were attended by foreign and international human rights experts and professionals.

**Paragraph 7 of the concluding observations**

12. A joint project initiated by the Government of Turkmenistan to boost constructive dialogue on human rights protection, the development of democratic processes and the timely preparation of national reports is being carried out by the National Institute for Democracy and Human Rights in the Office of the President, in conjunction with the European Commission, OHCHR and UNDP.

13. A seminar on the Paris Principles in April 2010 took a close look at the mandates and functions of national institutions established in accordance with international standards for the promotion and protection of human rights. Mr. Richard Carver, an international human rights expert, was among the participants.

14. As part of the project mentioned in paragraph 12 above, a fact-finding trip was organized in September 2011 for members of parliament, Government officials and representatives of higher education institutions to the Danish Institute for Human Rights.

15. The Human Rights Information Centre at the National Institute for Democracy and Human Rights held a round table on the outcome of the trip, where views were exchanged and future action was discussed.

16. In January 2012, a two-day seminar was held to examine the experience of and discuss ways of cooperating further with the Danish Institute for Human Rights.

**Paragraph 8 of the concluding observations**

17. The Government continues to promote the advancement of women in the public and political life of the country.

18. Women account for 50.2 per cent of the population of Turkmenistan and are well represented in elected government and administrative bodies. Their involvement in political and public life is determined by their participation in representative bodies such as these.

19. Of the 125 deputies in the Mejlis, the legislature of Turkmenistan, 17 per cent are women. The Chairperson and Vice-Chairperson of the Mejlis are both women.

20. More than 25 women currently hold senior positions in the country, as Deputy Prime Minister, ministers, deputy ministers, diplomatic officials, deputy heads of provincial, municipal and district authorities, media executives, heads of higher educational establishments and research institutions and heads of electoral commissions at the central and local levels. They are also represented in the legislative and executive branch at all levels, accounting for 13.5 per cent of elected local government officials and 15.5 per cent of the membership of the provincial people's councils (khalk maslakhaty).

21. The high level of education and employment among women is reflected by the significant percentage of women active in all sectors of the economy, particularly in the educational system, culture and the arts, health care, physical education and social services. In 2010, the proportion of working women in the national economy was over 40.4 per cent. In specific areas such as health care, physical education and social services, women made up 69.9 per cent of the workforce. In education they accounted for 64 per cent; in culture and the arts, 52 per cent; in loan services, finance and insurance, 52.4 per cent; in the sciences and academic support services, 48.5 per cent; in industry, 48.5 per cent; in communications, 44.6 per cent; and in trade and catering, 34.9 per cent.

22. The above confirms the growing importance of women in public and political life.

**Paragraph 9 of the concluding observations**

23. There is no language in the Criminal Code of Turkmenistan that explicitly makes torture a punishable offence. The Code does, however, cover the infliction of physical and moral suffering under the following offences:

- Incitement or inducement to suicide (art. 106);
- Wilfully causing grievous bodily harm (art. 107);
- Wilfully causing moderate bodily harm (art. 108);
- Battery (art. 112);
- Causing intolerable suffering (art. 113);
- Threat of homicide or grievous bodily harm (art. 116);
- Abduction (art. 126);
- Unlawful deprivation of liberty (art. 129);
- Trafficking in persons (art. 129);
- Forced medical treatment of a person known to be healthy (art. 131);
- Hostage-taking (art. 130);
- Abuse of authority (art. 181);
- Exceeding authority (art. 182);
- Prosecution of a person known to be innocent (art. 193);
- Coercion to testify (art. 197);
- Unlawful arrest, detention or remand in custody (art. 195);
- Subornation or coercion to give false testimony or expert opinion or inaccurate interpretations (art. 203);
- Violation of the rules of conduct governing military service personnel of equal rank (art. 340);
- Abuse of power or office (art. 358).

24. Under the law, criminal proceedings are to be brought without delay against anyone suspected of torture or ill-treatment; a thorough, impartial investigation must be conducted in conformity with the law governing criminal procedure. Where the evidence emerging from preliminary investigations so warrants, suspects are to be charged and sent for trial. Where there is sufficient evidence of guilt, the court may convict the suspect.

25. Turkmenistan's modern policy as regards penal enforcement is to move towards a more humane prison system and make segregation from society a more effective form of punishment.

26. The establishment of supervisory commissions is allowing extensive civil surveillance of places and conditions of detention.

27. The Penal Enforcement Code assigns particular importance to the inspection of places of imprisonment.

28. The Code stipulates that government authorities are responsible for overseeing penal enforcement services in their territory. Supervisory commissions established at the provincial level are involved in the correction of convicts and in the civil monitoring of the authorities engaged in penal enforcement and other crime-control activities. The task of the

commissions is to tighten monitoring of compliance with the law by the penal enforcement services and to work with convicts serving sentence and persons released on parole. District and city commissions for minors' affairs also monitor the treatment of juvenile offenders.

29. In accordance with the Presidential Decision of 31 March 2010 approving the regulations governing the commissions, such commissions have been set up at the Cabinet of Ministers, in Ashgabat, the provinces, districts and districts with city status, to work with convicted persons and persons under surveillance after release from prison.

30. On 16 July 2011, a delegation of the International Committee of the Red Cross (ICRC), led by the deputy regional representative of ICRC in Central Asia, Mr. François Blancy, visited the AN-R/4 occupational therapy centre at Ahal province police department to learn about inmates' living conditions and plans for a new women's detention centre.

31. Another ICRC delegation led by Mr. Blancy visited Turkmenistan from 5 to 11 April 2012.

32. During the visit, a group of ICRC delegates including a doctor undertook a fact-finding trip to Dashoguz on 6 April 2012 to visit the construction site of a new women's correctional facility, and to the police-run MK-K/18 institution for juvenile offenders in Mary province on 7 April.

33. During the visit on 6 April, the ICRC experts were able to see the progress made on the women's facility, the design of which laid special emphasis on the provision of good water and electricity supplies, proper ventilation, decent sanitary and hygiene conditions, and work and leisure opportunities for the inmates.

34. During their visit to the correctional facilities in Mary province on 7 April, the experts were given the opportunity to inspect the entire premises, including sleeping quarters, canteen block, sanitary installations, meeting rooms, rooms with telephones for inmates, the secondary school, library, clinic, sports facilities (gym and grounds), production area, workshops, hairdresser's, club and administrative buildings.

35. The experts remarked that all the premises shown to them had modern fittings, furniture, medical and sports equipment and workstations, that conditions were conducive to learning and recreation, and that inmates were provided with proper food and clothing, as was confirmed by their satisfactory outward appearance. Children received proper medical care and considerable time was devoted to their education. On a further positive note, the experts observed that the organization of work and use of video surveillance to monitor inmates enabled the administration to make the established daily schedule compatible with freedom of movement for inmates within the facility.

36. At the Ministry of Internal Affairs on 10 April 2012, the ICRC delegation held a debriefing on its visits to the prison system; Mr. Blancy thanked the authorities for organizing the visits and noted that the delegation was satisfied with what it had seen and that the conditions of detention of the juvenile offenders at the correctional facility met international standards.

37. As part of the workplan, duly approved in January 2012, for multilateral cooperation in the prison system between the Government of Turkmenistan and the ICRC Central Asia regional office over the first half of 2012, an official delegation from the Ministry of Internal Affairs (led by the Deputy Minister) and the Ministry of Foreign Affairs of Turkmenistan paid a fact-finding visit to Azerbaijan from 29 February to 4 March 2012 in order to examine best practices in the delivery of health-care services in the prison system, with particular regard to tuberculosis control. During its visit the delegation learned how medical care was provided at places of detention and how Azerbaijani prisoners were actively screened for tuberculosis. A series of meetings with leading officials at the Azerbaijani ministries of justice and internal affairs also took place. The experience gained

during the visit will doubtless be helpful in the organization of the prison system in Turkmenistan.

38. A meeting at the Ministry of Internal Affairs with an ICRC delegation has been scheduled for May 2012 to discuss and agree on the next steps in cooperation with ICRC on the prison system.

39. Training, retraining and skills upgrading for personnel of internal affairs bodies is regulated by service provisions approved by Presidential Decision in 2006 and Order No. 217 of the Minister of Internal Affairs approving instructions to govern initial training, enhancement of professional skills and retraining of internal affairs personnel. Combat and physical training for service, for instance, is carried out to enhance qualifications in the workplace and thereby enable staff to carry out their operational duties successfully. The Ministry of Internal Affairs has its own training facilities: the C.A. Niyazov Institute, and a training centre offering professional training for ministry personnel. Among the subjects taught is one on international human rights law and standards.

40. In cooperation with international organizations, in particular the Organization for Security and Cooperation in Europe (OSCE) Centre in Ashgabat, and the C.A. Niyazov Institute, and with a view to heightening awareness of prisoners' rights, regular seminars, courses and training sessions are run for correctional services personnel on international legal standards governing the treatment of prisoners. The courses are also attended by teachers of the Institute, who incorporate what they learn into their courses for aspiring prison staff.

41. On 7–9 April 2010, a seminar on international legal standards governing the treatment of prisoners run by the OSCE Centre in Ashgabat and hosted at the Police Academy of the Ministry of Internal Affairs was attended by 22 Ministry staff. It was held as part of Project No. 21, "Assistance to the prison system", one of a series of joint projects scheduled for implementation by the Government with the OSCE Centre in 2010.

42. On 14 November 2011, a seminar put on by the OSCE Centre on the "education, rehabilitation and social reintegration of prisoners, comparing experiences on work and workplace integration in OSCE countries" was hosted by the Niyazov Institute. A seminar on "training centres for prison staff, comparing experiences on the provision of training for prison staff", run the following day, was attended by 20 staff members from the Ministry of Internal Affairs, including representatives of the Department of Correctional Services, prison staff from different regions of Turkmenistan and Niyazov Institute teachers. Both seminars were attended by staff from the department at the Office of the Procurator-General responsible for monitoring compliance with the law in prisons, and by representatives from the presidential institutes for democracy and human rights and for state and law. The seminar on 14 November dealt with international standards and practice in other OSCE member States as regards the education, rehabilitation and social reintegration of prisoners. At the seminar on 15 November, international speakers and experts gave the representatives of Turkmenistan additional information about the role, mandate and day-to-day activities of prison staff training centres in OSCE member countries.

43. The seminars formed part of item 4, modernization of the prison system, of the human dimension project, one of a series of joint projects scheduled for implementation by the Government with the OSCE Centre for the second half of 2011.

44. Under item 9 (Assistance in modernizing the prison system) of the humanitarian dimension project, part of a series of joint projects to be executed in 2012 by the Government with the OSCE Centre, a series of courses and lectures for prison staff, teachers at the Niyazov Institute and staff at the ministries and departments dealing with convict rights on subjects including the education, rehabilitation, social integration and establishment in the jobs market of convicts, together with a pooling of experience in

different OSCE countries was scheduled for June and July 2012. At the time of writing, the Ministry of Internal Affairs has received no proposals from OSCE for similar seminars in the current year.

45. In the framework of the TREAT component of the Central Asia Drug Action Programme (CADAP) phase 5, run by the German Society for International Cooperation (GIZ) at the Atlantis rehabilitation and occupational therapy centre in Tejen, two seminars on the treatment of drug addicts in rehabilitation centres were held on 10–13 May 2011 (20 staff from the Ministry of Internal Affairs, including prison system staff and the centre's medical personnel, took part), and on 9–13 April 2012 (16 Ministry staff attended).

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

46. In addition to the information on the Act against Human Trafficking given in Turkmenistan's initial report (CCPR/TKM/1, paras. 319–324), in the replies to the list of issues (para. 16), and the dialogue on this issue during the meeting, the following can be noted.

47. The OSCE Centre and Keik Okara voluntary association launched a joint project to set up a support and help centre for victims of domestic violence on 1 April 2012, which was due for completion by 31 December 2012. The aim is to have a working shelter providing victims of domestic violence with social, psychological, legal and medical assistance.

48. The objective of the project is to establish and run a shelter for women and children who fall victim to domestic violence. The main reason for setting up the shelter is to offer social, psychological and medical assistance to victims so as to help them rejoin society. All the activities of the centre and work with victims of domestic violence are strictly confidential.

49. Staff working at the shelter are specially trained and professionally taught to work with victims of domestic violence.

50. The range of services provided to victims of domestic violence in the shelter varies depending on a number of factors, including the age, personal experiences and stage of recovery of the beneficiaries. At the very least, depending on the resources at hand, the shelter will make available psychological, medical and legal assistance and counselling and/or basic vocational training or work placement.

51. For the past three years, the NGO Keik Okara has been running a crisis counselling line for dealing with cases directly related to domestic violence. The counselling is exclusively psychological in nature, although where necessary, victims are referred to appropriate medical institutions. Statistics on the number and content of calls are confidential.

52. A project to combat trafficking in persons in Turkmenistan through capacity-building at local NGOs and support for victims of trafficking has been running since December 2009. As part of the project, the Ashgabat Ynam Club, a voluntary association, has signed an agreement with the International Organization for Migration (IOM) to offer telephone helpline services and conduct nationwide awareness-raising campaigns for the prevention of human trafficking.

53. The main objectives of the project are to help prevent trafficking by setting up hotlines and a shelter, to develop and distribute information material, and run public awareness campaigns, to protect victims through an array of services, including legal aid and help with rehabilitation and reintegration, and to run a series of training workshops for members of local NGOs.

**Paragraph 13 of the concluding observations**

54. Citizens are guaranteed judicial protection of their honour and dignity, and of the individual and political human and civil rights and freedoms enshrined in the Constitution and laws. Under article 43 of the Constitution, citizens may challenge before a court of law the decisions and actions of Government bodies, voluntary associations and officials.

55. Under article 99 of the Constitution, judicial power is intended to uphold civil rights and freedoms and such State and public interests as are protected by law.

56. Judges are independent, subject only to the law, and governed by inner conviction. Interference in the work of a judge from any quarter is inadmissible and punishable by law. The inviolability of judges is guaranteed by law (art. 101 of the Constitution).

57. Under the Courts of Law Act of 15 August 2009, judicial power resides solely with the courts. The judiciary operates independently of the legislative and executive branches. In administering justice, the courts uphold citizens' rights and freedoms and the legally protected interests of the State and society. The purpose of all court activity is to uphold the law, the rule of law and social justice, to protect citizens' rights and liberties, honour and dignity, and to eradicate the causes of and conditions contributing to crime.

58. Parties are entitled to appeal against rulings, judgements, and other decisions of the courts.

**Paragraph 14 of the concluding observations**

59. Information on this subject is provided in the core document and in the replies to the list of issues (paras. 10–11). Once again, we note that the kind of incidents referred to have not come to light.

**Paragraph 16 of the concluding observations**

60. Under article 41 of the Constitution, it is the sacred duty of every citizen to protect Turkmenistan. Military service is compulsory for all male citizens.

61. Article 2 of the Conscription and Military Service Act was amended on 25 September 2010, providing a detailed notion of compulsory military service as a special type of public service that citizens choose to perform in the Turkmen armed forces, or other forces or military bodies.

**Paragraphs 17 and 18 of the concluding observations**

62. As political reform in Turkmenistan proceeds under the leadership of the President, specific steps are being undertaken to form a multiparty system and lay the foundations of a civil society. The national media have a special, leading role to play in this process, instilling democratic principles in the public consciousness.

63. In order to raise the quality of domestic media output and consolidate the position of media outlets in the system of civil society institutions, legislation in this area is being further refined and modern information and communication technologies are being introduced into media workplaces. This is making for greater transparency and openness about the democratic changes spreading through the country.

64. A working group has been created in the Mejlis to draft a media bill.

65. As part of a partnership project to modernize the media in Turkmenistan, carried out by the BBC World Service Trust and funded by the European Union and the Foreign and Commonwealth Office of the United Kingdom, a series of activities staged between 2010

and 2012 focused on the legal regulation of the media in the Commonwealth of Independent States and Europe.

66. Topics discussed at lectures and working meetings included: different media regulatory systems; pressing legal issues in the age of the Internet and digital technology; and the fundamental legal and regulatory requirements for the creation of commercial media.

67. As part of the same project, representatives of the Mejlis, the National Institute for Democracy and Human Rights, the Institute of State and Law and the State Committee on Television, Radio and Film visited London from 17 to 24 March 2012.

68. The purpose of the visit was to allow participants to learn about media regulation and self-regulation in the United Kingdom and develop specific proposals for improvements to the bill on the media in Turkmenistan. In the course of their meetings, participants were presented with a broad picture of the media in the country, visited Ofcom, the main regulator for the communications industry, and the National Union of Journalists, where a discussion was conducted on the code of conduct and its practical application, and visited the Centre for Socio-Legal Studies at the University of Oxford.

69. Sustained, constructive dialogue between Turkmen professionals and international experts is helping to generate proposals on how to improve media legislation while taking account of the special requirements imposed by dynamic development, national interests, and the further democratization of Turkmen society.

70. The Constitution clearly establishes the grounds for regulating the production and use of new information technologies, thereby strengthening civil rights (to freely seek out, receive, transfer, produce and disseminate information by any legal means (art. 28)).

71. The Internet makes it possible for everyone in Turkmenistan's multi-ethnic community to access information. Higher, secondary specialized and secondary education institutions have Internet access. In the capital city and the provinces there are Internet cafes for general use. The number of users of online services is increasing each year.

72. The provision of Internet services is regulated by the Communications Act, which was passed on 12 March 2010.

73. The legal status of the media is also regulated by the Civil Code, the Print and Other Mass Media Act, the Legal Protection of Computer Algorithms and Programmes, Databases and Integrated Circuit Layout Act, the Electronic Documents Act and other legislation.

#### **Paragraphs 19 and 20 of the concluding observations**

74. Turkmenistan consistently and unwaveringly meets its international obligations regarding human rights, including the rights of the child. By enshrining the pre-eminence of international law in its Constitution, Turkmenistan undertook to create the necessary legislative, organizational and institutional conditions for the promotion and protection of human, including children's and young people's, rights and freedoms.

75. Detailed information on the issue of child labour is provided in the initial report of Turkmenistan and in its written responses to the list of issues (para. 30). Specific answers were also given to questions raised in the course of the meeting.

76. Reports about the use of child labour in the cotton harvest are neither objective nor accurate.

**Paragraph 23 of the concluding observations**

77. Turkmenistan pays considerable attention to the dissemination of information about international and national human rights instruments.

78. Long-term humanitarian programmes are being conducted in conjunction with the offices of international organizations and accredited foreign embassies in Turkmenistan to increase public awareness of the fundamental international human rights instruments.

79. Conventions and agreements are published in Turkmen and Russian. What they mean is regularly explained in the media, in special radio and television broadcasts and articles and reviews that appear in newspapers and magazines.

80. The Ministry of Foreign Affairs, Ministry of Justice, Ministry of Culture, Ministry of Education, Academy of Sciences, State Statistics Committee, National Institute for Democracy and Human Rights and higher education institutions and voluntary associations of Turkmenistan, with support from United Nations agencies (UNICEF, UNDP, OHCHR and UNFPA), OSCE, IOM and several other international organizations in Turkmenistan, publish compilations of international instruments and national legislation on human rights and freedoms and regularly hold, in the capital and throughout the country, joint seminars, round tables, conferences and presentations with the participation of representatives of local authorities, law enforcement officials and community representatives.

81. The National Institute for Democracy and Human Rights regularly issues a magazine entitled *Democracy and Law* in three languages (Turkmen, Russian and English). The Institute has also issued 19 compilations of international and national human rights instruments in cooperation with various ministries and Government departments and with support from the offices of United Nations agencies in Turkmenistan.

82. A compilation of international legal instruments and domestic laws on women's rights is currently being assembled.

83. A joint project launched by the Government to strengthen the capacity of Turkmenistan to protect and promote human rights is being carried out under the auspices of the National Institute for Democracy and Human Rights, in conjunction with the European Commission, OHCHR and UNDP, in order to enhance constructive dialogue on human rights protection.

84. As part of that project, the Institute opened its Human Rights Information Centre on 2 May 2011.

85. The Centre regularly hosts public debates, meetings and round tables on matters of current interest related to the development of the rule of law and the upholding and implementation of civil rights and freedoms (including the issue of gender equality), which are attended by Government officials, public figures, academics and representatives of international organizations and civil society.

86. The groundwork is being laid to open resource centres in each of the country's provinces.

87. Seminars, training courses, round tables and conferences are held with international organizations accredited in Turkmenistan and international experts to raise awareness of the Covenant and its Optional Protocols among judges, law enforcement officials, staff members of institutions, organizations and enterprises and members of voluntary associations.

88. Long-term humanitarian programmes are being conducted in conjunction with the offices of international organizations and accredited foreign embassies in Turkmenistan to increase public awareness of the fundamental international human rights instruments.

89. On 16 June 2012, a seminar on the development of a national human rights action plan was held for members of the interdepartmental commission on compliance with Turkmenistan's international obligations in the field of human rights and international humanitarian law. Its purpose was to discuss ways of establishing such a plan with due regard for the recommendations made by United Nations treaty bodies and to acquaint participants with international experience in the matter.

90. A compilation, in Turkmen and Russian, of international human rights conventions and treaties to which Turkmenistan is a party is currently in production.

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