



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 110th session

7–31 August 2023

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined twelfth and thirteenth periodic reports of Turkmenistan

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. On the basis of the 2022 national population and housing census, updated statistics on the demographic composition of the population, based on self-identification and disaggregated by ethnic origin, including Luli/Roma people. Updated statistics on refugees, asylum-seekers and stateless persons. Economic and social indicators for various groups living in the territory of the State party, disaggregated by national or ethnic origin, gender and age, particularly with regard to minority groups, in the light of the 2022 national population and housing census.²

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 5, 6 and 7)

3. Steps taken to develop and adopt a comprehensive anti-discrimination law that includes a definition of direct and indirect discrimination. Measures to adopt a comprehensive strategy and a national action plan to combat racism, racial discrimination and intolerance.³ Information on the adoption and implementation of special measures for the purpose of securing adequate advancement of disadvantaged minority groups in conformity with articles 1 (4) and 2 (2) of the Convention.⁴

4. Information on measures taken to raise awareness among civil servants, law enforcement officials and judicial authorities about the prohibition of racial discrimination

¹ A/65/18, para. 85.

² CERD/C/TKM/CO/8-11, para. 5; and CERD/C/TKM/12-13, paras. 11–22.

³ CERD/C/TKM/CO/8-11, para. 7; and CERD/C/TKM/12-13, paras. 23–27.

⁴ CERD/C/TKM/CO/8-11, para. 15.



and of remedies available for victims, including the effectiveness and impact of those measures.⁵

5. Updated statistics and details on complaints registered before courts or any other national institution for acts of racial discrimination, racist hate speech and racist hate crimes, including those perpetrated over the Internet and through media outlets, and on the number of investigations, prosecutions and convictions of perpetrators, if any.⁶ Measures taken to examine the reasons behind the absence of complaints and legal actions relating to racial discrimination between 2016 and 2019 and updated information on the domestic application of the Convention.⁷

Independence of the judiciary (arts. 5 and 6)

6. Updated information on the measures to guarantee the full independence and impartiality of the judiciary in line with the Basic Principles on the Independence of the Judiciary.⁸

National human rights institution (art. 2)

7. Information on measures to strengthen the mandate of the Office of the Ombudsperson to effectively promote human rights and monitor progress in the implementation of the Convention in an independent and transparent manner, while ensuring that the Office has adequate financial and human resources to carry out its mandate.⁹ Information on the mandate of the Office of the Ombudsperson to investigate racial discrimination complaints.

Racist hate speech, incitement to racial hatred and racist hate crimes (arts. 2, 4 and 6)

8. Measures taken to amend the provisions of the Criminal Code, and other relevant legislation by the Mejlis, on racist hate speech, incitement to racial hatred and racist hate crimes, in line with article 4 of the Convention. Measures taken to ensure that provisions of the Criminal Code and other measures to combat hate speech are not used in a manner that leads to unnecessary or disproportionate interference with freedom of expression or with freedom of peaceful assembly and association in respect of the activities of civil society organizations, human rights defenders and journalists, in particular for those concerned with the rights of ethnic minorities.¹⁰

9. Information on measures to effectively investigate, prosecute and combat racist hate speech and to punish perpetrators.¹¹

Civil society organizations (art. 5)

10. Information on registered civil society organizations, in particular those concerned with the rights of ethnic groups.¹² Measures taken to ensure that civil society organizations, human rights defenders and journalists, including those concerned with the rights of ethnic minorities, are able to carry out their work effectively and without intimidation.

Situation of ethnic minorities (arts. 2, 5 and 7)

11. Measures taken to ensure the access of members of ethnic minorities to education at all levels in their mother tongue, including the establishment of schools and the publication of school textbooks in minority languages.¹³

⁵ CERD/C/TKM/CO/8-11, para. 25; and CERD/C/TKM/12-13, paras. 163 and 176–194.

⁶ CERD/C/TKM/CO/8-11, para. 21; and CERD/C/TKM/12-13, paras. 164–167.

⁷ CERD/C/TKM/CO/8-11, para. 21; and CERD/C/TKM/12-13, paras. 163–168.

⁸ CERD/C/TKM/CO/8-11, para. 23; and CERD/C/TKM/12-13, paras. 169–175.

⁹ CERD/C/TKM/CO/8-11, para. 11; and CERD/C/TKM/12-13, paras. 33–68.

¹⁰ CERD/C/TKM/CO/8-11, para. 9; and CERD/C/TKM/12-13, paras. 28–32.

¹¹ CERD/C/TKM/CO/8-11, para. 9.

¹² Ibid., para. 29; and CERD/C/TKM/12-13, para. 199.

¹³ CERD/C/TKM/CO/8-11, para. 15; and CERD/C/TKM/12-13, paras. 104–112.

12. Measures to ensure the effective participation and representation of members of ethnic minorities in public and political life, particularly in State institutions, the police and the judiciary, and to ensure their enjoyment of economic, social and cultural rights, including through the adoption and implementation of special measures.¹⁴

13. Updated information on measures taken to protect the rights of minorities, including their right to freedom of thought, conscience and religion, without any discrimination on the grounds of race, colour, descent or national or ethnic origin, as well as on the impact of the implementation of the Freedom of Religion and Religious Organizations Act of 2016.¹⁵

Situation of non-citizens, including asylum-seekers, refugees and stateless persons (arts. 2 and 5)

14. Updated information on the legislative and policy frameworks on asylum-seekers and refugees, including updated information on measures to prevent refoulement of asylum-seekers.¹⁶ Additional information on the implementation of the Refugees Act of 2017 and its impact.

15. Updated and detailed information on measures to prevent and protect individuals from statelessness, including information on the procedure for determining statelessness and on measures to address obstacles to birth registration, in the light of the National Plan of Action to End Statelessness for the period 2018–2024.¹⁷

16. Measures to ensure the access of non-citizens to education, employment, housing and health services, without discrimination. Information on measures to ensure that families will be able to obtain visas.¹⁸

Human rights education to combat prejudice and intolerance (art. 7)

17. Information on measures to promote human rights education, including on ways to combat racial discrimination in all school curricula, university programmes and teacher training programmes, and on measures to raise awareness among the general public, civil servants, law enforcement officials and judicial authorities on the importance of cultural diversity, tolerance and inter-ethnic understanding.

¹⁴ CERD/C/TKM/CO/8-11, para. 15; and CERD/C/TKM/12-13, paras. 113–133 and 145–151.

¹⁵ CERD/C/TKM/CO/8-11, para. 13; and CERD/C/TKM/12-13, paras. 69–103.

¹⁶ CERD/C/TKM/CO/8-11, para. 17; and CERD/C/TKM/12-13, paras. 152–153 and 148–151.

¹⁷ CERD/C/TKM/CO/8-11, para. 19; and CERD/C/TKM/12-13, paras. 154–162.

¹⁸ CERD/C/TKM/CO/8-11, para. 17; and CERD/C/TKM/12-13, paras. 139–151.