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Human Rights Committee

Information received from Turkmenistan on follow-up to the concluding observations on its third periodic report*

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* The present document is being issued without formal editing.



1. Pursuant to paragraph 51 of the Committee's concluding observations, we provide herewith additional information on the measures taken in response to the observations contained in paragraphs 7 (national human rights institution), 21 (counter-terrorism measures) and 25 (secret detention and enforced disappearances).

Follow-up information relating to paragraph 7 of the concluding observations (CCPR/C/TKM/CO/3)

2. On 14 June 2024, the President of Turkmenistan issued a decision on improving the work of the Office of the Ombudsman. As provided for in this document, the Ombudsman reorganized the Office, approved its structure and staffing table and determined the number of employees.

3. On the basis of the presidential decision, three new departments were established within the Office pursuant to an order of the Ombudsman of 21 June 2024. At present, the Office has departments responsible for the protection of human rights and freedoms within State and local government bodies, for the protection of the rights of women and children and for the protection of human rights in the private sector. Under the 21 June 2024 order, the Ombudsman approved the staffing table for the Office, in accordance with which the number of employees was increased to 15.

4. The question of amending the law to allow staff of the Office to visit places of deprivation of liberty was also raised by the Global Alliance of National Human Rights Institutions in its recommendations; accordingly, the Office is drawing up a road map that envisages the introduction of such an amendment. It should be noted that, under current law, there are no restrictions in this regard.

5. In accordance with chapter X of the Ombudsman Act, the Office is established to provide legal, institutional, research and analytical, logistical, financial and administrative, informational and other support for the Ombudsman's activities. Under this provision, visits by the Ombudsman to places of deprivation of liberty and other closed institutions may be conducted with the participation of a member of his or her staff. Efforts to improve the relevant legislation in this area are ongoing.

6. Since its inception, the Office of the Ombudsman has been cooperating with the United Nations and its agencies (the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Human Rights (OHCHR) office, the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC) and others), the mission of the Organization for Security and Cooperation in Europe (OSCE), the European Union, the Global Alliance of National Human Rights Institutions and the Asia-Pacific Forum. The Office also engages in international cooperation with the national human rights institutions of Uzbekistan, Tajikistan, Kyrgyzstan, Kazakhstan, Azerbaijan, the Russian Federation and other countries.

7. In collaboration with OHCHR and UNICEF, an alternative report on the implementation of the Convention on the Rights of the Child was submitted. Cooperation with civil society takes place through the participation of representatives of several associations (the National Trade Union Centre, the Central Council of the Women's Organization of Turkmenistan, the Central Council of the Magtymguly Youth Organization, Ýeňme, Keýik okara and Täze zaman). These organizations take part in meetings of the Office's Expert Council and in other events.

Follow-up information relating to paragraph 21 of the concluding observations

8. Turkmenistan is consistently strengthening its national legal system in line with its international obligations. An important step in this direction was the country's successful completion, in 2023, of the second round of the mutual evaluation of its national system for combating money laundering, financing of terrorism and financing of the proliferation of

weapons of mass destruction. This confirmed the high degree of conformity of national mechanisms with the recommendations of the Financial Action Task Force and United Nations standards.

9. A field mission by expert evaluators from the Eurasian Group on Combating Money Laundering and Financing of Terrorism (EAG) took place from 2 to 17 August 2022, following which a report was compiled. It was concluded, on the basis of a summary of the measures taken by Turkmenistan to combat money laundering and financing of terrorism, that the country is making significant efforts to identify, assess and understand its risks in relation to money laundering and financing of terrorism and to develop measures to minimize them.

10. Turkmenistan conducted national risk assessments NOR-1 and NOR-2. Based on the findings of the assessments, the country developed and approved two action plans for managing risks relating to money laundering, terrorist and proliferation financing in Turkmenistan. The Action Plan for Controlling, Mitigating and Eliminating Money Laundering, Terrorist and Proliferation Financing Risks for 2020–2021 is aimed, inter alia, at improving the legal and regulatory framework, enhancing the knowledge of the personnel of competent authorities, upgrading the resources of government agencies and strengthening cooperation among them.

11. The Action Plan for Money Laundering and Terrorist Financing Risk Management for 2021–2022 includes six strategic areas: national threats – mitigating risks associated with national threats; reducing risks relating to terrorist financing and money laundering; national vulnerabilities – mitigating risks associated with national vulnerabilities; improving the mechanism for mitigating risks associated with vulnerabilities in the financial sector; vulnerabilities relating to the identification of beneficiaries and beneficial owners; and mitigating risks associated with vulnerabilities in non-financial sectors.

12. In Turkmenistan, there are appropriate laws and regulations and the competent authorities have well-trained personnel overall to detect and investigate cases of terrorist financing. No terrorism-related crimes, including terrorist financing, have been recorded in the country. Efforts to combat terrorist financing focus primarily on prevention. The authorities in Turkmenistan have largely integrated matters relating to combating terrorist financing into their national counter-terrorism strategies and are implementing preventive measures in support of counter-terrorism policy. Turkmenistan has a consolidated legal framework governing the application of targeted financial sanctions aimed at combating terrorist financing.

13. On 1 January 2023, a new version of the Criminal Code came into force. The revision of the Code was aimed at further humanizing the justice system while, at the same time, strengthening accountability for crimes against peace and humanity. Criminalization of terrorist acts (Criminal Code, art. 293): article 293 of the Criminal Code establishes harsh penalties for terrorist activities.

Criminalization of terrorist financing (Criminal Code, art. 294)

14. Under the revised Criminal Code, terrorist financing is defined as the collection or provision of funds with the knowledge that they are intended to support the activities of terrorist organizations, regardless of whether a specific act has been committed. This crime is classified as a serious offence.

Additional provisions in the field of security

15. In addition, the following articles of the Criminal Code have been retained and updated:

- Article 176 (Mercenarism): liability for recruiting, training, financing or otherwise providing material support to a mercenary
- Article 305 (Financing of criminal organizations): liability for providing support to illegal paramilitary groups

- Article 230 (Failure to report a crime or concealment of a crime): criminal penalties for concealing or failing to report an impending act of terrorism or terrorist financing

16. The Counter-Terrorism Act of 25 November 2017 is the keystone document in which the legal and organizational framework for countering terrorism is established. According to article 3 of the Act, terrorism is an ideology of violence and the practice of influencing the decision-making of State and local government bodies or international organizations and/or other persons; activities that pose a danger to society and involve the intentional use of violence through hostage-taking, arson, murder, torture and intimidation of the population and the authorities or the commission of other acts that endanger the lives or health of innocent people, or threats to commit any such acts, in order to achieve criminal ends.

Follow-up information relating to paragraph 25 of the concluding observations

17. According to paragraph 9.3 of the National Strategy to Prevent Violent Extremism and Counter-Terrorism, special attention will continue to be paid to ensuring respect for human rights in places of deprivation of liberty, including in respect of persons accused of violent extremism and terrorism, and to maintaining close cooperation in this regard with United Nations human rights bodies.

18. To this end, measures are being developed to ensure the effective implementation of judicial safeguards (Code of Criminal Procedure, arts. 13, 141 and 182).

19. Discussions are ongoing with the United Nations bodies responsible for the protection of human rights with respect to the continued application of rules and safeguards in relation to terrorism.

20. Turkmenistan continues to actively involve staff from the relevant judicial bodies, the procurator's office and law enforcement agencies in professional training and the exchange of best practice with respect to the investigation, criminal prosecution and adjudication of cases relating to extremism and terrorism, in full compliance with international human rights law.
