



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
30 October 2024
English
Original: Russian
English, French, Russian and
Spanish only

Committee against Torture

Eighty-second session

Geneva, 7 April–2 May 2025

**Consideration of reports submitted by States parties
under article 19 of the Convention**

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

[Date received: 4 September 2024]

* The present document is being issued without formal editing.



1. In its previous concluding observations, the Committee requested the State party to provide information on the follow-up to its recommendations on incommunicado detention, including on informing the Committee about the fate and whereabouts of all persons held incommunicado or who have gone missing, on the intimidation and arbitrary arrest and imprisonment of and reprisals and threats against human rights defenders and journalists, as well as their relatives, in retaliation for their work, and on the establishment of a genuinely independent 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). Noting that information on follow-up to those concluding observations was received from the State party on 13 December 2017, and with reference to the letter dated 21 May 2019 from the Committee's Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations included in paragraph 16 have been partially implemented, while the recommendations included in paragraph 12 have not been implemented. The Committee regrets not having received sufficient information on the measures taken to implement the recommendations contained in paragraph 10 to assess implementation. These points are covered in paragraphs 5, 17, 23 and 24 of the present document.

2. The regular granting of family visits to prisoners and delivery of parcels (the frequency of visits, the names of visitors, the number of parcels and the names of senders) provided for by the penalties enforcement laws legally confirms that their places of detention are known and information on their whereabouts is repeatedly communicated to the parties concerned.

3. There are no cases of incommunicado detention in Turkmenistan. All persons detained as suspects, remand prisoners and convicted persons serving sentences in places of deprivation of liberty are in constant contact with family members, relatives and lawyers, are granted permission to receive visits from them and receive food and non-prohibited items.

4. There were no cases of intimidation, repression, threats or arbitrary arrests or imprisonment of human rights defenders or journalists, or their relatives, during the verification period. No criminal cases were brought on charges of torture or ill-treatment of journalists.

5. Under the Penalties Enforcement Code, the administration of the body responsible for the enforcement of sentences must, within three days, notify the sentencing court, and also a close relative or other person of the convicted person's choice, of the convicted person's arrival at the facility where the sentence is to be served or transfer from one facility to another, in the event of death, serious illness or injury at the facility, or in the event of his or her transfer to a psychiatric institution.

6. With regard to the duration of remand in custody, article 158 of the Code of Criminal Procedure states that remand in custody during the investigation of criminal offences may not last longer than 2 months. If there are no grounds for revising or revoking the preventive measure, this period may be extended for up to 6 months from the date of remand in custody by a procurator of a province or city with provincial status or his or her deputy. Extension of remand in custody for more than 1 year may be allowed in exceptional circumstances, only if the person concerned is accused of a serious or an especially serious offence. Such an extension of up to 18 months may be made by the Procurator General. No further extensions are allowed and the detained suspect must be released immediately. It should be noted that the period of preliminary investigation (two months) and the period of remand in custody are extended only for compelling reasons and, as a rule, under circumstances beyond the control of the investigating authorities, for example in connection with the preparation of complex expert examinations or the establishment of new circumstances that have arisen during the investigation of a criminal case.

Articles 1 and 4

7. Please provide the Committee with information regarding the adoption of the new version of the Criminal Code, as referenced in paragraph 49 of the State party's periodic report. Please inform the Committee whether any amendments have been made regarding the

definition and criminalization of torture set out in article 182-1 of the previous Criminal Code. With reference to the constitutional reforms undertaken by the State party during the period under review and the initiatives to revise the Criminal Code, please also inform the Committee of any steps taken to establish the non-derogability of the prohibition of torture in legislation and explicitly confirm that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture. Please indicate whether orders from a superior officer or a public authority may be invoked as a justification for torture and whether there are any circumstances in which a subordinate is permitted lawfully to oppose an order to commit acts of torture. Please also indicate whether, under current legislation, amnesties may be extended to persons who have committed acts of torture. Please further indicate whether the crime of torture under article 182-1 of the previous Criminal Code is subject to a statute of limitations.

8. The definition of torture set out in article 201 (formerly article 182-1) of the new version of the Criminal Code, which was adopted on 17 April 2022 and entered into force on 1 January 2023, has been brought into full conformity with the Convention.

9. The adoption of the new version of the Criminal Code is aimed at improving legislation in the light of the international conventions to which Turkmenistan is a party. The amendments to the Criminal Code are a clear example of compliance with international treaties and obligations.

10. Torture is the intentional infliction of severe pain or physical or mental suffering on a person for such purposes as obtaining from him or her, or a third person, information or a confession, punishing him or her for an act he or she, or a third person, has committed or is suspected of having committed, or intimidating or coercing him or her, or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

11. War, internal political instability or any other public emergency may not be used as a justification for torture. Furthermore, orders from a superior official or public authority may not be used as a justification for torture, but rather superior officials may be held accountable if acts of torture are committed with their consent or acquiescence.

12. Under current laws, there are no restrictions on amnesty for perpetrators of acts of torture.

13. Analysis shows that the law, together with the proclamation of the protection of human rights in accordance with international standards, establishes criminal liability for encroachments on the rights and freedoms of the individual and the citizen. Moreover, various legal means and mechanisms uphold these rights.

14. Thus, the definition of “torture” in Turkmen legislation fully corresponds to the definition formulated in article 1 of the Convention.

15. The law ensures the protection of the individual against torture and other cruel, inhuman or degrading treatment or punishment. The Constitution prohibits the use of torture and other cruel, inhuman or degrading treatment or punishment (art. 33). These rules are enshrined in sectoral laws and regulations.

16. Turkmenistan takes effective measures to prevent acts of torture and cruel treatment throughout the country. The approaches and methods used by the relevant units of penal institutions to prevent persons serving sentences of deprivation of liberty from being subjected to torture or cruel treatment are being improved. First and foremost, the penalties for officials who fail to comply with the established rules governing the serving of sentences have been increased and the supervision of day-to-day work and educational activities for prisoners has been strengthened.

17. Under article 79 of the Criminal Code, an amnesty releases a person who has committed a crime from criminal liability. A person convicted of a crime given an amnesty may be entirely released from punishment or the punishment may be reduced or commuted to a lighter sentence, or the person may be released from additional punishment.

18. Under article 73 of the Criminal Code, a person is released from criminal liability if the following time limits have elapsed since the date of the commission of the offence:

- (a) 2 years for a minor offence;
- (b) 6 years for an ordinary offence;
- (c) 10 years for a serious offence;
- (d) 15 years for an especially serious offence.

19. With reference to the information provided in paragraphs 23 and 296–298 of the State party's report, please clarify whether the Convention is directly enforceable by the judiciary and by quasi-judicial bodies. If it is, please provide examples of cases in which it has been directly invoked before domestic courts and describe the outcomes of these cases.

- In Turkmenistan, international obligations are enforced at the domestic level through the implementation of fundamental international legal rules in national laws and regulations.
- The law is based on the Constitution and the generally recognized principles and rules of international law.
- Turkmenistan, by ratifying international instruments, strictly fulfils the obligations set out in those instruments by implementing them in national laws.
- Bearing in mind that article 9 of the Constitution provides that Turkmenistan recognizes the primacy of universally recognized rules of international law, national legislative acts take into account the rules of the international conventions to which it is a party, including the Convention.

Article 2

20. With reference to paragraph 186 of the State party's report, please provide information on how the fundamental legal safeguards contained in articles 79 and 80 of the Code of Criminal Procedure are guaranteed in practice. Please also provide information on cases in which the authorities failed to comply with the safeguards contained in articles 79 and 80 of the Code of Criminal Procedure, including the number of complaints registered, the number of investigations carried out and their outcomes and the number of cases in which disciplinary or other measures were taken against officials found responsible for violations, indicating the nature and duration of the sanctions handed down in each case. With reference to the Committee's previous recommendations, please further provide information on the maximum period of time following apprehension for which an individual may be detained before being presented before a judicial authority. Please indicate, for the period under review, the number of habeas corpus petitions registered by the courts and the number of cases in which such petitions were granted and resulted in the release from detention of the petitioner.

- Under the Code of Criminal Procedure, the person conducting the initial inquiry, the investigator, the procurator and the court must take all steps prescribed by law to ensure that the circumstances of a case are thoroughly, fully and objectively investigated and to identify all facts that either incriminate or exonerate the accused person, and also mitigating and aggravating circumstances. The person conducting the initial inquiry, investigator and prosecutor may not shift the burden of proof to the accused. Violence, threats and other unlawful means may not be used to obtain testimony from suspects, accused persons, defendants or other participants in legal proceedings.
- Suspects, accused persons, defendants, convicted offenders and acquitted persons have a right of defence. They may exercise this right on their own behalf or with the help of a lawyer or legal representative as prescribed by the Code.
- The person conducting the initial inquiry, investigators, prosecutors and the courts must ensure that suspects, accused persons, defendants, convicted offenders and

acquitted persons have an opportunity to defend themselves using the means and methods established by law and that their personal and property rights are protected.

- No one is obliged to testify against himself or herself or his or her close relatives. Evidence obtained through psychological or physical coercion or other unlawful methods has no legal force.
- In the cases specified in paragraph 1 of the relevant article of the Code, persons may choose not to give testimony and may not be held liable in any way for doing so.
- Everyone has the right, in the course of criminal proceedings, to receive legal assistance in accordance with the provisions of the Code.
- Citizens of Turkmenistan are entitled to legal protection against unlawful acts on the part of State bodies, voluntary associations or officials, and any outrage upon honour or dignity, violence to life or health or violation of personal and political rights and freedoms of the individual and the citizen, as provided for in the Constitution.
- With regard to the duration of remand in custody, article 158 of the Code of Criminal Procedure expressly states that remand in custody during the investigation of criminal offences may not last longer than 2 months. If there are no grounds for revising or revoking the preventive measure, this period may be extended for up to 6 months from the date of remand in custody by a procurator of a province or city with provincial status or his or her deputy. A further extension of up to 1 year from the date of remand in custody is possible only if the case presents particular difficulties and must be authorized by the Procurator General or his or her deputy. Extension of remand in custody for more than 1 year may be allowed in exceptional circumstances, only if the person concerned is accused of a serious or an especially serious offence. Such an extension of up to 18 months may be made by the Procurator General. No further extensions are allowed and the detained suspect must be released immediately. It should be noted that the period of preliminary investigation (two months) and the period of remand in custody are extended only for compelling reasons and, as a rule, under circumstances beyond the control of the investigating authorities, for example in connection with the preparation of complex expert examinations or the establishment of new circumstances that have arisen during the investigation of a criminal case.

21. In the light of the adoption of the Ombudsman Act on 23 November 2016, along with the extensive information provided by the State party in its report on the institution's functions, please provide information on the steps taken to guarantee the institution's functional independence and overall compliance with the Paris Principles, along with any plans to seek the technical assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in that process. In that connection, please also provide information on any proposals to revise the process for appointing the Ombudsman to ensure the institution's independence from the executive branch and to improve its capacity to ensure reparation for victims of human rights violations.

22. Pursuant to the Ombudsman Act, the work of the Ombudsman is based on the principles of independence, legality, impartiality, accessibility, confidentiality, non-discrimination, the primacy of human and civil rights and freedoms, fairness, objectivity and transparency. The Ombudsman acts independently and does not report to any State bodies or officials. In the exercise of his or her powers, the Ombudsman is independent and does not represent any State bodies, officials, political parties or voluntary associations. The Ombudsman's decisions reflect legal positions that are non-political and comply with the Constitution, laws, the international agreements to which Turkmenistan is a party and the generally recognized rules of international human rights law.

23. The Office of the Ombudsman, in cooperation with the United Nations Development Programme (UNDP) office in Turkmenistan and the OHCHR Regional Office for Central Asia, organized a working visit of international experts from the Asia-Pacific Forum of National Human Rights Institutions to Turkmenistan from 17 to 20 October 2023. During the visit, the international experts held consultations with the employees of the Office of the Ombudsman on strengthening its capacity, and a multi-year plan for the Office was

developed with UNDP under a joint project in accordance with the capacity assessment of the Office carried out in 2022. The Strategic Plan of the Office of the Ombudsman for 2024–2028 was approved by order of the Ombudsman, No. 6 of 24 January 2024. In developing the plan, the focus was on the country's laws, the programmes and plans adopted and successfully implemented in various areas of human rights, the recommendations of international experts and the experience of the Office in its seven years of operation.

24. The National Plan of Action on Human Rights for the period 2021–2025 includes measures to strengthen the structure of the Ombudsman's Office, establish regional branches of the Office and improve the effectiveness of the Ombudsman's work and mandate in the area of the rights of children, women, persons with disabilities and members of all minority groups. In accordance with Presidential Decision No. 1000 of 14 June 2024, two new departments were established within the Office, for the protection of the rights of women and children and for the protection of the rights of persons in the private sector, approved by order of the Ombudsman, No. 20 of 21 June 2024.

25. Consultations between the Office and international organizations on the accreditation of the Office with the Global Alliance of National Human Rights Institutions began back in 2020. In December 2022, the Asia-Pacific Forum issued a recommendation on building the capacity of the Office and the next steps to be taken for accreditation with the Global Alliance. The UNDP project to assist in strengthening the institutional capacity of the Office has a separate component to facilitate cooperation between the Office and the Global Alliance and the Asia-Pacific Forum. The process of accrediting the Office with the Global Alliance is under way. Members of the Alliance considered the Ombudsman's request at its meeting in Geneva in 2023 and decided to include accreditation of the Office on its agenda for 2024. The accreditation of the Office is expected to take place in October 2024. In 2024, the relevant documentation was prepared and a letter of application for accreditation was formally submitted to the Alliance.

26. The UNDP project to assist in strengthening the institutional capacity of the Office has a second separate component to bring the Office into line with the Paris Principles, which will entail the study of international standards and the experiences of successful foreign national human rights institutions and their regional offices in accordance with these Principles.

27. Please provide updated information on the status of the bill on the prevention of family and domestic violence against women, in particular information on whether it is aimed at defining and introducing domestic violence, including sexual violence and marital rape, as specific criminal offences under the Criminal Code, in line with the Committee's recommendation, along with information on any other legislation, whether proposed or enacted, to combat gender-based violence, as referenced in paragraphs 234 and 246 of the State party's report. In addition, please indicate whether effective and independent complaints mechanisms exist for victims of domestic violence, specify the number of complaints, investigations and prosecutions regarding alleged acts of domestic and gender-based violence in the State party and provide information on the sanctions handed down in cases in which the accused perpetrators were found guilty. Please provide information on the ability of victims of domestic and gender-based violence to access protection measures, including restraining orders, along with medical and legal services, counselling, redress and rehabilitation.

28. The National Plan of Action for Gender Equality for the period 2021–2025 consists of seven strategic priorities. The fourth, gender-based violence against women and girls, and the seventh, reinforcement of institutional mechanisms to support gender equality, includes strategic actions to collect and publish statistics on gender-based violence (action 4.6) and to increase the capacity of civil servants to collect gender-sensitive statistics (action 7.4).

29. A joint sample survey was conducted with the United Nations Population Fund country office in Turkmenistan on women's health and their status in the family, based on interviews with women aged 18–59 in all regions of the country and the city of Ashgabat. This was the first national experience of collecting data and analysing domestic violence against women.

30. The survey provided important data on violence against women by husbands or partners in the home, taking into account sociodemographic factors, regional differences, demographic characteristics and behavioural patterns of the intimate partner, forms of violence, violence by others, the impact of violence on women's health and children's well-being and several other aspects. The survey showed that 12 per cent of women in Turkmenistan aged 18–59 have experienced physical or sexual violence from their husbands or partners, i.e. one in eight women in the country who are or have been married or in a relationship have experienced such violence.

31. The survey played an important role in assessing the situation of gender-based violence in the country and contributed to the development of national gender equality policies and measures. The survey developed a set of recommendations to eliminate all forms of violence against women and enhance national statistical capacity to continue collecting and analysing data on the frequency, prevalence and characteristics of gender-based domestic violence and gender-based violence outside the home.

32. A road map for the prevention of domestic violence for the period 2022–2025 has been developed with specific actions to follow up on the key findings of the survey.

33. Planned actions include:

- Improving national laws, as they still lack legal definitions of gender-based violence and domestic violence
- Engaging the police and healthcare and social service providers as part of an inter-agency response to gender-based violence, which needs to be developed and expanded
- Informing women about their rights and choices, ensuring access to reproductive health services and rights, and expanding educational and employment opportunities
- Collecting and analysing data on the frequency, prevalence and characteristics of gender-based domestic violence and gender-based violence outside the home

Article 3

34. Please provide information on any judicial decisions adopted in cases relevant to article 3 of the Convention. Please specify the number of asylum applications received during the period under review, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please provide information on existing appeal mechanisms. Please also provide data, disaggregated by country of origin, indicating the number of persons who have been returned, extradited or expelled during the period under review, including the countries to which they were returned, extradited or expelled. Please describe the mechanisms in place to identify individuals in need of international protection and the procedure followed when a person invokes that right and indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. Please specify the number of temporary residences for asylum-seekers in the State party, along with their occupancy rates during the period under review, and indicate whether asylum applicants are free to choose their own residence. Please provide an update on whether the foreign nationals serving prison sentences in the State party include any asylum-seekers. In Turkmenistan, foreign nationals and stateless persons have the same rights, freedoms and duties as citizens of Turkmenistan, in accordance with national law and the international treaties to which Turkmenistan is a party. Turkmenistan, in keeping with the generally recognized rules of international law, grants asylum to foreign nationals and stateless persons under the procedure prescribed by law. Under the Refugees Act, persons in Turkmenistan who have a well-founded fear of becoming victims of discrimination in their State of nationality are granted refugee status.

35. With reference to paragraph 268 of the State party's report, and noting articles 6 and 13 of the Refugees Act (2017), please indicate whether any provision exists in domestic legislation explicitly prohibiting the refoulement of individuals to countries where there are

substantial grounds for believing that they would be in danger of being subjected to torture or ill-treatment. Please also indicate whether legislation and practices that the State party may have adopted on such matters as terrorism, emergency situations and national security have had any impact on the effective implementation of that prohibition, if it exists in domestic legislation.

36. The primacy of universally accepted principles of international law is recognized under article 9 of the Constitution. In accordance with the Penalties Enforcement Code, if an international agreement to which Turkmenistan is a party establishes rules other than those of national law, the rules of the international agreement prevail. The provisions of article 3 (1) of the Convention and the provisions of the Constitution form the basis for not extraditing, expelling or returning persons to another State if there are grounds for believing that they will be subjected to torture.

37. As a party to the Convention, Turkmenistan has recognized and undertaken not to extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

38. In accordance with articles 1 and 2 of the Code of Criminal Procedure, international agreements concluded and the general principles and rules of international law governing criminal procedure recognized by Turkmenistan are an integral part of criminal procedural law.

39. In accordance with the Penalties Enforcement Code, if an international agreement to which Turkmenistan is a party establishes rules other than those of national law, the rules of the international agreement prevail.

40. In this connection, Turkmenistan does not extradite persons to another State if there are substantial grounds for believing that they would be in danger of being subjected to torture and there are no assurances by a competent authority that torture will not be used.

41. Turkmenistan acceded to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees (decision of the Mejlis of 12 June 1997), the Convention relating to the Status of Stateless Persons (decision of the Mejlis of 24 August 2011) and the Convention on the Reduction of Statelessness (decision of the Mejlis of 6 August 2012).

42. Turkmenistan was the first country in Central Asia to accede to these conventions. They are important instruments for effective action to prevent and reduce statelessness.

43. Please indicate what information is provided to individuals seeking asylum at border entry points and individuals detained for immigration offences and what access such individuals have to legal assistance. Please also indicate whether the International Committee of the Red Cross and partner organizations of the Office of the United Nations High Commissioner for Refugees are permitted to access detention centres and provide asylum-seekers with independent, qualified and free legal advice and representation. Please inform the Committee of any training programmes provided to officials dealing with the expulsion, return or extradition of foreign nationals, including whether such programmes include training on the provisions of the Convention.

44. In accordance with article 12 of the Refugees Act, once an application for refugee status or subsidiary protection has been registered, the applicant and members of his or her family are entitled to free legal assistance on refugee status or subsidiary protection while the decision on the application is being taken.

Articles 5–9

45. Please provide information on any new legislation or measures adopted to fully implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate the measures that have been taken by the State party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please specify the treaties or agreements on

mutual legal and judicial assistance that the State party has entered into and indicate whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. If they have, please provide examples.

46. In accordance with articles 7, 8 and 9 of the Criminal Code, persons who have committed crimes in the territory of Turkmenistan are held accountable under national criminal law.

47. Crimes committed in the territorial waters or airspace of Turkmenistan are regarded as having been committed in the territory of Turkmenistan. The Code also applies to crimes committed on the continental shelf and in the maritime economic zone of Turkmenistan.

48. Persons who have committed a crime on board a vessel or aircraft registered in Turkmenistan which is in the waters or airspace beyond its boundaries are liable under national criminal law, unless otherwise provided for under an international agreement to which Turkmenistan is a party.

49. When an offence is committed in the territory of two or more States, liability is incurred under national criminal law if the offence is stopped or suppressed in the territory of Turkmenistan.

50. The question of the criminal liability of diplomatic representatives of foreign States and other persons enjoying immunity, in the event that such persons commit crimes in Turkmenistan, is resolved in accordance with international law and the international agreements to which Turkmenistan is a party.

51. Turkmen citizens and stateless persons permanently residing in Turkmenistan who have committed a crime under Turkmen criminal law outside the country may be held accountable under Turkmen criminal law if accountability for the act committed is provided for by the criminal law of the State in whose territory it was committed and if the persons concerned have not been convicted in the foreign State. In such instances, no penalty may be imposed that exceeds the upper limit of the penalty prescribed by the law in force in the place of commission of the crime.

52. Foreign nationals and stateless persons who are not permanently residing in Turkmenistan are liable under Turkmen criminal law for crimes committed outside Turkmenistan if the crime was directed against Turkmenistan or its citizens and also in the cases provided for under international agreements to which Turkmenistan is a party if they have not been convicted in another State and criminal proceedings have been instituted against them in Turkmenistan.

53. Turkmen citizens who have committed an offence in the territory of a foreign State may not be extradited to that State.

54. Foreign nationals and stateless persons who have committed a crime outside Turkmenistan and are present in the territory of Turkmenistan may be extradited to another State for criminal prosecution or to serve a sentence in accordance with the international treaties to which Turkmenistan is a party and agreements, conventions and other international legal documents to which Turkmenistan has acceded.

55. Turkmenistan is a party to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (22 January 1993). Turkmenistan has concluded bilateral treaties with Georgia on mutual legal assistance in civil and criminal matters (1996), with Uzbekistan on legal assistance and legal relations in civil, family and criminal matters (1996), with Armenia on legal assistance and legal relations in civil, family and criminal matters (2000) and with Türkiye on legal assistance in civil and criminal matters (2012).

56. Under the domestic law of the participating countries, all acts of torture, attempts to commit torture and acts of any person which constitutes complicity or participation in torture are treated as criminal and extraditable offences.

57. During the reporting period, the competent authorities of Turkmenistan did not receive any requests or appeals for extradition or prosecution in connection with torture or ill-treatment.

Article 10

58. With reference to paragraph 300 of the State party's report, please provide an update on the number of training courses on the prohibition of torture and ill-treatment delivered to law enforcement personnel, including police officers, members of prison staff, military personnel, investigators, border guards and relevant personnel in hospitals and welfare institutions, during the period under review, as well as an update on the number of persons who took such courses. Noting that the data provided by the State party relate to training courses on topics connected with torture, please clarify the exact topics covered by the courses and inform the Committee whether they included instruction on the provisions of the Convention. Please provide information on any courses conducted on the use of force by law enforcement personnel or personnel in hospitals and welfare institutions, in line with international standards. If such training courses are conducted, please indicate whether they are mandatory or optional, how often they are conducted, how many law enforcement officials, members of the military, prison staff, immigration officials and personnel in hospitals and welfare institutions have completed them and what percentage of all such persons have completed them. Please also indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if it has, please provide detailed information on that methodology.

59. Between 2019 and 2023, 2,157 training courses on topics related to torture were conducted in internal affairs agencies. Training courses were held in the Penal Correction Department of the Ministry of Internal Affairs and local correctional facilities, as shown in the table below:

| <i>Year</i> | <i>Number of courses held at Penal Correction Department</i> | <i>Number of participating employees</i> | <i>Number of courses held at correctional facilities</i> | <i>Number of participating employees</i> |
|--------------|--|--|--|--|
| 2019 | 2 | 96 | 18 | 1 300 |
| 2020 | 1 | 82 | 18 | 1 548 |
| 2021 | 4 | 130 | 34 | 1 727 |
| 2022–2023 | 2 | 170 | 17 | 1 700 |
| Total | 9 | 478 | 87 | 6 275 |

60. With reference to paragraphs 23 and 296–298 of the State party's report, please provide information on the training courses held for judges and prosecutors on the provisions of the Convention, including on its direct applicability, if it is directly applicable. Please describe any training programmes developed for judges, prosecutors, forensic doctors and medical professionals dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised.

61. The Supreme Court holds two-week training courses for judges and court employees twice a year, and regular seminars conducted by experienced judges with the involvement of experts on various topics are held to consider specific categories of cases, including the above-mentioned areas.

62. Judicial officials from Turkmenistan participated in five events with international experts on combating torture and other cruel, inhuman or degrading treatment or punishment.

63. In recent years, systematic training to improve the level of professionalism and legal culture of judges and judicial officers, provided by both national and international experts, has had a positive impact on the handling of cases, the administration of justice and the adoption of fair, justified and lawful decisions by the courts.

64. The Mental Health Care Act guarantees the rights of persons with mental disorders to protection against economic exploitation and sexual and other forms of violence. The Act

guarantees the rights of persons with mental disorders, including the protection of their rights and legitimate interests; the exercise of their civil, political, economic, social and cultural rights; the right to receive information on their rights and mental health status, along with information – in a form that is accessible to them – on the nature of their mental disorder and the treatment methods, except where such information may be harmful to their life or health; and assistance from a lawyer under the procedure established by law. A person is deemed not to have a mental disorder until the existence of the disorder has been established on the grounds and in the manner prescribed by the Act.

65. With reference to paragraphs 252 and 256 of the State party's report, please provide an update on the number of training courses held on the topics of domestic violence, gender-based violence and women in detention during the period under review. Regarding training courses on the specific aspects of working with women prisoners, as mentioned in the State party's report, please inform the Committee whether such training courses include specific instruction on the provisions of the Convention, along with instruction on other relevant international standards, such as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Please also inform the Committee whether the State party has conducted training courses with law enforcement personnel, prosecutors and members of the judiciary on the rights of individuals with diverse sexual orientations and gender identities.

66. The judiciary works closely with international organizations and their specialized bodies on human rights and freedoms, gender equality and children's rights.

67. During the reporting period, judicial officials participated in 15 events on gender equality, the prevention of domestic violence, the protection of the rights of women and awareness-raising for officials as part of measures to combat all forms of discrimination against women and girls.

68. Between 2019 and 2023, 719 training sessions on gender-related topics were held annually in the internal affairs agencies, involving more than 20,000 employees.

69. In order to implement the provisions of the National Plan of Action for Gender Equality on raising public awareness on gender equality issues, including the possibility of filing complaints with the relevant State bodies against unlawful acts committed by men, in the period 2018–2023, the Ministry of Internal Affairs conducted 312 awareness-raising activities, published 33 articles in the country's newspapers and magazines, and produced 8 television programmes on gender-specific issues, which were shown on State television.

70. During this period, international organizations also organized training sessions on the above-mentioned issues, attended by employees of the relevant units of the Ministry of Internal Affairs, as shown in the table below:

| <i>Topic</i> | <i>Number of workshops and training sessions held in the country</i> | <i>Number of participating employees</i> | <i>Number of workshops and training sessions held in the country</i> | <i>Number of participating employees</i> |
|-----------------|--|--|--|--|
| Gender equality | 49 | 141 | 3 | 4 |

Article 11

71. With reference to the information provided in paragraph 41 of the State party's report and the Committee's previous recommendation, please provide updated information on initiatives introduced to equip police stations, remand centres and penal institutions with audiovisual equipment to record interrogations, indicating the number of places of deprivation of liberty that are currently equipped with such tools. Please inform the Committee whether defendants and their lawyers are able to obtain video and audio recordings of interrogations at no cost to the defendant and whether such recordings may be used as evidence in court. In order to comply with national and international legal standards and the recommendations of United Nations treaty bodies on the prevention of torture and

cruel treatment of prisoners and other persons, video cameras have been installed in police stations, remand centres and places of detention. For the same purpose, the Ministry of Internal Affairs is conducting systematic work to provide police stations, remand centres and penal institutions with the latest audiovisual equipment to record interrogations.

72. Under the Penalties Enforcement Code, suspects and accused persons have the right to request the use of audio and video recordings during interrogation, which may subsequently be used as evidence in court.

73. With reference to the information provided in paragraphs 188–216 of the State party's report, please provide updated information on the steps taken to ensure adequate conditions in places of deprivation of liberty in the State party, including access to natural light, clean drinking water and adequate standards of sanitation. Please indicate the number of persons in pretrial detention in the State party, along with the average length of pretrial detention in each year during the period under review. With reference to the Committee's previous recommendation, please provide information regarding the availability of alternatives to detention, along with data on their use. In this regard, please inform the Committee of overcrowding rates in places of deprivation of liberty in the State party in the period under review, including data disaggregated by place of detention, along with updated information on the steps taken to reduce overcrowding. Please also inform the Committee of any steps taken to establish an absolute maximum limit for the duration of solitary confinement at 15 days, in line with international standards. With regard to healthcare, please provide disaggregated data, chronologically organized, on the rates of tuberculosis and other communicable diseases, and of HIV/AIDS, in places of deprivation of liberty in the State party during the period under review. Please also provide information on staffing levels in places of deprivation of liberty, including the number of doctors and nurses working in each facility and whether access to doctors and nurses is available at all times.

74. In order to improve conditions in places of detention, the Ministry of Internal Affairs carried out extensive work in the period 2018–2023 to build and renovate penal institutions, to make medical and other special equipment available and to train staff to uphold the rights of convicted persons, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, major repair and reconstruction work was done on the buildings and structures at two institutions in Mary Province, two institutions in Balkan Province, three institutions in Ahal Province and two institutions in Lebap Province. Work is under way on the construction of new blocks at institution MR-E/16; two-storey residential buildings, a canteen, a vocational training centre, a fire protection system and a drinking-water well at institution BL-E/6; the construction of a new building at institution DZ-E/7; the expansion of the area and construction of a fire station, transformers and a diesel storage facility at institution LB-E/11; the construction of a house of worship (mosque) at institution LB-E/12; the construction of a two-storey building with 41 rooms for long-term visits and the overhaul of the vocational training workshop at institution MR-E/16; and the installation of a new water supply system at institution MR-E/17.

75. With reference to the Committee's previous recommendation, please provide information on the steps taken to end incommunicado detention and ensure that all persons held incommunicado are released or are allowed to receive visits from their family members and lawyers. As recommended by the Committee, please inform the Committee of the fate and whereabouts of all persons convicted and imprisoned for allegedly attempting to assassinate the former President.

76. The Office of the Procurator General has no cases of secret detention or enforced disappearances before it.

77. Please provide disaggregated data on inter-prisoner violence and the mechanisms of protection available to victims during the period under review. In that connection, please also provide information on any sentences or other disciplinary measures handed down to alleged perpetrators. With reference to the Committee's previous recommendations, please further provide data regarding allegations of violence against detainees by prison staff, including the number of complaints received, investigations conducted, prosecutions carried out and sentences or disciplinary penalties handed down to perpetrators. Please inform the Committee whether any comprehensive plan is in place to address the issue of violence in

detention by both staff and inmates and whether there exists any form of judicial supervision of conditions of detention. With reference to the Committee's previous recommendations, please provide disaggregated data indicating the number of deaths in custody during the period under review, including information on the age and sex of the victim, cause of death and any investigations undertaken in this regard and their outcomes. Please inform the Committee whether, in the State party, it is possible for family members of persons who die in custody to order an independent autopsy. Please provide information on the legislation governing the use of force by law enforcement officers, along with the internal regulations and operating procedures in place to prevent the use of excessive force, in line with international standards. Please inform the Committee of any internal oversight mechanisms in place to review and investigate cases of the use of excessive force by law enforcement officers, along with information regarding their institutional and hierarchical independence.

78. Under Turkmen criminal law, pretrial investigation bodies can initiate criminal proceedings without delay against persons suspected of having committed acts of torture or ill-treatment, which must be investigated impartially and exhaustively in accordance with the requirements of the law of criminal procedure. Furthermore, all reported cases of enforced disappearance are promptly, thoroughly and impartially investigated and, if there is sufficient evidence obtained during the preliminary investigation, perpetrators are brought to justice and punished with appropriate sanctions. The victims and their relatives are informed of the results of the investigation.

79. All deaths in pretrial detention centres and places where criminal sentences are served are thoroughly investigated, and forensic medical examinations are conducted to determine the causes of death. Based on the results of the investigation, perpetrators are subject to criminal prosecution and punished in accordance with the law.

80. The Internal Affairs Agencies Act establishes the general procedure for the use of physical force. In particular, internal affairs officers have the right to use physical force 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 offences. Physical force 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 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. The use of physical force in violation of the requirements of the Act incurs liability under the law.

81. In addition, under the country's criminal law (Criminal Code, art. 199), the commission of acts by an official which clearly go beyond his official powers and entail serious violations of the rights and legal interests of citizens or organizations or the legally protected interests of society or the State constitutes exceeding of authority and is punished by forfeiture of the right to hold certain posts or engage in certain activities for up to 5 years, a fine of 20 to 40 times the average monthly wage, corrective labour for up to 2 years or deprivation of liberty for up to 3 years. If the act entails actions that constitute an outrage upon the personal dignity of the victim, is committed with physical violence, is committed with weapons or special equipment or has serious consequences, it is punished by a fine of 50 to 200 times the average monthly wage with forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years, or forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years with the obligation to live in a specific area for 5 to 8 years, or deprivation of liberty for 3 to 8 years with forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years.

82. With reference to the information provided in paragraph 108 of the State party's report, please provide information regarding the Ombudsman's mandate to conduct visits to places of deprivation of liberty, including whether the Ombudsman may carry out unannounced

visits to all places of deprivation of liberty without restriction, interview persons deprived of their liberty in an unrestricted and confidential manner and access all information pertaining to the deprivation of their liberty. Please also provide disaggregated data indicating the number of visits carried out by the Ombudsman, detailing which were announced and which were unannounced, during the period under review. Please further provide information on the findings and recommendations of the Ombudsman following these visits and on the actions taken by the relevant authorities of the State party in response. With reference to paragraph 134 of the State party's report and the Committee's previous recommendation, please update the Committee on the status of the draft memorandum of understanding between the State party and the International Committee of the Red Cross on cooperation and humanitarian activities concerning persons deprived of their liberty. Please inform the Committee of any initiatives undertaken to strengthen cooperation with United Nations human rights mechanisms by permitting visits by special procedure mandate holders of the Human Rights Council who have requested them.

83. Under article 21 of the Penalties Enforcement Code, the following persons have the right to visit places of detention without special authorization, in the exercise of their professional duties:

84. Procurator General, his or her deputies, duly authorized prosecutors, and other prosecutors specifically monitoring compliance with the law in the enforcement of criminal sentences in the jurisdiction concerned:

- (1) Ombudsman;
- (2) Officials of higher bodies responsible for administering correctional institutions;
- (3) Judges and other persons participating in the court's consideration of cases in the jurisdiction of the correctional institution;
- (4) Provincial, district or municipal governors in their respective jurisdictions;
- (5) Members of supervisory and other committees responsible for monitoring the activities of detention centres in their respective jurisdictions.

85. In accordance with the Ombudsman Act, one of the main duties of the Ombudsman is to monitor compliance with the rights of persons deprived of their liberty or with restricted liberty, to visit pretrial detention facilities, places of detention, correctional and other specialized institutions and to inspect such facilities, either alone or in conjunction with authorized bodies, officials and civil servants. The mandate of the Ombudsman also includes the ability to request documents and other materials required to carry out his or her functions from the heads of the aforementioned bodies.

86. In accordance with the Act, the complaints of persons held in remand centres, detention centres and correctional and other specialized institutions are transmitted to the Ombudsman, without being subject to screening, within 24 hours. It should be noted that, during the reporting period, there have been few appeals to the Ombudsman's Office from places of deprivation of liberty or from close relatives of convicted prisoners, and these appeals are dealt with as a matter of urgency in accordance with the law.

87. In order to fulfil these objectives under the Act and the workplan, the Ombudsman continuously monitors compliance with the requirements of the law in the above-mentioned institutions. Every year, the Ombudsman conducts inspections not only in correctional institutions but also in pretrial detention facilities and rehabilitation care centres. Full details of these inspections can be found in the annual reports at <https://ombudsman.gov.tm>.

88. In 2023, in monitoring the exercise of the rights of persons deprived of liberty, inspections were carried out not only in the correctional institutions where they are serving their sentences, but also in pretrial detention facilities and rehabilitation care centres, in particular in institutions MR-E/14 and MR-E/15 of the Mary Province Police Department of the Ministry of Internal Affairs.

89. The conditions of detention were examined during the inspection of institution MR-E/14 for compliance with the law, including the Penalties Enforcement Code, in

particular the observance of health standards in the places where inmates live, their rights to healthcare and adequate food, and their rights to communicate with and receive visits and parcels from close relatives. The inspection found that the building designed to hold 160 inmates was built in 1964 and the 150-bed building in 1984. As the buildings are outdated, sanitation and hygiene facilities in the inmates' sleeping quarters in this institution are not in conformity with the requirements of article 71 of the Penalties Enforcement Code. As a result of the inspection, the Ombudsman sent a recommendation to the Ministry of Internal Affairs proposing to ensure full compliance with the law.

90. Institution MR-E/15 was inspected to ensure compliance with the established sanitation, hygiene and disease control requirements for the protection of the health of prisoners in this institution as well as the necessary conditions created in accordance with the law for the maintenance of health, adequate nutrition, cultural and sporting activities, religious worship and the exercise of the right to communicate with and receive short visits and parcels from close relatives. At the same time, the number of prisoners receiving treatment, the types of illnesses and the provision of medicines were checked. During the inspection, it was found that only 74.57 per cent of the places designated for the treatment of prisoners were occupied while the remaining 25.43 per cent were vacant. As a result, it was found that the requirements of the law, including the Penalties Enforcement Code, are observed with regard to sick prisoners. In order to ensure the proper organization of work to protect and maintain the health of inmates, the Ombudsman has sent recommendations to the Ministry of Internal Affairs to strengthen the staff of the medical service by filling vacant posts in all such establishments.

91. As stated above, in 2023, institution MR-E/13 of the Mary Province Police Department, where juvenile offenders are held, and institution DZ-E/8 of the Dashoguz Province Police Department, where female inmates are held, underwent inspection by the Ombudsman along with other correctional and specialized institutions, pretrial detention facilities and places of detention.

92. In 2023, the Ombudsman looked in detail into the issue of compliance with the law by penal institutions and by the relevant authorities working with convicted prisoners and persons under supervision following their release from places of detention. Attention was focused on the monitoring commissions established pursuant to Presidential Decision No. 11019 of 31 March 2010 to improve monitoring of compliance with the law of bodies administering criminal penalties and working with convicted prisoners and persons under supervision after release from places of detention. More precisely, there was no information about visits or the work of the monitoring commissions in these institutions. In view of the foregoing, the Ombudsman's Office has sent an official request for information to the responsible institutions that are members of the commissions approved by Presidential Decision No. 11019 on the work carried out by the monitoring commissions. It was found there was a need to intensify and improve the activities of the monitoring commissions and to review their composition. The relevant proposals have been sent to the local authorities of the provinces and the city of Ashgabat, the Ministry of Internal Affairs and the Office of the Procurator General.

93. With reference to paragraph 271 of the State party's report, please provide information on the existence of any legislation governing the use of restraints in psychiatric settings. Please also provide information indicating the number of cases in which restraints were used in psychiatric settings during the period under review, including disaggregated data on the age and sex of the person under restraint, the location of the psychiatric institution, the time under restraint and the type of restraint, including both physical and chemical restraints. Please further provide information on any internal oversight mechanisms or complaint mechanisms for patients and on any complaints received through such mechanisms. With reference to paragraph 96 of the State party's report, please provide data on cases in which a judge has found that an application for involuntary hospitalization was unfounded and has ordered the release of the patient. Please inform the Committee whether any form of consistent review of the need for involuntary hospitalization is provided for in legislation.

Articles 12 and 13

94. Please provide statistical data, disaggregated, *inter alia*, by sex, age, nationality and geographical location, indicating the number of criminal complaints of torture under article 182-1 of the previous Criminal Code and of other acts of cruel, inhuman or degrading treatment or punishment submitted to the authorities of the State party, as well as the number of investigations launched, the number of prosecutions conducted and the number and nature of sentences handed down to perpetrators found guilty of torture or other acts of cruel, inhuman or degrading treatment or punishment. Please indicate the number of complaints, investigations, prosecutions and sentences for abuse of official powers under article 181-1 of the previous Criminal Code. Please inform the Committee whether individuals claiming torture have access to free and independent medical examinations. Please also inform the Committee of the measures in place to reduce the risk of reprisals faced by individuals alleging torture or ill-treatment. With reference to paragraphs 37 and 38 of the State party's report, please provide disaggregated statistics indicating the number of cases during the period under review in which public officials have been suspended from their posts under article 167 of the Code of Criminal Procedure due to there being sufficient grounds on which to believe that they would obstruct an investigation or court proceedings or the reparation of the harm caused by an offence or that they would continue to engage in criminal activity related to their functions if they continued to occupy them, as well as cases in which public officials have been dismissed from their posts under article 43 of the Civil Service Act, including information on the nature of the verdicts against them.

95. According to Ministry of Internal Affairs data, to date there have been no complaints from persons in custody regarding torture or degrading treatment. No cases of torture or ill-treatment have been registered. No criminal proceedings for torture and ill-treatment of prisoners have been initiated.

96. Since article 182-1 (Torture) was introduced to the Criminal Code, no cases involving offences of this type have been examined by the courts.

97. The law establishes liability for the use of violence or bullying by law enforcement officers against participants in criminal proceedings for the purpose of obtaining testimony, and criminal liability for acting outside the scope of their authority.

98. Article 227 of the Code of Criminal Procedure prohibits the use during pretrial investigations of violence, threats or other unlawful measures and the endangerment of the lives or health of those involved.

99. With reference to the information provided in paragraphs 24, 39 and 123 of the State party's report, please provide updated and disaggregated data indicating the number of complaints received by the Ombudsman during the period under review related to misconduct by law enforcement officers or the conditions in which persons are deprived of their liberty. Please also provide information regarding the outcomes of these complaints. Please further provide information on the existence of any other internal oversight mechanisms relating to law enforcement or places of deprivation of liberty, including administrative disciplinary bodies for cases in which criminal proceedings do not take place, along with information on their functional and hierarchical independence.

100. In accordance with article 30 of the Ombudsman Act, if it is established that a violation of human and civil rights and freedoms has occurred, the Ombudsman transmits a recommendation to the business, institution, organization or officials whose actions or omissions are violating human rights and freedoms, with proposals on the necessary measures to be taken to ensure prompt restoration of the human rights and freedoms that have been violated and, if an official has violated human rights and freedoms, to the competent government agencies or the relevant official to initiate disciplinary, administrative or criminal proceedings. In 2023, there were 36 written communications and 16 oral communications related to misconduct by law enforcement officers.

101. In the course of the inspections, the Ombudsman also organized meetings with a group of persons held in correctional and specialized institutions, pretrial detention facilities and places of detention and interviewed some of them individually. During interviews in private,

they were asked follow-up questions about their criminal cases. There were no complaints from the convicted persons, apart from their remorse for what they had done and requests to consider the possibility of parole.

102. Please provide information on any investigations into or prosecutions of cases of enforced disappearance in the State party, including investigations into and prosecutions of such cases, and any sentences handed down to perpetrators who have been found guilty. Please indicate whether any law exists explicitly criminalizing enforced disappearance in domestic legislation and whether any central public registry exists of all places of detention, along with any other measures taken to ensure that all places of detention are officially recognized. Please also indicate whether victims of enforced disappearance and members of their families have access to effective remedies, including compensation and rehabilitation.

103. Under article 8 (4) of the Penalties Enforcement Code, convicted prisoners have the right to submit proposals, statements and complaints to the administration of the penal institution in which they are being held, its supervising body and other authorities, the courts, the procuratorial authorities and voluntary associations, and – if all domestic remedies have been exhausted – to international human rights organizations.

Article 14

104. Please provide an update on the number of requests for compensation made in relation to allegations of torture, the number of requests granted and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including those providing specialized treatment for trauma and other forms of rehabilitation, for victims of torture or ill-treatment and on the material, human and budgetary resources allocated for their effective functioning.

Article 15

105. With regard to the information provided in paragraph 218 of the State party's report, please provide examples of any cases in which the courts have found evidence to be inadmissible on the basis that it was obtained through torture or cruel, inhuman or degrading treatment, as enshrined in article 62 of the Constitution and article 25 (1) of the Code of Criminal Procedure.

106. During the reporting period, no cases falling under article 62 of the Constitution or article 25 (1) of the Code of Criminal Procedure were brought to light.

Article 16

107. With reference to the information provided in paragraph 31 of the State party's report, please explain how acts of cruel, inhuman or degrading treatment or punishment are currently defined and prohibited in domestic law, given the absence of statutory recognition that such acts are crimes. Please indicate whether, under existing domestic legislation, acts of cruel, inhuman or degrading treatment that do not cause moderate bodily harm, including psychological ill-treatment, are prohibited. Please also indicate whether any data on acts of cruel, inhuman or degrading treatment are collected. If they are, please share them with the Committee.

108. Internal affairs officers who exceed their authority, i.e. who commit acts that clearly go beyond the bounds of their official powers and entail serious violations of the rights and legal interests of citizens or organizations or the legally protected interests of society or the State, may be held criminally liable under article 201 of the Criminal Code.

109. An official investigation is carried out into every case of torture or cruel treatment of inmates or improper exercise of authority by internal affairs officers that comes to light. During the investigation, cases of improper exercise of authority come under close scrutiny and an opinion is rendered. Perpetrators incur criminal, disciplinary or administrative liability and measures are taken to prosecute and prevent such offences.

110. In accordance with article 201 of the new version of the Criminal Code, which was adopted on 17 April 2022 and entered into force on 1 January 2023:

(1) Torture, i.e. the intentional infliction of severe pain or physical or mental suffering on a person for such purposes as obtaining from him or her, or a third person, information or a confession, punishing him or her for an act he or she, or a third person, has committed or is suspected of having committed, or intimidating or coercing him or her, or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or with the consent or acquiescence of, a public official or other person acting in an official capacity, is punished by deprivation of liberty for 3 to 8 years with forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years.

(2) The acts specified in paragraph 1 of this article, if they are committed:

- (a) Against women, minors or persons with manifest signs of disability;
- (b) Against an individual known to the perpetrator to be in a vulnerable state or by taking advantage of the victim's defenceless condition;
- (c) Against two or more persons;
- (d) By two or more persons without prior conspiracy or by a group of persons by prior conspiracy;
- (e) Against a person or members of his or her family in connection with the performance of his or her official or public duties;
- (f) With the use of a weapon or special equipment (objects, devices, implements, etc.);
- (g) In a state of war or threat of war, internal political instability or any other state of emergency or martial law;
- (h) Are punished by deprivation of liberty of 2 to 5 years, with or without forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years.

(3) The acts specified in paragraphs 1 and 2 of this article are punished by deprivation of liberty for a period of 8 to 15 years, with forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years, if they result, through negligence, in the death of the victim or any other serious consequences.

111. Noting that the corporal punishment of children is criminalized in all settings in the State party, please provide information on the steps taken to prevent the corporal punishment of children in practice. Regarding recent amendments to the legislation on children in conflict with the law, children in contact with the justice system and children in civil proceedings, please also provide information on the steps taken to develop an adequate juvenile justice system in the State party, including information on the use of alternatives to detention for children and the existence of judges specialized in juvenile justice.

112. The Ministry of Internal Affairs is working to safeguard and protect children from all forms of violence, including corporal punishment. Thus, each inspector of the juvenile affairs inspectorates in police departments is assigned a specific district, with responsibility for the minors living in that district and for the educational, sports and other institutions located in it. The work of juvenile affairs units in police departments is not limited to the prevention of juvenile delinquency. In the course of their work, the inspectors are confronted with both violations of the rights of minors and offences against them, and they promptly respond according to the established procedures for carrying out their work. Evidence of bullying of a child may be detected by the inspectors themselves, based on the latest information they have, or on the basis of information reported by education officials (from schools, preschool establishments and other educational institutions) to the internal affairs authorities, in particular to the assigned inspector from the juvenile affairs inspectorate. The juvenile affairs inspector then gathers evidence relating to the offence and, depending on the gravity of the act, passes it on to the investigating authorities. If the violation is an administrative offence, the evidence is submitted to the Commission on Juvenile Affairs under the local authorities, and measures are taken against the perpetrators in accordance with administrative law.

Teachers and psychologists are involved in working with the affected minors, in consultation with their parents.

113. With regard to children in conflict with the law, children in contact with the justice system and children involved in civil proceedings, it should be noted that a number of measures have been taken during the reporting period to establish an appropriate juvenile justice system. In particular, in cooperation with the United Nations Children's Fund (UNICEF), the first two child-friendly pretrial interview rooms were opened, in Ashgabat in 2022 and in Türkmenabat in 2023.

114. With reference to paragraph 53 of the State party's report, please provide information on any steps, legislative or otherwise, taken by the State party to ensure that human rights defenders and journalists may exercise their rights by conducting their legitimate and peaceful work in an enabling environment, free from the threat of reprisals.

115. Under the Mass Media Act of 22 December 2012 (as amended by Act No. 414-IV of 22 June 2013, Act No. 387-V of 26 March 2016, Act No. 51-VI of 9 June 2018 and Act No. 138-VI of 10 May 2019), State support for the media is provided in order to ensure the media, is free and reaches a wide audience; to ensure pluralism and independence of the media; and to create equal legal and economic conditions for media competition.

116. Article 30 of the Act provides for the following rights for journalists: to seek, request, receive and impart information; to visit State bodies and organizations, enterprises and institutions and voluntary associations or their press services; to be received by officials in connection with requests for information; to have access to documents and materials, with the exception of portions containing State, trade or other legally protected secrets; to make recordings, including through the use of audio and video equipment, and to take film footage and photographs, except in the cases specified by the law; to visit emergency scenes and be present at mass public gatherings; to verify the reliability of information provided to them; to set out their personal opinions and assessments under their byline in reports and content intended for circulation; and to form trade unions and participate in their activities.

117. At the same time, a journalist is obliged to collect and publish information only by ethical and lawful means and provide true, accurate and impartial information.

Other issues

118. Given that the prohibition of torture is absolute and cannot be derogated from, even within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions complied with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty, including in places of confinement such as homes for older persons, hospitals or institutions for persons with intellectual or psychosocial disabilities.

119. Turkmenistan took preventive measures and put in place restrictions in the country's prisons in connection with the spread of the global COVID-19 pandemic.

120. In particular, the following measures were taken:

- (1) Instructions and an order on strengthening the measures to treat and prevent infectious diseases were issued;
- (2) Daily control over sanitation and hygiene measures implemented in institutions were improved with the help of chlorine-based disinfectants;
- (3) Home-made noodles with pepper and foods with natural antibiotics such as onion and garlic have been included in inmates' food rations;
- (4) Healthcare staff have taken measures to prevent infectious diseases among inmates. In addition, all persons serving a sentence who had no contraindications were vaccinated three times free of charge, with a coverage rate of 99.3 per cent.

121. Please describe the extent to which the national legal framework on countering terrorism and violent extremism is compatible with the State party's obligations under the Convention. Please specify the number of convictions under legislation adopted to combat terrorism, provide information on the legal safeguards and remedies available in law and in practice for persons suspected of terrorism or other security-related offences and indicate whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if there have, what the outcomes were.

122. The national legal framework to counter terrorism and violent extremism is compatible and harmonized with the State's obligations under the Convention.
