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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**Replies of Turkmenistan to the list of issues in relation to its
third periodic report***

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Replies to the list of issues in relation to the third periodic report of Turkmenistan under the International Covenant on Civil and Political Rights (CCPR/C/TKM/Q/3)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Under a project entitled “Assistance in Implementation of the National Action Plan on Human Rights in Turkmenistan for 2021–2025”, the United Nations Development Programme (UNDP) is providing support for the implementation of the Plan, jointly with the Institute for State, Law and Democracy. The aims of the project are to reinforce the system for the protection, promotion and enjoyment of human rights in Turkmenistan by harmonizing laws and practices with the country’s international human rights obligations and to raise awareness of human rights and the international human rights obligations of Turkmenistan among civil servants, law enforcement officials, judges, lawyers and students.

2. For example, to build capacity among representatives of the law enforcement system, judges are encouraged to base their decisions on international standards as well as national legislation.

3. The Office of the Ombudsman and UNDP in Turkmenistan, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for Central Asia, are carrying out a joint project for the period 2021–2022 on strengthening the institutional capacity of the Office of the Ombudsman, the main objective of which is to develop the institutional capacity of the Office to examine the accreditation process of the Global Alliance of National Human Rights Institutions and to expand the capabilities of the Office’s staff.

4. In line with the project document, all actions for 2021 have been completed and the following outcomes achieved:

(1) A draft road map for accreditation of the Office of the Ombudsman by the Global Alliance of National Human Rights Institutions was prepared;

(2) Recommendations on the Office’s cooperation with national law enforcement agencies, the judicial system and bar associations were developed;

(3) Support was provided for the Office’s staff to participate in the twenty-sixth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions and the Forum’s interactive dialogue with members of the United Nations Working Group on discrimination against women and girls, on the subject of women’s and girls’ sexual reproductive health rights in crisis;

(4) Support was provided for the Office’s staff to participate in the 2021 Annual Review Meeting and Partnership Platform of the Tripartite Partnership between UNDP, OHCHR and the Global Alliance of National Human Rights Institutions to Support National Human Rights Institutions, held virtually over two days. The meeting was focused on achieving closer cooperation between the United Nations system and national human rights institutions, their regional networks and the Global Alliance;

(5) Recommendations on the monitoring and evaluation of the work of national human rights institutions were developed;

(6) An analysis of compatibility between the Ombudsman Act and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) was carried out;

(7) A draft legal instrument on strengthening the Office of the Ombudsman was prepared;

(8) Public awareness was raised regarding the role of the Office of the Ombudsman in upholding human rights in the country, with the involvement of

representatives of law enforcement agencies, ministries and departments and voluntary associations in all five provinces and in Ashgabat.

5. A specially established commission including representatives of UNDP, OHCHR and the Asia-Pacific Forum of National Human Rights Institutions carried out a capacity assessment of the Office of the Ombudsman in October 2022.

6. This assessment was conducted to determine strengths and weaknesses with regard to the Office's capacity and formulate proposals for the more effective incorporation of human rights principles. To this end, the members of the commission held meetings and discussions with representatives of the Office of the Ombudsman, the Halk Maslahaty (People's Council) and the Mejlis (Assembly), respectively the upper and lower chambers of the parliament of Turkmenistan, the Milli Gengesh (National Council), the Supreme Court, the Ministry of Foreign Affairs, the Ministry of Justice and military, police and security agencies, as well as representatives of voluntary organizations and the local authorities of Ashgabat and Ahal and Balkan Provinces.

7. After analysing the Office's powers, functions and capabilities, the experts developed measures to strengthen it over the next five years.

8. In 2021, the Office registered 355 communications, of which 244 were made in writing and 111 orally.

9. Citizens have the option to contact the Office by telephone. The Office's website went online in April 2021.

10. A special brochure to explain the procedure for contacting the Office in writing or orally has been published and, with a view to accessibility, uploaded in electronic format on the website.

11. The Office decided to take action on 79 communications. It sent replies of an advisory nature, containing explanations of the legal remedies available to citizens for the protection of their rights and freedoms, in response to 85 of the 244 written communications received in 2021.

12. International organizations were involved in the drafting process for the Ombudsman Act and the best practices of foreign countries were taken into consideration. The Act was drafted in accordance with the Paris Principles and provides guarantees of institutional independence and a broad mandate for the Ombudsman.

13. The Office of the Ombudsman has been supplied with facilities and equipment. Pursuant to the Ombudsman Act, the Office is funded from the State budget. The Act also provides for additional funding from foreign States and international organizations on the basis of agreements concluded by Turkmenistan and from other sources not prohibited by law.

14. In 2020, the number of the Office's staff increased by one. International experience regarding the structure of similar institutions and the operation of their regional branches is currently being studied.

Anti-corruption measures (arts. 2 and 25)

15. In accordance with the Anti-Corruption Act of 1 March 2014, all public bodies and their officials are obliged to combat corruption within the limits of their competence. The prevention, detection and suppression of corruption-related offences and the prosecution of perpetrators is carried out by the procuratorial, internal affairs and national security authorities, the customs and border services, the financial and tax agencies and other public bodies within the limits of their competence (art. 7 (Public bodies responsible for combating corruption)). When they receive information about corruption-related offences, the bodies indicated in paragraph 2 of this article must take the measures provided for in their mandates or promptly transmit the information to the State authorities competent to investigate it and make decisions based on the results of the investigation in the manner prescribed by law.

16. The Office of the Procurator General coordinates anti-corruption activities.

17. The basic standards of conduct for the correct, honourable and proper performance of public functions by public officials and for the prevention of corrupt practices are laid down in the Civil Service Act.

18. Pursuant to article 42 of the Act, civil servants may not: engage in other paid work, except for teaching, research or creative activities; conduct business activities personally or through proxies; use State assets and official information other than for official purposes; or make use of their official powers to obtain services from individuals or legal entities for personal ends.

19. In Turkmenistan, the trust of citizens and society in the judiciary and in the authority of the judicial system as regards the morality and integrity of judges is fundamental.

20. In 2019, the national Code of Judicial Ethics was approved to ensure the integrity of judges and prevent judicial corruption.

21. Moreover, in accordance with article 78 of the Courts Act, judges may not engage in any other paid work, except for teaching and research.

State of emergency (art. 4)

22. As soon as the coronavirus disease (COVID-19) pandemic began to spread across the world, Turkmenistan began proactively taking the necessary steps to counter the threat. Comprehensive anti-pandemic measures were taken at the national level. Effective protective action was taken promptly and a common national strategy to combat COVID-19 was developed, comprising a package of organizational, legal, financial, economic, medical, public health and quarantine measures.

23. At the same time, close international cooperation was established, both in bilateral formats and through international organizations. First and foremost in that regard is the country's close engagement with the World Health Organization (WHO).

24. A national preparedness and response plan for acute infectious diseases, intended to ensure that the country could respond promptly to current challenges, was approved by a presidential decision of 22 May 2010. The plan was developed jointly with WHO and other United Nations entities and covered leadership, coordination, planning, risk communication, community engagement and other aspects of an effective response to infectious disease.

25. The Plan of Urgent Socioeconomic Measures to Combat the Coronavirus Disease Pandemic, produced by the Government in cooperation with the United Nations country team, was approved by a presidential decision of 3 July 2020. The main aim of the Plan was to maintain high rates of national socioeconomic development, take the necessary steps to reduce the impact of challenging global circumstances and implement, at the national level, relevant international initiatives promoted within the United Nations. The Plan has five components, relating to higher quality and more accessible health services, the provision of social protection and basic social services, job protection, support for small and medium-sized enterprises, macroeconomic stimulus and multilateral cooperation, and promotion of social solidarity and stability at the level of associations. In October 2021, the Government and the United Nations signed a joint programme on engaging and empowering youth to mitigate the multi-dimensional threats of the global pandemic. The programme is intended to mitigate the negative impact of the global pandemic on the socioeconomic situation in Turkmenistan.

26. In addition, the Ministry of Health and the Medical Industry is carrying out the World Bank-funded COVID-19 Response Project jointly with UNDP and the World Bank. The project is aimed at building national testing and treatment capacity, enhancing the skills of health workers, procuring reagents, medicines and medical equipment and eliminating pandemic-related social and health risks. The project is facilitating the introduction of digital solutions for monitoring infectious diseases. In 2021, vaccination against COVID-19 was carried out, resulting in over 90 per cent coverage with two doses among the target group. Since 2022, a third dose of COVID-19 vaccine has been provided, including to pregnant women.

Non-discrimination (arts. 2, 20 and 26)

27. The Constitution guarantees equal human and civil rights and freedoms and equality before the law, irrespective of ethnicity, skin colour, sex, origin, property or official status, place of residence, language, attitude to religion, political beliefs or any other circumstances.

28. Turkmenistan does not have any information about Mr. Kasymberdy Garayev.

Gender equality (arts. 3 and 25–26)

29. The Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men of August 2015 lays down State guarantees of equal rights and equal opportunities for women and men in all spheres of public and social life.

30. The State guarantees women and men equal opportunities with regard to employment, the free choice of profession, occupation and place of work, entrepreneurship, vocational training and retraining, and the combination of work with parenthood. They are also guaranteed equal rights to safe working conditions and unemployment protection. The State upholds the equal right of women and men to have access to public service through appointment or election to official positions and promotion within the civil service.

31. The National Plan of Action for Gender Equality for the period 2021–2025, developed in cooperation with the United Nations Population Fund (UNFPA) in Turkmenistan, was approved by a presidential decision of 4 December 2020.

32. The Plan includes seven strategic lines of action: reinforcement and refinement of the legislative framework to achieve gender equality; provision of gender-responsive health care; promotion of equal access to education; combating of gender-based violence against women and girls; economic empowerment of women and girls; increased participation by women at all levels, including in the political and public spheres; and reinforcement of institutional mechanisms to support gender equality.

33. The measures in the Plan are carried out by national and local authorities with the involvement of research institutions, civil society organizations, United Nations agencies and other international organizations.

34. Implementation of the plan is helping Turkmenistan fulfil its international obligations in the area of gender equality and implement the United Nations Sustainable Development Cooperation Framework between Turkmenistan and the United Nations for the period 2021–2025 and the country programmes of United Nations agencies for the same period. It is also helping Turkmenistan achieve the aims and objectives of the 2030 Agenda for Sustainable Development.

35. The Plan includes measures to train women on election campaigning, leadership and negotiation skills and to organize information campaigns promoting women's leadership.

36. The Constitution was amended, pursuant to a constitutional act of 25 September 2020, to provide for the establishment of a bicameral system, with a parliament known as the Milli Gengesh and consisting of the Halk Maslahaty and the Mejlis. The bicameral system allows for greater involvement of women in law-making as members of the parliament.

37. Eight of the 56 members of the Halk Maslahaty are appointed by the President; the remaining 48 are elected by secret ballot on the basis of indirect suffrage. Following elections to the Halk Maslahaty held on 25 March 2021, 13 of 48 elected members (27 per cent) are women.

38. Women account for 24.8 per cent of the 125 deputies elected to the Mejlis and its speaker is a woman. One of the deputy Chairs of the Cabinet of Ministers is a woman, as is the Ombudsman, along with all deputy governors for social issues of provinces, districts and cities. The proportion of decision-making positions occupied by women in Turkmenistan stood at 23.8 per cent in 2020.

Violence against women, including domestic violence (arts. 2–3, 6–7 and 26)

39. Under the Criminal Code, as amended by the Act amending the Criminal Code and approving the new version thereof, which will enter into force on 1 January 2023, it is a

criminal offence to force a person to terminate a pregnancy (art. 118) or to coerce a person into engaging in sexual relations, homosexual sex or other sexual acts in the workplace or elsewhere (art. 135).

40. In accordance with the annual plans of core activities of the Ministry of Internal Affairs, the officers of local police departments conduct an exercise called “Family” twice a year. This month-long exercise involves conducting checks at the place of residence of persons in domestic relationships who have previously committed dangerous or especially dangerous offences and carrying out additional preventive work with them. The results of this work are compiled at the end of the exercise. Antisocial families are placed on a special register. The adult members of these families are officially warned against breaking the law, a fact duly recorded in a report, and are provided with an explanation of the potential legal consequences, namely being brought to justice for the unlawful acts committed.

41. Reports received from women by the Ministry of Internal Affairs are thoroughly investigated, following which some cases are referred to the appropriate police and procuratorial investigative bodies for assessment of the acts committed in line with criminal procedure legislation (criminal liability measures). In the remaining cases, administrative measures (institution of administrative proceedings) or preventive measures (prevention), such as placement on the preventive register of domestic abusers kept by police departments, are taken. Some domestic abusers are temporarily detained by court order and placed in special rehabilitation centres for the treatment of alcoholism or drug addiction.

42. In addition, offences against women are being reduced through a State-supported programme to promote healthy lifestyles and encourage negative public attitudes towards alcohol and drug use, which is a primary cause of the proliferation of such offences. The health and education authorities and the media have intensified their work to this end. The special advocacy groups established comprise representatives of law enforcement agencies, local government authorities and voluntary organizations, as well as particularly respected local elders. Primary prevention measures against alcohol and drug addiction and meetings, including with individual at-risk families and individuals, are carried out nationwide on an ongoing basis.

43. A decent life for women and girls, liberty and freedom from ill-treatment, are protected by laws and regulations.

44. For example, the Criminal Code establishes liability for: inflicting physical or mental suffering on a woman or girl through systematic beatings or other violent means (art. 113); abducting a woman against her will for the purpose of entering into de facto marital relations (art. 127); trafficking in persons (art. 129¹); rape (art. 134); gratification of depraved sexual urges with the use or threat of physical violence or by taking advantage of a victim in a helpless state (art. 136); coercion to engage in sexual intercourse or other sexual activity through blackmail or threats to destroy property or by taking advantage of financial or other dependence (art. 137); sexual relations with a person under the age of 16 (art. 143); indecent assault (art. 144); unlawful collection, storage or dissemination of private information constituting a personal or family secret of another person, without his or her consent (art. 146); and sexual relations with a person under the age of 16 (art. 162).

45. Under the National Plan of Action for Gender Equality for the period 2015–2020, comprehensive work was carried out to prepare and conduct a sample survey on women’s health and their status in the family in Turkmenistan, covering key topics relating to violence against women. The sample survey was the first national experience of collecting data and analysing the issue of domestic violence against women and was based on interviews with women between the ages of 18 and 59 in the capital and the five provinces.

46. The sample survey had the following aims:

- Identification and analysis of the main characteristics of the situation with respect to violence against women in Turkmenistan
- Development of recommendations for public bodies and voluntary organizations working on responses to domestic violence and other forms of violence against women

47. In 2018, an interdepartmental commission decided to establish a special working group to coordinate work on the survey, consisting of representatives of the Ministry of Health and the Medical Industry, the Ministry of Internal Affairs, the State Statistics Committee, the Ministry of Labour and Social Protection, the Institute for State, Law and Democracy and the Women's Union of Turkmenistan.

48. The survey resulted in an objective assessment of the prevalence of domestic violence against women in Turkmenistan and the development of recommendations for entities working on responses to all forms of violence against women.

49. Since August 2021, the Ministry of Labour and Social Protection has been piloting specialized support services for women victims of domestic violence, in collaboration with UNFPA, the Ashgabat-based voluntary organization Keyik Okara and the Beyik Eyyam business association in Lebap Province. The following services had been provided by May 2022:

- Advisory support over the hotline to 1,686 persons (129 men and 1,557 women)
- Psychosocial support to 630 persons (39 men and 591 women)
- Legal support to 817 persons (27 men and 790 women)
- Social support to 1,033 persons (32 men and 1,001 women)
- Consultations with a reproductive medical specialist for 223 persons (37 men and 186 women)
- Case management by social work professionals to support 70 women victims in critical situations
- Temporary secure accommodation for 19 persons (1 man and 18 women)

Counter-terrorism measures (arts. 2, 4, 7, 9 and 14)

50. Under the Anti-Extremism Act of 28 February 2015, extremism is defined as activities carried out by individuals, legal entities or associations, with the aim of:

- Violently overthrowing the constitutional order or violating territorial integrity; forcibly seizing power or establishing unlawful paramilitary groups; openly justifying terrorism or other terrorist activities; inciting social, national, ethnic, racial or religious enmity or discord or diminishing national dignity; promoting the exceptionalism or inferiority of persons on the basis of their attitude to religion or their social, national, ethnic or racial affiliation; organizing or participating in mass disturbances involving violence, pogroms, arson, the destruction of property, the use of firearms, explosives or explosive devices, or armed resistance to a public authority; violating or restricting a person's human and civil rights, freedoms and legitimate interests on the basis of his or her ethnicity, race, sex, origin, property or official status, place of residence, language, attitude to religion, political views, party affiliation or lack thereof; hindering the free exercise by citizens of their right to vote in elections or referendums or violating the secrecy of the ballot using violence, deception, threats or fraud, bribing voters or participating in bribery; obstructing the lawful activities of State authorities, local government bodies, electoral commissions, voluntary associations or religious or other organizations while using or threatening violence; and committing an offence motivated by political, social, ethnic, racial or religious hatred or enmity or with the aim of taking revenge for the lawful acts of others or of concealing or facilitating another crime
- Promoting nationalistic ideas or openly displaying the symbols of extremist organizations; openly calling for the commission of the acts indicated in this paragraph, or widely disseminating materials known to be extremist or producing or storing such materials for mass dissemination; intentionally falsely accusing a State official of committing the criminal offences indicated in this paragraph while he or she is in office; organizing, preparing or inciting others to carry out the acts indicated in the present paragraph; and financing the acts indicated in the present paragraph or otherwise facilitating their organization, preparation or execution, including through

the provision of training, material or technical assistance, telephones or other means of communication or information services

51. “Extremist acts” refers to the direct execution of the above-mentioned acts, including open calls to commit such acts and the promotion and open display of the symbols of extremist organizations.

Coronavirus disease (COVID-19) (art. 6)

52. Information on this issue is provided in paragraph 22.

Right to life (art. 6)

53. Pursuant to the Internal Affairs Agencies Act of 21 May 2011, internal affairs officers have the right to use physical force, restraining devices, firearms and military and specialized equipment while fulfilling their duty to protect the lives, health, honour, dignity, rights, freedoms and legitimate interests of citizens and the interests of society and the State from criminal and other unlawful infringements. Physical force, restraining devices, firearms and military and specialized equipment may be used for the purpose of halting socially dangerous acts or apprehending the persons committing them and conveying them to the internal affairs agencies, in the cases and according to the procedure set out in the Act and other relevant laws, with consideration given to the nature of the offence, the personality of the offender and the specific circumstances. As a last resort and in the light of the prevailing situation, internal affairs officers may, while carrying out their official duties, independently select the type of equipment to be employed and determine that it is necessary to use it, following which they must file a report. In all cases where the use of physical force, restraining devices, firearms and military and specialized equipment cannot be avoided, internal affairs officers must endeavour to cause the least possible harm to the lives, health, honour, dignity and property of citizens and take steps to provide medical and other essential assistance to any victims without delay.

54. Before physical force, restraining devices, firearms or military and specialized equipment are used on a person, he or she must be given a clear and obvious warning of the intention to use them and granted sufficient time to carry out the orders given, except in cases where a delay would directly endanger the lives of citizens or could have other serious consequences. Physical force, restraining devices, firearms and military and specialized equipment may be used without warning in case of sudden or armed attacks, attacks or assaults using military equipment, vehicles, aircraft, sea or river craft, armed escapes from custody or from a moving vehicle and to secure the release of hostages or the recovery of seized protected sites and special cargoes.

55. The use of physical force, weapons, restraining devices or military or specialized equipment in violation of the requirements of the Act is punishable by law.

56. Pursuant to article 19 of the Internal Affairs Agencies Act (Use of physical force), internal affairs officers may use physical force, including military combat techniques, within the limits established by law, to stop the commission of criminal and administrative offences, apprehend the perpetrators, in self-defence or to halt and suppress unlawful acts, if this cannot be achieved by other means not involving physical force.

57. Article 20 of the Act establishes the legal basis for the use of firearms by internal affairs officers. For example, as a measure of last resort, internal affairs officers may use firearms for the following purposes:

(1) Protecting citizens from attacks that threaten their lives or health and securing the release of hostages;

(2) Repelling group or armed attacks on internal affairs officers or other persons carrying out official duties or fulfilling their civic duty to defend public order and combat crime, and repelling other attacks that endanger life or health;

(3) Repelling group or armed attacks on homes, facilities under the special protection of the internal affairs agencies, premises of public bodies or voluntary associations,

enterprises or institutions, or repelling attacks on service or combat detachments of the internal affairs agencies;

(4) Putting down mass disturbances in penal enforcement institutions, remand centres and prisons involving pogroms, destruction, arson, killings, hostage-taking or other acts of mass criminality;

(5) Apprehending persons who offer armed resistance or are caught committing a serious offence, have escaped from custody or are armed and refuse to carry out lawful orders to surrender their weapons;

(6) Halting socially dangerous acts involving arson, destruction or attempts to seize a service weapon;

(7) Repelling group or armed attacks on persons in custody.

58. A warning of the intention to use a firearm must be given before it is used. Internal affairs officers may use firearms in the following cases:

(1) To disable and so stop a vehicle whose driver has deliberately failed to stop, notwithstanding repeated and sufficiently clear orders from an internal affairs officer, thereby endangering the lives and health of citizens;

(2) To neutralize an animal endangering the lives and health of citizens;

(3) To fire a warning shot, raise the alarm or call for help.

59. Once it is decided that the use of firearms cannot be avoided, internal affairs officers may make their weapons ready for use. In all cases where firearms are used, internal affairs officers must take the necessary steps to ensure the safety of persons in the vicinity, provide urgent medical assistance to any victims and inform the victims' relatives or legal representatives. It is prohibited to use firearms against women, minors and persons with obvious signs of disability, except in cases of armed attacks, armed resistance or group attacks endangering people's lives.

60. Gulgeldy Annaniyazov, born on 22 August 1960 in Ashgabat, of Turkmen ethnic origin and a citizen of Turkmenistan, unemployed, had been sentenced to 15 years' imprisonment in 1996 and released on the basis of a presidential pardon issued on 26 January 1999. His last address was 10 Gorky Street, Keshi, Ashgabat.

61. On 7 October 2008, the Supreme Court convicted Mr. Annaniyazov 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 him to 11 years' imprisonment, with the requirement to live in a particular place for five years as an additional penalty.

62. On 12 March 2019, upon completion of his main sentence, Mr. Annaniyazov was sent to Garabogaz in Balkan Province to serve the additional sentence (5 years' residence in a particular place) and was given paid employment in the local housing department.

63. On 29 September 2020, a court in Balkanabat, Balkan Province, convicted Pygambergeldy Bairamberdyevich Allaberdyev under article 108 (2) (Intentional infliction of moderate bodily harm) and article 279 (3) (Disorderly conduct) of the Criminal Code and sentenced him to 6 years' imprisonment on the basis of article 63 of the Code (Sentencing for multiple offences).

64. Mr. Allaberdyev is currently serving his sentence in the BL-E/6 facility of Balkan Province Police Department and regularly exercises his right to have long and short visits with his relatives and receive food parcels.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

65. In the Criminal Code, as amended by the Act amending the Criminal Code and approving the new version thereof, which will enter into force on 1 January 2023, the definition of torture has been adjusted and brought into full conformity with the Convention.

66. Mansur Usenovich Mingelov, born in 1974 in Bayramaly, Mary Province, of Persian ethnic origin and a citizen of Turkmenistan, was sentenced to 2 years' imprisonment in 1998 under article 340 of the Criminal Code (Breach of the armed forces' regulations governing relations between military personnel of the same rank). He was granted early release in 1999 on the basis of a presidential pardon, following which he reoffended. On 10 September 2012, Ashgabat City Court sentenced him to 22 years' imprisonment under article 164 (Production or dissemination of pornographic materials), article 34-156 (Enticement of a minor to commit antisocial acts), article 33-254 (Smuggling) and article 292 (Illicit manufacture, processing, acquisition, storage, transport or shipment of narcotic drugs or psychotropic substances for the purpose of their sale).

67. Owing to his state of health, Mr. Mingelov is currently receiving essential treatment in the MR-E/15 facility of Mary Province Police Department. He is regularly granted visits from his relatives and receives food parcels, in accordance with penalties enforcement legislation. There have been no recorded incidents of ill-treatment of Mr. Mingelov during his detention.

68. Gaspar Israilovich Matalaev, born on 16 June 1982 in Türkmenabat, of Kazakh ethnic origin and a citizen of Turkmenistan, unemployed, had no prior convictions. His last address was apartment 13, building 1, Mir housing complex, Türkmenabat, Lebap Province.

69. On 8 November 2016, Türkmenabat City Court found Mr. Matalaev guilty of offences under articles 33-4 and 185 (1) (Bribery) and article 228 (2) (Fraud) of the Criminal Code and sentenced him to 3 years' imprisonment on the basis of article 63 of the Code (Sentencing for multiple offences). He served his sentence at the LB-E/12 facility of Lebap Province Police Department and was released at the end of the term on 6 September 2019.

70. Eziz Nurmukhamedovich Hudayberdiev, born on 26 December 1982 in Halaç District, Lebap Province, of Turkmen ethnic origin and a citizen of Turkmenistan, previously worked as an English teacher at specialist foreign languages school No. 2 in Kerki, Lebap Province and had no prior convictions. His last official address was 14 October 27 Street, Halaç, Lebap Province, and he resided in the staff accommodation at specialist foreign languages school No. 2 in Kerki, Lebap Province.

71. On 29 June 2017, a court in Lebap Province convicted Mr. Hudayberdiev under article 177 (3) (Incitement to social, ethnic or religious hatred), article 275 (3) (Establishment of or participation in the activities of an organized group, criminal association or other criminal entity) and article 275¹ (3) (Financing of criminal entities) of the Criminal Code and sentenced him to 23 years' imprisonment on the basis of article 63 of the Code (Sentencing for multiple offences).

72. Mr. Hudayberdiev died on 30 June 2019 in the MR-E/15 facility of Mary Province Police Department, where he had been taken to receive essential treatment owing to his state of health. Mr. Hudayberdiev's causes of death were stage 4 liver cancer (clinical group 4, T3 NX MX), cancer intoxication, acute liver failure, class III–IV cardiopulmonary failure, ascites, catarrhal erosive gastritis and grade 2 anaemia. Mr. Hudayberdiev's body was handed over to his relatives, as described in correspondence between the administration of the facility and the morgue doctor, which is included in his case file.

73. On 10 June 2006, Ogulsapar Garlyevna Muradova, born in 1948, of Turkmen ethnic origin, a pensioner with no prior convictions, while in her home, entered into a conspiracy with S. Khadzhiev to sell small arms ammunition to A. Amanglydzhov. 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.

74. In September 2006, Ms. Muradova committed suicide in prison 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. Ms. Muradova's body 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.

Liberty and security of person (art. 9)

75. Khursanay Rakhmatova Ismatullayeva, born on 8 June 1967 in Kerki, Lebap Province, of Uzbek ethnic origin and a citizen of Turkmenistan, unemployed, had no prior convictions. Her last address was 6 Yanbash Street, Bagir housing complex, Büzmeýin District, Ashgabat.

76. On 7 September 2021, a court in Büzmeýin District, Ashgabat, convicted Ms. Ismatullayeva under article 218 (2) and (3) (Forgery, production or sale of counterfeit documents, stamps, seals or forms or use of a forged document), article 114 (2) (Ill-treatment of persons in a position of dependence or a state of helplessness) and article 228 (4) (Fraud) of the Criminal Code and sentenced her to 9 years' imprisonment on the basis of article 63 of the Code (Sentencing for multiple offences).

77. Ms. Ismatullayeva is currently serving her sentence at the DZ-E/8 facility of Dashoguz Province Police Department.

78. Everyone in Turkmenistan has a constitutional right to professional legal assistance.

79. The State guarantees everyone the provision of the necessary professional legal assistance, in accordance with article 4 of the Bar and Advocacy Act.

80. In addition, in accordance with the Code of Criminal Procedure, suspects and accused persons are entitled to inform their family members, close relatives or employers about their arrest and whereabouts.

Treatment of persons deprived of their liberty (arts. 7 and 10)

81. Places of detention are subject to ongoing oversight by monitoring commissions, which periodically visit inmates and look into their situation and their conditions of detention. The monitoring commissions verify that correctional institutions: comply with the law; observe the procedures and conditions for the detention of convicted prisoners; provide adequate living and sanitary conditions; involve convicted prisoners in socially useful work; provide medical care; allow visits from relatives and other persons; respect the legislative provisions governing early release and substitution of the unserved portion of sentences with a lighter penalty; and comply with the procedures for the receipt or dispatch by convicted persons of packages, parcels, remittances and correspondence.

82. The monitoring commissions visit places of deprivation of liberty in accordance with an annually approved plan. For example, between 2019 and the first six months of 2021, the monitoring commissions made 21 visits to places of deprivation of liberty, of which 3 were in 2019, 12 were in 2020 and 6 were in 2021.

83. The leadership of the Ministry of Internal Affairs has introduced major initiatives to improve detention conditions, uphold the rights of convicted persons and prevent torture and other degrading treatment of persons held in places of deprivation of liberty. Such initiatives include building and renovating penal correction facilities, making medical and other special equipment available and training staff to uphold prisoners' rights. For example, work to bring the living conditions in the prison system into full conformity with the requirements of the Penalties Enforcement Code is ongoing. Persons serving sentences in correctional institutions are provided with essential amenities.

84. Major repair and modernization work on existing facilities has been carried out and will continue. From 2019 to 2021, major repair and reconstruction work was done on the buildings and structures of the MR-E/15, MR-E/16 and MR-E/17 facilities of Mary Province Police Department, the BL-E/5 and BL-E/6 facilities of Balkan Province Police Department and the AH-E/1 and AH-E-2 facilities of Ahal Province Police Department.

85. The Ministry of Internal Affairs took preventive measures and put in place restrictions in the country's prisons in connection with the spread of the global COVID-19 pandemic. The administrations of correctional institutions are responsible for meeting the established sanitary and anti-epidemic requirements intended to protect the health of prisoners. Health and preventive care for inmates in places of deprivation of liberty are organized in close cooperation with the local health authorities and delivered in accordance with national legislation, the internal rules and regulations and the relevant order of the Ministry of Internal Affairs.

86. For example, the following steps have been taken in prisons since the start of the global pandemic:

(1) Instructions and an order on strengthening the measures to treat and prevent infectious diseases have been issued;

(2) Pursuant to an agreement with the Public Health Service of the Ministry of Health and the Medical Industry, facilities are fully disinfected once every 10 days and there is regular monitoring of the water and of the calorie content of the food served in accordance with the approved menu;

(3) Daily monitoring of the sanitary measures implemented in institutions has been reinforced, with such measures including the application of chlorine-based disinfectants (Mikrodez and Benzidin), the provision of Oxoline antiviral ointment to staff and inmates, handwashing with Steriderm solution, ventilation of the premises, fumigation with the antimicrobial medicinal herb wild rue or harmel and cleaning of the floors at the entrances with sodium hypochlorite every three hours;

(4) Home-made noodles with pepper and garnishes containing phytoncides (onion and garlic) have been included in inmates' food rations;

(5) Staff from the prison medical services regularly promote healthy lifestyles, personal hygiene and preventive measures against infectious diseases among the inmates.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)

87. According to judicial statistics, the proportion of all cases heard in 2019 and 2020 that concerned trafficking in persons was 0.03 per cent. In 2021, there were no cases at all.

88. The Act on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings provides for social protection measures for victims and other participants in criminal proceedings.

89. In the Criminal Code, as amended by the Act amending the Criminal Code and approving the new version thereof, which will enter into force on 1 January 2023, the penalties for enticement of a minor into prostitution have been revised (set out in a separate article 155).

Right to freedom of movement (arts. 9, 12, 17 and 19)

90. Owing to the COVID-19 pandemic, which affected the right to freedom of movement, the validity of entry and exit passports for citizens of Turkmenistan with temporary or permanent residence abroad was extended until 31 December 2022, pursuant to Presidential Decision No. 2300 of 1 July 2021. As the pandemic is ongoing, the Decision provides for the validity of international passports that expire between 1 January 2023 and 30 December 2024 to be extended until 31 December 2024.

Access to justice, independence of the judiciary and fair trial (art. 14)

91. The independence of judges is guaranteed by the Constitution. Article 98 states clearly that judges are independent and subject only to the Constitution and the law. Interference by any party in the work of judges is prohibited and punishable by law.

92. In conjunction with the Constitution, the Courts Act defines the organizational and legal basis for the work of courts exercising judicial power in Turkmenistan, clearly setting out the procedure for appointing and dismissing judges, namely that such decisions are made by qualification boards the membership of which consists of judges and which act independently of outside influence.

93. The Courts Act provides that judges are not required to provide any explanations about their past or current cases. Judicial independence and inviolability are guaranteed by law.

94. No criminal case may be brought against a judge, and a judge may not be arrested without the agreement of the President of Turkmenistan. The inviolability of judges applies to the judge's person, assets, place of residence and work, official and personal transport and

other property. These guarantees also apply to lay judges during the period of their service. It is not permitted to detain or summon professional judges or lay judges during the period of their service or to take administrative action against them.

Right to privacy (art. 17)

95. Natalia Yurievna Shabunts, born on 25 November 1951 in Simferopol, Russian Federation, is a citizen of Turkmenistan of Russian ethnic background who is resident at apartment 7, building 7, Parakhat estate 2/4, Ashgabat. The Ministry of Internal Affairs does not have any information regarding the withdrawal or restriction of Ms. Shabunts's Internet access or about unknown persons harassing her.

Right to freedom of conscience and religious belief (art. 18)

96. The procedure for registering religious organizations is regulated by the Freedom of Religion and Religious Organizations Act of 26 March 2016. Pursuant to article 5 of the Act, hindrance of the exercise of the right to freedom of religion is prohibited and punishable by law, including when accompanied by violence against the person, deliberate insults to citizens' sensitivities and pride in connection with their attitude to religion, the promotion of religious supremacy, damage to or destruction of property or the threat to commit such acts.

97. Pursuant to article 7 of the Act, it is prohibited to obstruct lawful religious activities, violate individuals' civil rights on the basis of their attitude to religion, insult their religious sensitivities and pride or desecrate the venerated objects, buildings or places of any religion.

98. Under the Act, it is not permitted to recruit minors to religious organizations or teach them about religion against their will or the will of their parents or persons in loco parentis. No one has the right to refuse to fulfil their obligations under the Constitution and other national laws on the basis of their religious beliefs.

99. Article 10 of the Act stipulates the powers of the Commission on Cooperation with Religious Organizations and the Expert Assessment of Materials Containing Religious Information, Publications and Print Media in Turkmenistan. The Commission works in accordance with its statute, which was approved by the Cabinet of Ministers. Within its terms of reference, the Commission, among other activities:

- Monitors the activities of religious organizations for compliance with the legislation on freedom of religion and religious organizations, coordinates their activities and develops proposals to improve the relevant legislation
- Studies and analyses the activities of religious organizations active in Turkmenistan
- Considers citizens' applications, communications and complaints relating to the activities of religious organizations and takes measures to eliminate the shortcomings and violations identified
- Approves the appointment of leaders of religious organizations whose spiritual centre is outside Turkmenistan
- Organizes the establishment of an expert council of religious scholars to conduct expert assessments and, when necessary, provide official expert findings in response to queries from relevant State authorities and the courts
- Prepares proposals on the State registration of religious organizations for the Ministry of Justice

100. Pursuant to article 16 of the Act, State registration of religious organizations is carried out by the Ministry of Justice, based on submissions from the Commission. Religious organizations acquire the rights of a legal person as soon as their State registration is complete and they have been entered in the unified State register of legal entities.

101. Unregistered religious organizations are prohibited from operating in Turkmenistan.

102. In accordance with article 17 of the Act, State registration of a religious organization may be denied on the following grounds: the aims and activities of the religious organization are incompatible with the Constitution; according to the religious expert assessment, the

organization should not be recognized as religious; or provisions of its statute and other documents do not comply with the requirements of the Act or contain information known to be false.

103. In 2021, the Ministry of Justice received one application to register a religious organization, namely Dogry ýol in Chardzhou District, Lebap Province. The organization was registered.

104. In 2022, the Ministry received no applications to register religious organizations.

105. Paragraph 136 of the periodic report contains the following information: article 41 of the Constitution provides that the defence of Turkmenistan is the sacred duty of every citizen. Military service is compulsory for all male citizens. Article 18 of the Military Duty and Military Service Act lists the grounds for exemption from conscription.

Freedom of expression (arts. 19–20)

106. Nurgeldi Palvanovich Halykov, born on 1 December 1994 in Ashgabat, of Turkmen ethnic origin and a citizen of Turkmenistan, unemployed, had no prior convictions. His last address was apartment 3, 8 Niyazov Prospect, Ashgabat.

107. On 15 September 2020, a court in Ashgabat sentenced Mr. Halykov to 4 years' imprisonment under article 228 (2) of the Criminal Code (Fraud).

108. Mr. Halykov is currently serving his sentence at the LB-E/12 facility of Lebap Province Police Department. He is regularly granted visits from his relatives and receives food parcels, in accordance with penalties enforcement legislation.

109. Gurbansoltan Achilova, born on 1 October 1949 in Poloten District, Mary Province, a citizen of Turkmenistan of Turkmen ethnic origin, has no prior convictions and is a pensioner. Her address is apartment 110, building 3, Parakhat estate 7/1, Ashgabat. The Ministry of Internal Affairs has no information about the detention of Ms. Achilova or her family members.

110. Murad Yegshemovich Dushemov, born on 24 May 1984 in Boldumsaz District, Dashoguz Province, of Turkmen ethnic origin and a citizen of Turkmenistan, unemployed, had no prior convictions. His last address was apartment 1, 10 Ahal Prospect, Büzmeyin District, Ashgabat.

111. On 16 August 2021, a court in Ruhubelent District, Dashoguz Province, convicted Mr. Dushemov under article 108 (2) (Intentional infliction of moderate bodily harm), article 232 (1) (Extortion) and article 279 (Criminal mischief) of the Criminal Code and sentenced him to 4 years' imprisonment on the basis of article 63 of the Code (Sentencing for multiple offences). Mr. Dushemov is currently serving his sentence at the LB-E/12 facility of Lebap Province Police Department.

Right of peaceful assembly (art. 21)

112. The Constitution provides that citizens are free to hold assemblies, rallies, demonstrations and other mass events under the conditions prescribed by law (art. 43). This constitutional provision is elaborated on in detail in the Act on the Organization and Conduct of Assemblies, Rallies, Demonstrations and Other Mass Events (2014). The holding of a mass event is predicated on the principles of the rule of law, voluntary participation, and respect for and observance of human and civil rights and freedoms. Restrictions have been placed on holding mass events in certain places to ensure the safety of participants and to protect human and civil rights and freedoms and ensure law and order, public safety and the normal operation of critical infrastructure. Decisions and actions (or omissions) of authorities, voluntary associations and officials that violate the right of citizens to hold mass events may be appealed in court under the procedure established by law.

113. With a view to implementing the Committee's recommendations, consultations are being held with international experts to review the law on the organization and conduct of meetings, rallies and demonstrations and to formulate proposals for bringing it into line with the Covenant.

Freedom of association (art. 12)

114. Pursuant to article 20 of the Voluntary Associations Act of 3 May 2014, the Ministry of Justice is responsible for the State registration of voluntary associations. The Ministry keeps a State register containing data on such associations and issues registration certificates.

115. Registration documents must be submitted within one month of a voluntary association's founding congress, conference or general meeting. Voluntary associations are registered within 25 calendar days of document submission.

116. Under article 22 of the Act, registration of a voluntary association may be denied if:

(1) Its statute is incompatible with the Constitution, the Act or other national laws and regulations;

(2) A voluntary association of the same name is already registered in the geographical area where it operates;

(3) The full complement of founding documents is not submitted or they are not drawn up in the appropriate form;

(4) It is ascertained that the founding documents submitted for registration contain information known to be false;

(5) The voluntary association's name is offensive to public morals or citizens' ethnic or religious sensitivities.

117. Applicants are informed in writing if registration of a voluntary association is denied, with the reasons given.

118. Denial of registration of a voluntary association is no obstacle to the resubmission of registration documents, provided that the issues leading to the denial have been rectified.

119. Pursuant to Presidential Decision No. 7197 of 22 April 2005, a commission was established, attached to the Ministry of Justice, to review the registration documents of religious organizations and voluntary associations in order to ensure compliance with the law during the registration process. The commission is an interdepartmental body, whose main task is ensuring legality during the registration of religious organizations and voluntary associations.

120. After reviewing the registration documents of religious organizations and voluntary associations, the commission issues a decision to either authorize or refuse to authorize the registration of the organization or association.

121. Article 7 of the Act prohibits the establishment and operation of voluntary associations that aim to overthrow the constitutional order by force, engage in violent acts, oppose the constitutional rights and freedoms of citizens, advocate war, hatred based on skin colour or ethnic or religious hatred, or act in a manner detrimental to citizens' health or morals. Unregistered voluntary associations are prohibited from operating in Turkmenistan.

122. In 2021, the Ministry of Justice received 10 applications to register voluntary associations. The commission rejected the applications of two non-profit organizations on the grounds that they had been established to promote mixed martial arts in Turkmenistan, which is more of a professional than a sporting aim. Another voluntary organization was denied registration on the grounds that a voluntary association with the same aim was already registered in the geographical area where it was operating.

123. In 2022, the Ministry received two applications to register voluntary associations. Their documents are currently being prepared for review by the commission.

Participation in public affairs (arts. 25–26)

124. A comprehensive review is under way of possible improvements to electoral law, including the granting of voting rights to prisoners. Training seminars for members of electoral commissions at all levels are conducted jointly with international organizations accredited in Turkmenistan. In addition, work is in progress to introduce digital technologies in the electoral process, including the creation of an electronic electoral roll.