



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Turkmenistan*

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

1. Please provide examples of cases in which the provisions of the Covenant have been referred to by national courts. Please indicate what procedures are in place, in law and in practice, for the implementation of the Committee's Views under the Optional Protocol, and provide information on measures taken to ensure full compliance with all the Views adopted by the Committee in relation to the State party in communications No. 1450/2006 (Komarovsky), No. 1460/2006 (Yklymova), No. 1530/2006 (Bozbey), No. 1883/2009 (Orazova), No. 2069/2011 (Shikhmuradova), No. 2221/2012 (Mahmud Hudaybergenov), No. 2222/2012 (Ahmet Hudaybergenov) and No. 2223/2012 (Japparow).

2. With reference to the Committee's previous concluding observations (see CCPR/C/TKM/CO/1, para. 7) and the information provided in the State party report (see CCPR/C/TKM/2, paras. 48-50), please report on the progress made in establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere; prohibits direct, indirect and multiple discrimination; contains a comprehensive list of prohibited grounds for discrimination, including colour and sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings.

4. With reference to the Committee's previous recommendation (see CCPR/C/TKM/CO/1, para. 21), please provide information on measures taken to decriminalize sexual relations between consenting adults of the same sex and to combat discrimination on the grounds of sexual orientation and gender identity. Please respond to allegations of arbitrary arrests and detention, threats and other abuses perpetrated on the basis of sexual orientation and gender identity.

* Adopted by the Committee at its 117th session (20 June-15 July 2016).



5. Please provide information on measures taken and related progress, including through the implementation of the National Action Plan for Gender Equality for the period 2015-2020, to: (a) enhance the representation of women in the public and private sectors, particularly in decision-making positions, including in legislative and executive bodies and in the judiciary; and (b) eradicate negative stereotypes regarding the roles and responsibilities of women in the family and in society at large, and clarify whether the Labour Code has been revised to that effect.

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

6. Please respond to concerns that violence against women, including domestic violence, is common, is socially justified and is considered a private family matter. Please indicate whether the studies and surveys that had been planned on the extent of violence against women and its root causes have been conducted and, if so, provide information on the results. Please report on measures taken to: (a) adopt legislation specifically criminalizing violence against women, particularly domestic and sexual violence; (b) raise awareness of women's rights and of the adverse impact and unacceptability of violence against women and encourage reporting of such cases; (c) provide appropriate training to the police, the judiciary and other stakeholders on how to deal with cases of violence; (d) protect women from offenders and ensure the availability of effective remedies for victims, including adequate shelters and other suitable support services to assist them; and (e) ensure effective investigation, prosecution and sanctioning of perpetrators and reparation to victims. Please provide updated relevant statistics as of 2012.

States of emergency (art. 4)

7. With reference to paragraph 101 of the State party report (CCPR/C/TKM/2), please provide information on the compliance of the State of Emergency Act adopted on 22 June 2013 with article 4 of the Covenant, particularly with regard to non-derogable provisions of the Covenant and to limiting any derogations to those strictly required by the exigencies of the situation.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and liberty and security of person (arts. 6, 7 and 9)

8. In connection with the Committee's previous recommendation (see CCPR/C/TKM/CO/1, para. 10), please provide information on concrete measures taken to end the enforced disappearance and the practice of incommunicado detention and imprisonment of individuals who were convicted in December 2002 and January 2003 for their alleged involvement in the assassination attempt on the former President in November 2002, to make known their whereabouts and allow visits from members of their families and access to their lawyers and to investigate effectively all cases of alleged disappearances.

9. Please clarify the meaning of, and the interpretation given by national courts to the "justifiable defence for infliction of severe pain or physical or mental suffering as a result of lawful acts" in article 182 (torture) of the Criminal Code. Please provide information on the implementation of article 182 (torture) of the amended Criminal Code in practice, including on the number of reported cases of torture and ill-treatment during the reporting period (2012-2016), the investigations and prosecutions initiated, the number of actual criminal convictions, the sentences imposed and the remedies granted to victims. With reference to the Committee's previous recommendation (see CCPR/C/TKM/CO/1, para. 9), please respond to reports that, in practice, persons deprived of their liberty continue to be subjected to torture and ill-treatment by law enforcement and security officers to extract confessions, particularly in high security facilities, and that evidence procured by means of torture is still used in court. Please also respond to allegations of: (a) torture and inhuman

treatment of prisoners held at Seydi Labour Camp in the desert in the Lebap region; and (b) hazing of conscripts in the armed forces. Please provide information on the number of cases reported, and the number of investigations initiated and the outcome.

10. Please indicate the maximum period of detention provided for by law before a person arrested or detained on a criminal charge is brought before a judge or other officer authorized by law to exercise judicial power, and clarify whether such power can be exercised by the procurator.

11. Please comment on reports that arbitrary arrests and detention and convictions on reportedly politically motivated charges continue to be used as a tool for political retaliation against human rights activists, dissidents, members of religious groups, ethnic minorities and members of non-governmental organizations interacting with foreigners, such as in the case of the political dissident Gulgeldy Annaniazov.

Elimination of slavery and servitude (art. 8)

12. Please provide information on measures taken to: (a) develop effective procedures for the identification and referral of victims of trafficking and provide specialized training for all stakeholders involved in counteracting trafficking; (b) ensure that victims are not punished for unlawful acts committed as a direct result of being trafficked; (c) improve protection efforts and provide sufficient shelters and medical, psychosocial and legal assistance to victims of trafficking; and (d) investigate cases and prosecute perpetrators of trafficking effectively. Please provide updated statistics on the number of cases of trafficking, the investigations and prosecutions initiated and actual criminal convictions, as well as the remedies awarded to victims. Please report on measures taken to address the alleged widespread use in cotton production of forced labour of farmers, students, public and private sector workers, including teachers, doctors, nurses and civil servants, under threat of penalties such as loss of land, expulsion from university, loss of wages or salary cuts, termination of employment and other sanctions. Please also clarify whether slavery, servitude and forced labour are prohibited by law and punished accordingly.

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

13. Please respond to allegations of poor conditions of detention, including overcrowding, unsanitary conditions and excessively hot temperatures in summer and excessively cold temperatures in winter in some detention facilities, poor food quality and malnutrition of prisoners, and widespread diseases, in particular tuberculosis. With reference to the Committee's previous recommendation (see CCPR/C/TKM/CO/1, para. 9) and its evaluation that the establishment of supervisory commissions cannot be viewed as implementing its recommendation (see CCPR/C/109/2, p. 22, and CCPR/C/112/2, p. 22), please indicate what measures have been or are being taken to establish independent oversight bodies to carry out inspections in all places of deprivation of liberty and to investigate abuse by law enforcement officials. Please report on the progress made in granting access to recognized international humanitarian organizations, including the International Committee of the Red Cross, to all places of detention (see CCPR/C/TKM/2, paras. 126 and 130).

Freedom of movement (art. 12)

14. In connection with the Committee's previous recommendations (see CCPR/C/TKM/CO/1, para. 12), please clarify whether the mandatory residence registration system (*propiska*) has been brought into compliance with article 12 of the Covenant. Please explain how the restrictions on the freedom of movement that are reportedly still being imposed on individuals, including activists, religious leaders, journalists and former government officials holding opposition views, as well as their family members, the alleged

use of unofficial blacklists, and the bans on foreign travel of Turkmen students studying abroad, are compatible with the State party's obligations under article 12 of the Covenant.

15. Please respond to concerns that, given the retroactive ban on dual citizenship, nationals who obtained Russian citizenship prior to the introduction of the ban are not able to receive the new Turkmen biometric passport needed for travel abroad and for accessing other services.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 13 and 24)

16. Please report on measures taken to: (a) establish fair and efficient asylum and referral procedures that are accessible at all border points, including at international airports and transit zones, and ensure access to its territory for any persons who are in need of protection; (b) prevent refoulement; (c) provide asylum seekers, including those in detention, with access to qualified legal advice and representation; (d) ensure birth registration for all children born on the territory of the State party, regardless of the citizenship and documentation status of their parents; and (e) process applications from stateless persons effectively. Please provide information on the number of individuals whose asylum or statelessness applications are pending, and the number of individuals who have been expelled or returned to their country of nationality or former residence, or to a third country.

Right to a fair trial and independence of the judiciary (art. 14)

17. With reference to the Committee's previous recommendations (see CCPR/C/TKM/CO/1, para. 13), please report on concrete measures taken to: (a) ensure, in practice, the full independence and impartiality of judges from the executive branch, including their security of tenure; and (b) eradicate corruption in the judiciary by investigating, prosecuting and punishing alleged perpetrators, including judges who may be complicit therein. Please respond to allegations that presumption of innocence is often not respected in practice and that the courts do not provide interpretation for Russian-speaking defendants.

Right to privacy and family life (arts. 17 and 26)

18. With reference to the Committee's previous recommendation (see CCPR/C/TKM/CO/1, para. 15) and the information contained in the State party report (see CCPR/C/TKM/2, para. 313), please report on the outcome of the review of the Act on the Prevention of Illnesses Caused by the Human Immunodeficiency Virus (HIV) of 7 July 2001, and on any other measures taken with a view to bringing the Act into compliance with the State party's obligations under the Covenant, particularly articles 17 and 26.

19. Please explain the compatibility with the Covenant, particularly article 17, of the mass house demolitions and forced evictions undertaken in connection with construction and development projects, including for the forthcoming Asian Indoor and Martial Arts Games in 2017. In this respect, please report on measures taken to ensure adequate safeguards against forced evictions, provision of alternative accommodation and recourse to effective remedies and reparation, including for victims of: (a) the demolition of the Berezengi holiday village in 2012 and of holiday villages near Ashgabat, in particular Shoganly and Chor, which started in 2015; and (b) the house demolitions and forced evictions in the Bagtiyarlyk area of the capital.

Rights of persons with disabilities (arts. 2, 23, 25 and 26)

20. Please clarify whether measures have been taken to review existing legal provisions denying: (a) some persons with disabilities the right to marry; and (b) persons deprived of legal capacity the right to vote.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

21. In reference to the Committee's previous recommendations (see CCPR/CTKM/CO/1, para. 16), please indicate what steps have been taken to: (a) amend the relevant legislation to recognize the right to conscientious objection to compulsory military service and introduce alternative civilian service for conscientious objectors; and (b) halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those individuals who are currently serving prison sentences for such a refusal.

22. In connection with the Committee's previous recommendations (see CCPR/CTKM/CO/1, para. 17), please explain how the restrictions imposed on the exercise of freedom of religion, particularly by the Freedom of Religion and Religious Organizations Act, including mandatory registration of religious organizations and prohibition of activities of unregistered religious organizations, prohibition of worship in private homes, restrictions on religious education and the importing, publication and distribution of religious literature, and the administrative penalties for violations of the legislation in question are compatible with the State party's obligations under article 18 of the Covenant. Please comment on reports of denial of registration of religious minority communities, intimidation and harassment of their members, raids by the authorities and arrests, imprisonment or internal exile of individuals exercising their freedom of religion.

Freedom of expression and peaceful assembly (arts. 19 and 21)

23. In reference to the Committee's previous recommendations (see CCPR/CTKM/CO/1, para. 18) and its evaluation of the follow-up information provided by the State party in 2012 and 2014 (see CCPR/C/109/2, p. 22, and CCPR/C/112, p. 22), please provide information on:

(a) The implementation of the Media Act of 22 December 2012 and efforts to promote and respect the rights to freedom of expression and opinion through an independent media;

(b) The rules on the ownership of newspapers and magazines and whether the rules are in conformity with the Covenant;

(c) Measures taken to ensure that, in practice, journalists, human rights defenders and other individuals are able to exercise their right to freedom of expression free from harassment and intimidation;

(d) Measures taken to increase the availability of the Internet, to ensure that access to websites, including foreign websites, is not unduly restricted, and to address concerns about the disproportionate limitations on online content for vaguely and overly broadly defined activities provided for in the Internet Development and Internet Service Legal Regulations Act 2014;

(e) Forcible dismantling of private satellite dishes from buildings and houses in the capital, which has reportedly restricted access to information from foreign sources;

(f) Measures taken to allow international human rights organizations into the State party;

(g) Efforts to protect and promote the preparation and dissemination of information, free from the risk of intimidation and harassment.

24. Please provide information on the implementation in practice of the Organization and Conduct of Gatherings, Meetings, Demonstrations and Other Mass Events Act 2015, including on the number of assemblies that have taken place and for which advance notice was given, since the Act entered into force. Please indicate which venues have been specifically designated for holding authorized assemblies. Please respond to reports of forcible mass mobilization of the population for participation in various mass events organized by the authorities and explain how that practice is in accordance with the State party's obligations under the Covenant.

Freedom of association and the right to participate in public life (arts. 22 and 25)

25. In connection with the Committee's previous recommendations (see CCPR/C/TKM/CO/1, para. 19), please report on: (a) the implementation of the Voluntary Association Act 2014 and on the number of public associations registered since the entry into force of the Act, including non-governmental organizations working on human rights issues; and (b) measures taken to revise the regulations that restrict freedom of association, including the requirement for compulsory registration of associations and administrative obstacles to such registration, the wide monitoring powers of the authorities over the activities and funding of associations, and the broad legal grounds for closing down associations by court order.

26. Please report on efforts made to ensure political pluralism, including political opposition. Please explain how the following are compatible with the Covenant: (a) the legal requirement allowing representatives of the Central Election Committee and of the Ministry of Justice to monitor the meetings of political parties; and (b) the prohibition of political parties based on ethnic or religious grounds, on region, and on professional principle, as well as parties that "offend moral norms". Please clarify whether an appeal procedure against the closure of a political party is available.

Dissemination of information relating to the Covenant and its Optional Protocols (art. 2)

27. Please indicate what measures have been taken to disseminate information on the Covenant and its Optional Protocols, the second periodic report of the State party and its forthcoming examination by the Committee. Please provide detailed information on the involvement of representatives of ethnic and minority groups, civil society and non-governmental organizations in the preparation of the report.
