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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Turkmenistan

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	29 Sept. 1994		Individual complaints (art. 14): No
ICESCR	1 May 1997		--
ICCPR	1 May 1997		Inter-State complaints (art. 41): No
ICCPR-OP 1	1 May 1997		--
ICCPR-OP 2	11 Jan. 2000		--
CEDAW	1 May 1997		--
CAT	25 June 1999		Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	20 Sept. 1993		--
OP-CRC-AC	29 April 2005	Yes (17 years for voluntary military service)	--
OP-CRC-SC	28 March 2005		--
CPD	4 Sept. 2008		--

Core treaties to which Turkmenistan is not a party: OP-CEDAW, OP-CAT, ICRMW, CPD-OP, CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	No
Palermo Protocol ³	Yes
Refugees and stateless persons ⁴	Yes, except 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵	Yes, except Protocol III
ILO fundamental conventions ⁶	Yes, except Nos. 138 and 182
UNESCO Convention against Discrimination in Education	No

1. In 2007, the High Commissioner welcomed Turkmenistan's ratification of most major human rights instruments and invited the Government to consider ratifying, among others, OP-CAT and CEDAW.⁷ The Committee on the Rights of the Child (CRC) in 2006 recommended that Turkmenistan consider ratifying the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption⁸ and ILO Conventions Nos. 138 and 182.⁹ The Committee on the Elimination of Discrimination against Women (CEDAW) commended Turkmenistan for ratifying CEDAW without reservations¹⁰, welcomed the delegation's statement that there are no obstacles hindering the State's future ratification of OP-CEDAW¹¹ and encouraged its ratification as well as that of ICRMW.¹² The Committee on the Elimination of Racial Discrimination (CERD) further recommended that Turkmenistan consider making the optional declaration provided for in article 14 of ICERD.¹³

B. Constitutional and legislative framework

2. CEDAW and CERD were concerned that the status of their respective Conventions remained unclear in domestic law.¹⁴ CEDAW called upon Turkmenistan to take immediate measures to ensure that the provisions of the Convention are fully applicable in the domestic legal system.¹⁵

3. The General Assembly in 2005 noted the lifting of criminal penalties for the activities of non-registered nongovernmental organizations in November 2004, while noting that difficulties in the registration process for non-governmental organizations and private organizations continue and that other significant restrictions continue to hinder their activities.¹⁶

C. Institutional and human rights infrastructure

4. The High Commissioner as well as CERD encouraged Turkmenistan to consider establishing an independent national human rights institution in accordance with the Paris Principles,¹⁷ and CRC recommended in particular that such an institution have a mandate to monitor compliance with the obligations under the Convention.¹⁸ CEDAW also urged Turkmenistan to put in place an institutional mechanism that is exclusively responsible for, inter alia, the implementation of the Convention.¹⁹

D. Policy measures

5. The High Commissioner encouraged the Government to give special attention to the gathering, analysis and sharing of data related to the situation of political, civil, economic, social and cultural rights, which would allow the Government and the international community to engage on further reforms in these areas.²⁰

6. While welcoming developments such as the Presidential decree against child labour, specifically condemning the use of children for cotton harvesting, CRC was concerned that this practice was still widespread and recommended that Turkmenistan design and implement a comprehensive strategy to prevent and combat child labour and ensure the implementation of the recent law prohibiting child exploitation in cotton fields.²¹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

7. At its seventh session, the Human Rights Council examined the human rights situation in Turkmenistan under the Complaint Procedure established pursuant to Human Rights Council resolution 5/1 of 18 June 2007, and decided to keep the situation under review.²²

1. Cooperation with treaty bodies

<i>Treaty body²³</i>	<i>Latest report considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2005	Nov. 2005	Received Jan. 2008 Considered Aug. 2008	Combined sixth and seventh report overdue since 2007
CESCR	--	--	--	Initial and second report overdue respectively since 1999 and 2004
HR Committee	--	--	--	Initial and second reports overdue

<i>Treaty body</i> ²³	<i>Latest report considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
				respectively since 1998 and 2003. Third report due in 2008.
CEDAW	2006	June 2006	--	Combined third and fourth report due in 2010
CAT	--	--	--	Initial and second report overdue since respectively 2000 and 2004. Third report due in 2008.
CRC	2006	June 2006	--	Combined second, third and fourth report due in 2010
OP-CRC- AC	--	--	--	Initial report overdue since 2007
OP-CRC- SC	--	--	--	Initial report overdue since 2007

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on freedom of religion or belief, 4-10 September 2008
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the question of torture (requested in 2003 and 2007); Special Rapporteur on the right to education (requested in 2006) Special Rapporteur on the right to health (requested in 2006); Special Representative of the Secretary-General on the situation of human rights defenders (request in 2003 and 2004); Special Rapporteur on the independence of judges and lawyers (request in 2003); Special Rapporteur on the right to freedom of opinion and expression (request in 2003); Working Group on Arbitrary Detention (request in 2004); Special Rapporteur on extrajudicial, summary or arbitrary executions (request in 2003); Special Rapporteur on violence against women, its causes and consequences (request in 2007).
<i>Facilitation/cooperation during missions</i>	N/A
<i>Follow-up to visits</i>	N/A
<i>Responses to letters of allegations and urgent appeals</i>	A total of 24 communications were sent between 1 July 2004 and 30 June 2008. In addition to communications sent for particular groups, 133 individuals, including 33 women, were covered by these communications. Between 1 July 2004 and 30 June 2008, the Government replied to five communications (20,8 per cent).
<i>Responses to questionnaires on thematic issues</i> ²⁴	Turkmenistan responded to none of the 12 questionnaires sent by special procedures mandate holders ²⁵ between 1 July 2004 and 30 June 2008, within the deadlines.

8. In 2007, the High Commissioner welcomed the Government's recent invitation to the Special Rapporteur on freedom of religion or belief and suggested that Turkmenistan issue invitations to other special procedures.²⁶ A similar recommendation had been made by the Secretary-General in 2006.²⁷

3. Cooperation with the Office of the High Commissioner for Human Rights

9. Pursuant to calls by the Commission on Human Rights²⁸, the General Assembly²⁹ and the Secretary-General³⁰ to cooperate fully with OHCHR, a joint OHCHR/UNDP project to support the country in its treaty body reporting was launched in 2006. UNDP indicated that this joint project started in May 2007 with the Government.³¹

10. In May 2007, the High Commissioner undertook a two-day visit to Turkmenistan as part of her visit to Central Asia.³² On 10 June 2008, OHCHR and the Government of Kyrgyzstan signed an agreement for the establishment in Bishkek of a regional office for Central Asian countries.³³

B. Implementation of international human rights obligations

1. Equality and non-discrimination

11. CEDAW in 2006 was deeply concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes and urged Turkmenistan to address directly such stereotypical attitudes, including through the revision of curricula and textbooks and awareness-raising campaigns³⁴ and to undertake, without delay, measures to eliminate discrimination against women and ensure de jure and de facto equality between women and men.³⁵

12. The General Assembly in 2005 expressed its grave concern at continuing discrimination against ethnic and other minorities.³⁶ In 2005, CERD was deeply concerned by consistent information relating to the State's policy of "Turkmenization" and recalled that policies of forced assimilation amount to racial discrimination and constitute grave violations of the Convention.³⁷ CRC was concerned that as a result of this policy, discriminatory attitudes and practices existed towards national and ethnic minorities such as Russians, Uzbeks, Kazakhs, Turks, Kurds, Baluchi and Germans.³⁸

13. CEDAW expressed concern about the lack of policies and programmes for ethnic and minority women and girls, who may suffer from multiple forms of discrimination, in particular with regard to access to education, health, employment and participation in political and public life.³⁹ CRC also noted the denial of a number of fundamental socio-economic rights for members of ethnic minority groups, including the right to own property.⁴⁰ CERD was particularly disturbed about reports relating to the removal of many non-ethnic Turkmen from State employment and to "third generation tests" imposed on persons wishing to access higher education and public sector employment.⁴¹ In its follow-up report to CERD, the Government stated that such tests are currently not performed and are not provided for under domestic legislation.⁴² CERD subsequently asked the Government to submit statistical data on the participation of members of ethnic or national minorities in the labour force, in particular public sector employment.⁴³

14. CERD was deeply concerned about instances of hate speech against national and ethnic minorities, including by high-ranking government officials and public figures supporting Turkmen ethnic purity, as well as about severe restrictions on freedoms of opinion and expression impeding opposition to such discourses.⁴⁴ This concern was echoed by the General Assembly.⁴⁵

15. CERD stressed that deprivation of citizenship on the basis of national or ethnic origin is a breach of the obligation to ensure non-discriminatory enjoyment of the right to nationality.⁴⁶

16. CRC in 2006 was also concerned that children belonging to families of persons condemned on political grounds were often victims of discriminatory and punitive practices, notably in access to education and other services.⁴⁷

2. Right to life, liberty and security of the person

17. In 2005, the General Assembly expressed its grave concern at credible reports of ongoing torture and mistreatment of detainees and poor conditions in prisons, and the failure to grant access to detainees to the International Committee of the Red Cross (ICRC) according to its usual terms, as well as to international monitors.⁴⁸

18. The Special Rapporteur on the question of torture sent a communication in 2005 related to 62 individuals convicted in December 2002 and January 2003 to prison terms ranging between five years to life for their involvement in what the authorities described as an assassination attempt on the President in November 2002, and who continued to be held incommunicado, including without access to ICRC.⁴⁹

19. CRC in 2006 also expressed its deep concern at the information that torture and ill-treatment of detainees, including children, is widespread, especially at the moment of apprehension and during pre-trial detention, and used both to extract confessions and as an additional punishment after the confession.⁵⁰ CRC recommended, inter alia, that Turkmenistan ensure that any statement made as a result of violence and or coercion will be qualified as inadmissible evidence.⁵¹ It also recommended investigating thoroughly all allegations of torture and ill-treatment, in particular within the juvenile justice administration by public officials; strengthening measures to encourage reporting of torture and ill-treatment and ensure that perpetrators are rapidly brought to justice; providing victims with recovery, social reintegration and compensation and protecting them from stigma and re-victimization; undertaking training programmes and awareness-raising campaigns.⁵² In 2006, the Secretary-General called upon the Government to take verifiable measures to stop the use of torture and to ensure that all prisoners have access to lawyers of their choice and independent observers.⁵³

20. CEDAW was concerned that Turkmenistan did not seem to be aware of the urgency of the existence of violence against women; about the lack of specific legislation to deal with all forms of violence against women; the lack of protection measures; and an absence of prevention efforts.⁵⁴ CRC also regretted the lack of information on the extent of violence against children.⁵⁵ CEDAW recommended, inter alia, that Turkmenistan adopt specific legislation on domestic violence, including marital rape, ensuring that violence against women and girls constitutes a criminal offence.⁵⁶

21. CRC, while noting that corporal punishment seemed to be prohibited, recommended, inter alia, that Turkmenistan enforce legislation and procedures prohibiting corporal punishment; and conduct awareness-raising and education campaigns and promote non-violent, positive and participatory forms of childrearing and education.⁵⁷

22. CRC, concerned that trafficking in persons was not expressly prohibited by law and that girls from minority ethnic groups were more likely to be victims of trafficking, recommended criminalizing trafficking in accordance with the Palermo Protocol; studying the nature and magnitude of the problem; and launching awareness-raising and prevention campaigns.⁵⁸ CEDAW also expressed concern about the lack of information regarding the extent of trafficking and the exploitation of women in prostitution.⁵⁹

3. Administration of justice and the rule of law

23. In 2006, the Secretary-General noted, inter alia, the absence of an independent judiciary.⁶⁰ In her address to the Human Rights Council in 2007, the High Commissioner noted

that a better balance must be found between the powers of the executive and those of the judiciary and legislature. The latter are still too weak to provide effective enforcement of human rights.⁶¹

24. CEDAW invited Turkmenistan to introduce all necessary procedural laws to ensure women's access to justice and to enhance women's awareness of their rights.⁶²

25. CERD noted that since independence no case of racial discrimination had been referred to the courts and recommended, inter alia, informing victims of their rights, facilitating access to justice; ensuring that the competent authorities proceed to a prompt and impartial investigation on complaints of racial discrimination, or whenever there are reasonable grounds to believe that racial discrimination has been committed.⁶³ The Government in its follow-up report to CERD provided information on the establishment of the State Commission to review complaints regarding activities of law enforcement agencies.⁶⁴ The Government was subsequently asked to report on measures taken to address, in particular, statements inciting racial discrimination by all public authorities.⁶⁵

26. In relation to juvenile justice, CRC was concerned, inter alia, that persons below 18 years are subject to the same criminal procedure as adults; that children may be held in remand pending investigation up to six months; and that confessions are often extracted by force and used as evidence in court. CRC recommended, inter alia, that Turkmenistan ensure that any statement which has been made as a result of violence and or coercion will be qualified as inadmissible evidence.⁶⁶

4. Right to privacy, marriage and family life

27. In 2005, the General Assembly expressed grave concern at arbitrary or unlawful interference with individuals' privacy, family, home or correspondence.⁶⁷

28. Concerned that although illegal, polygamy is nonetheless practised in some regions without legal or social sanctions and that there are no laws protecting women involved in polygamous situations, CEDAW called upon Turkmenistan to enforce its laws on polygamy and take comprehensive measures to eliminate it.⁶⁸

29. CRC raised concerns in the area of adoption and guardianship and recommended, inter alia, that the State improve and harmonize its legislation in order to achieve compliance with the Convention and set up a centralized system for the registration of adoptions.⁶⁹ While noting the low rate of institutionalization, CRC was concerned that many children were institutionalized due to the economic difficulties of their families. CRC recommended that Turkmenistan ensure that poverty does not lead to separation or out-of-home placement.⁷⁰

5. Freedom of movement

30. Grave concern about the forced displacement of citizens was expressed by the General Assembly⁷¹ and CRC⁷², CERD also expressing its deep concern at information about the particular targeting of ethnic Uzbeks.⁷³ CRC recommended that Turkmenistan urgently abolish forced resettlement as a punishment for certain crimes and end its policy of forced displacement of ethnic minorities.⁷⁴

31. In 2005, the General Assembly expressed grave concern at violations of the freedom to leave one's country.⁷⁵

32. CERD expressed concern at reported restrictions on freedom of movement imposed through internal travel documents and recommended that Turkmenistan lift restrictions on freedom of movement having a disproportionate impact on national minorities.⁷⁶ In its follow-up report to CERD, the Government informed that in 2007, it abolished the internal visa regime for all citizens, including in the border areas.⁷⁷ CERD welcomed this information and encouraged Turkmenistan to make the necessary amendments to its migration law as soon as possible and also reiterated its request to be provided with information about the number and ethnic origin of individuals resettled under the Presidential Decree of 18 November 2002, and relevant provisions of the Criminal Code.⁷⁸

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

33. The General Assembly, in its resolution 60/172, expressed its grave concern at the continuing and serious human rights violations occurring in Turkmenistan, in particular the persistence of a governmental policy based on the repression of all political opposition activities; the continuing abuse of the legal system of persons who try to exercise their freedom of expression, assembly and association, and harassment of their families; the complete control of the media by the Government, its censorship of all newspapers and access to the Internet, and intolerance of independent criticism of government policy, as well as further restrictions on the freedom of expression and opinion, and prohibition of all contact between local journalists and foreigners without the express consent of the Government; continuing restrictions on the exercise of the freedom of thought, conscience, religion or belief, including the use of registration procedures as a means to limit the right to freedom of thought, conscience and religion of members of certain religious communities; and continuing restrictions on the exercise of the right of peaceful assembly, including constraints faced by civil society organizations.⁷⁹

34. The Special Rapporteur on freedom of religion or belief addressed various allegations in communications concerning the situation of various religious minorities, including Adventists, Baptists, Baha'is, and Jehovah's Witnesses.⁸⁰ Communications referred, inter alia, to alleged imprisonment for refusing to perform compulsory military service on grounds of conscience.⁸¹ A further communication concerned the sentencing of an individual to hard labour reportedly related to his activities as leader of a congregation which is part of a network of Baptist churches.⁸² Concern has also been expressed that the authorities are carrying out a campaign against Islam religious practice under the pretext of combating "Wahhabism".⁸³ Where the Government responded,⁸⁴ it highlighted that the Turkmenistan guarantees freedom of religion and belief and equality before the law.⁸⁵ On certain incidents referred to in the communications, the Government indicated that steps had been taken to elucidate them and provided information about the outcome. It stressed that there had been no single instance of arrest or conviction for political, religious or other reasons.⁸⁶

35. The Special Rapporteur, following her mission to Turkmenistan in September 2008, concluded that individuals and religious communities still face a number of difficulties, although the situation has much improved since 2007, and was assured by the Government that any concerns she may have regarding the situation will be taken into account. During her mission, she raised concerns at vague or excessive legislation on religious issues and at its arbitrary implementation. She was very much concerned that activities of unregistered religious organisations are prohibited according to the 2003 Law of Turkmenistan on Freedom of Conscience and Religious Organisations, and that although criminal penalties for unregistered religious activity have been removed in 2004, there still remain administrative offenses. A number of religious communities, unregistered and registered, face restrictions relating to places

of worship and imports of religious material. She was also concerned that in Turkmenistan conscientious objection is a criminal offence and that no alternative civilian service is offered. CRC in 2006 and CERD in 2005 also raised concerns regarding the right to freedom of religion, such as the registration of some religious communities.⁸⁷

36. CRC expressed concern that all sources of information and the media in particular are subject to Government control and do not allow for diversity and shared the concerns of CERD that access to foreign culture and media, including the Internet, was very limited.⁸⁸ CERD recommended that Turkmenistan respect the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers.⁸⁹

37. The Special Representative of the Secretary-General on the situation of human rights defenders in 2006 was deeply concerned about the severe repression faced by human rights defenders.⁹⁰ She was also gravely concerned about reports that the authorities have increasingly attempted to co-opt NGOs under governmental structures, that they have stepped up scrutiny of funding in relation to independent civil society groups and have shown resistance to registering such groups. She noted that human rights defenders have been frequently prevented from meeting with representatives of foreign Governments and international organizations, and that those who have nevertheless managed to attend such meetings have reportedly faced serious repercussions.⁹¹ Finally, the Special Representative was concerned about the serious restrictions on the right to freedom of movement which gravely hinder the work of human rights defenders.⁹²

38. Several communications sent in 2006 by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Working Group on Arbitrary Detention and the Special Representative of the Secretary-General on the situation of human rights defenders related to the death in custody of Ms. Ogulsapar Muradova, a prominent human rights activist associated with the Turkmenistan Helsinki Foundation (THF) and journalist for Radio Free Europe/Radio Liberty. She was arrested along with two other human rights defenders, both members of the THF.⁹³ In a further communication, it was alleged that the incommunicado detention of the activists of the THF continued.⁹⁴ Concern about these cases was also expressed by the Secretary-General in 2006.⁹⁵ Other communications sent by the Special Rapporteur on the question of torture in 2004⁹⁶ and 2006⁹⁷ dealt with the alleged arrest and incommunicado detention of a radio correspondent and regular contributor to Radio Liberty and two journalists with Radio Liberty, respectively.

39. The High Commissioner⁹⁸ and CEDAW⁹⁹ stressed the importance of empowering civil society and CRC recommended that Turkmenistan facilitate the role of civil society in the implementation of the Convention by removing restrictions to the functioning of independent civil society organizations.¹⁰⁰

40. In his report to the General Assembly, the Secretary-General mentioned that the OSCE Chairman-in-Office visited Turkmenistan in 2006 and noted, inter alia, that it was important to start political reforms and democratization and to amend national legislation to bring it into compliance with international conventions.¹⁰¹

41. CEDAW, concerned at the low level of representation of women in public and political life and in decision-making positions, particularly at the local level, urged Turkmenistan to take temporary special measures, including quotas, to increase representation of women.¹⁰² The United Nations Statistics Division indicated that the proportion of seats held by women in the national Parliament decreased from 26 per cent in 2004 to 16 per cent in 2008.¹⁰³

7. Right to work and to just and favourable conditions of work

42. CEDAW was concerned at discrimination against women as reflected in hiring processes and pay gaps and at women having been disproportionately affected by the elimination of jobs in the health-care and education sectors. CEDAW requested Turkmenistan to address the practical and legal impediments women face in the labour force.¹⁰⁴

8. Right to social security and to an adequate standard of living

43. While noting that the free provision of gas, electricity, water and table salt has been extended until 2020, CRC was concerned that, partly due to an unequal distribution of wealth in the country, a considerable number of families live at the edge of poverty.¹⁰⁵ CEDAW expressed concern particularly about the negative impact of customs on rural women, especially with regard to access to land and inheritance.¹⁰⁶

44. While the guarantee of free medical care to children was welcomed, CRC¹⁰⁷, CEDAW¹⁰⁸ and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health¹⁰⁹, in 2006, raised concerns about the health sector. CEDAW expressed concern about the cutbacks in the health sector, the closure of hospitals outside the capital and the effectiveness of the Health Houses in the rural areas.¹¹⁰ Concerns raised by CRC included the accuracy of infant mortality rates, the high maternal mortality rate and the lack of supplies and emergency medicines in hospitals.¹¹¹ In an urgent appeal, the Special Rapporteur on the right to health referred to information received that the failure to report official data on health to United Nations organizations since 1998 had made it difficult both to determine the overall health of the population and to assess health-care provision. Specific allegations pertained to health-care reforms undertaken in 2004 - 2005, including the dismissal of 15,000 health-care workers and their replacement by untrained military conscripts.¹¹²

45. CRC, while welcoming that medication for children with disabilities were paid by the State, was concerned that children with disabilities were over-institutionalized and recommended that Turkmenistan, inter alia, undertake efforts to implement alternative measures to prevent the institutionalization of children with disabilities.¹¹³

46. CRC expressed concern about the low levels of knowledge on how HIV can be transmitted, the lack of means for protection from HIV infection, about prevailing unsafe sexual behaviour and injecting practices, and the increasing illicit use of narcotic drugs and psychotropic substances among adolescents.¹¹⁴ Similar concerns were raised in a 2004 UNAIDS report.¹¹⁵ CRC recommended, inter alia, that Turkmenistan adequately implement the National Programme on HIV/STI Prevention in Turkmenistan (2005-2010); and undertake a study on adolescent health with a view to developing a comprehensive adolescent health policy addressing in particular drug addiction.¹¹⁶

9. Right to education and to participate in the cultural life of the community

47. CRC in 2006 raised concerns about the educational system and recommended, inter alia, that the State increase the number of school days to 180 days in line with international standards; improve the remuneration of teachers; improve the school curriculum; strengthen its efforts to include human rights in general, and the rights of the child in particular, into the curricula; and increase the availability of vocational training programmes for young people, with the view of facilitating their future access to the labour market.¹¹⁷

48. The High Commissioner in 2007 welcomed the recent reforms undertaken in the area of education, namely the increase in the number of years of school education offered to students.¹¹⁸

49. The 2005-2009 UNFPA country programme document mentioned that only 32 per cent of students in higher education are girls.¹¹⁹ CEDAW called upon Turkmenistan to take temporary special measures to increase the number of women in higher education and to provide incentives for young women to enter male-dominated fields of study.¹²⁰

50. Concerns about the content of the “Ruhnama” were expressed by CERD¹²¹ and CRC, which explained that it is a “spiritual guide” written by the President and that a large part of the school programme is devoted to its teaching.¹²² CRC recommended that Turkmenistan improve the school curriculum, including through the inclusion of human rights education.¹²³ In its follow-up report to CERD, the Government provided information in 2008 that “Ruhnama” is not a prominent subject in the curriculum of general secondary schools; and on educational reform being carried out with the aim of bringing it into line with international standards.¹²⁴

51. While taking note of the abolition of the exit visa in 2004, CERD remained concerned about reported impediments for Turkmen students wishing to study abroad. CERD recommended that Turkmenistan allow students to study abroad and provide detailed information on the recognition of foreign degrees.¹²⁵ In its follow-up report to CERD, the Government confirmed the obligatory recognition of education documents issued in foreign countries in accordance with international standards and stated that in 2007 over 1,000 young men and women became students of prestigious higher educational establishments abroad.¹²⁶

52. CRC¹²⁷ and CERD¹²⁸ expressed concerns about the right of persons belonging to national and ethnic minorities to enjoy their own culture. CRC¹²⁹ and CERD recommended that Turkmenistan consider reopening minority language schools. CERD also suggested that it reconsider the requirement that students belonging to national or ethnic minorities wear Turkmen national dress; and ensure that members of national and ethnic minorities have the possibility of creating and using their own media in their own language.¹³⁰ In its follow-up report to CERD, the Government informed the Committee of the agreement with certain countries to open schools for the diasporas of the States concerned; and that in the absence of legislation stipulating the wearing of Turkmen national dress by schoolchildren, every school has the right to choose its uniform.¹³¹

10. Minorities and indigenous peoples

53. CERD urged Turkmenistan to respect and protect the existence and cultural identity of all national and ethnic minorities within its territory, and referred in particular to the Baluchi minority, as its existence as a distinct cultural community was reported to be at risk.¹³²

11. Migrants, refugees and asylum-seekers

54. A 2006 UNHCR report noted that almost all the 9,500 Tajik refugees had been granted citizenship, and another 2,500 had been granted residence permits by the end of the year. CERD¹³³ and CRC¹³⁴ expressed their appreciation for the granting of citizenship and CERD encouraged Turkmenistan to continue the naturalization process without discrimination based on ethnic origin and recommended that the same treatment be granted to refugees of Turkmen, Uzbek, or other ethnic origin.¹³⁵

III ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

55. In 2007 the Government established an inter-ministerial commission on treaty body reporting. The new body has adopted a timetable for the preparation and submission of reports due to treaty bodies.¹³⁶

56. The 2007 UNHCR Country Operations Plan on Turkmenistan noted that in the socio-economic area, despite prevalence of huge natural resources in the country, lack of credible information remains a challenge to verify the growth in the country. Shortcomings were noted in the social sector.¹³⁷

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

57. The follow-up report to CERD was received on 23 January 2008.¹³⁸ At its seventy-third session in August 2008, CERD considered the report and the Chairperson subsequently sent a letter to the Government of Turkmenistan containing comments and requesting further information.¹³⁹

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

58. UNDP¹⁴⁰ and UNODC¹⁴¹ provided information on their capacity-building and technical assistance and cooperation programmes in Turkmenistan.

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention on the Protection of All Persons from Enforced Disappearance

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁷ United Nations press release of 4 May 2007 on the visit of the High Commissioner for Human Rights to Turkmenistan. .

⁸ Concluding observations of the Committee on the Rights of the Child (CRC/C/TKM/CO/1), para 43.

⁹ Ibid., see paras 63-64.

¹⁰ Concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/TKM/CO/2), para. 2.

¹¹ Ibid., para 5.

¹² Ibid., para 49.

¹³ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/TKM/CO/5), para. 24.

¹⁴ CEDAW/C/TKM/CO/2, para. 11 ; CERD/C/TKM/CO/5, para 10.

¹⁵ CEDAW/C/TKM/CO/2, paras 10-11.

¹⁶ General Assembly resolution 60/172, para. 1 (c). See also CERD/C/TKM/CO/5, para 8.

¹⁷ CERD/C/TKM/CO/5, para 22; and United Nations press release of 4 May 2007.

¹⁸ CRC/C/TKM/CO/1, para 12.

¹⁹ See CEDAW/C/TKM/CO/2 , paras. 16-19.

²⁰ United Nations press release of 4 May 2007.

²¹ CRC/C/TKM/CO/1, paras 63-64. See also General Assembly resolution 60/ 172, para. 1 (h).

²² Report of the Human Rights Council on its seventh session, A/HRC/7/78, para. 355.

²³ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

²⁴ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

²⁵ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special

Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

²⁶ United Nations press release of 4 May 2007.

²⁷ A/61/489, paras. 50 and 51. See also A/60/367, para. 21.

²⁸ Commission on Human Rights resolution 2004/12, para. 3 (g)..

²⁹ General Assembly resolution 59/206, para. 4 (b).

³⁰ A/60/367, para. 22.

³¹ UNDP submission to UPR on Turkmenistan, p. 1.

³² OHCHR, *High Commissioner's Strategic Management Plan 2008-2009*, p. 86. See also OHCHR, *2007 Report: Activities and Results*, p. 48; United Nations Press Release of 4 May 2007.

³³ United Nations press release of 10 June 2008.

³⁴ CEDAW/C/TKM/CO/2, paras 14-15.

³⁵ *Ibid.*, para 11.

³⁶ General Assembly resolution 60/172, para. 2 (g). See also General Assembly resolution 59/206 and Commission on Human Rights resolution 2004/12.

³⁷ CERD/C/TKM/CO/5, para. 12.

³⁸ CRC/C/TKM/CO/1, para. 22.

³⁹ CEDAW/C/TKM/CO/2, paras 28-29.

⁴⁰ CRC/C/TKM/CO/1, para. 22.

⁴¹ CERD/C/TKM/CO/5, para 13.

⁴² CERD/C/TKM/CO/5/Add.1, para 20-22.

⁴³ Letter dated 15 August 2008 from the Chairperson of CERD addressed to the Permanent Representative of Turkmenistan to the United Nations (hereafter "CERD letter"), available at http://www2.ohchr.org/english/bodies/cerd/docs/Turkmenistan_letter150808.pdf ..

⁴⁴ CERD/C/TKM/CO/5, para 11.

⁴⁵ General Assembly resolution 60/172, para. 2 (l).

⁴⁶ CERD/C/TKM/CO/5, para 16.

⁴⁷ CRC/C/TKM/CO/1, para 22.

⁴⁸ General Assembly resolution 60/172, para. 2 (d). See also Commission on Human Rights resolution 2004/12.

⁴⁹ Special Rapporteur on torture, E/CN.4/2006/6/Add.1, para. 514.

⁵⁰ CRC/C/TKM/CO/1, para. 36.

⁵¹ *Ibid.*, para. 70.

⁵² *Ibid.*, para. 37.

⁵³ A/61/489, para. 53.

⁵⁴ CEDAW/C/TKM/CO/2, para 24.

⁵⁵ CRC/C/TKM/CO/1, para. 44, see paras. 45 and 46.

⁵⁶ CEDAW/C/TKM/CO/2, para. 25.

⁵⁷ CRC/C/TKM/CO/1, paras 47-48.

⁵⁸ *Ibid.*, paras 67-68.

⁵⁹ CEDAW/C/TKM/CO/2, para. 42. See also General Assembly resolution 60/172, para. 1 (h).

⁶⁰ A/61/489, para. 46.

⁶¹ High Commissioner's address to the Human Rights Council, 11 June 2007.

⁶² CEDAW/C/TKM/CO/2, para. 13.

⁶³ CERD/C/TKM/CO/5, para 21.

⁶⁴ CERD/C/TKM/CO/5/Add.1, para 15.

⁶⁵ CERD letter.

⁶⁶ CRC/C/TKM/CO/1, paras 69-70.

⁶⁷ General Assembly resolution 60/172, para. 2 (k).

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- ⁶⁸ CEDAW/C/TKM/CO/2, para. 41.
- ⁶⁹ CRC/C/TKM/CO/1, see paras 5 and 40-43.
- ⁷⁰ Ibid., paras 38-39.
- ⁷¹ General Assembly resolution 60/172, para. 2 (h).
- ⁷² CRC/C/TKM/CO/1, paras 61-62.
- ⁷³ CERD/C/TKM/CO/5, para 14.
- ⁷⁴ CRC/C/TKM/CO/1, paras 61-62.
- ⁷⁵ General Assembly resolution 60/172, para. 2 (k).
- ⁷⁶ CERD/C/TKM/CO/5, para 14.
- ⁷⁷ CERD/C/TKM/CO/5/Add.1, para 25.
- ⁷⁸ CERD letter.
- ⁷⁹ General Assembly resolution 60/172, para. 2 (a). See also General Assembly resolution 59/206 and Commission on Human Rights resolution 2004/12.
- ⁸⁰ E/CN.4/2006/5/Add.1, para. 375.
- ⁸¹ A/HRC/7/10/Add.1, para. 250, and E/CN.4/2006/5/Add.1, para.380.
- ⁸² A/HRC/7/10/Add.1, paras. 252-253.
- ⁸³ A/HRC/4/21/Add.1, para. 291. See also E/CN.4/2006/5/Add.1, para. 378.
- ⁸⁴ A/HRC/4/21/Add.1, paras. 292-293, and 297-306, E/CN.4/2006/5/Add.1, paras. 381-387.
- ⁸⁵ E/CN.4/2006/5/Add.1, para. 382; and A/HRC/4/21/Add.1, para. 298.
- ⁸⁶ A/HRC/4/21/Add.1, para.305 and E/CN.4/2006/5/Add.1, para.385.
- ⁸⁷ United Nations press release of 10 September 2008 on the visit of the Special Rapporteur on freedom of religion or belief to Turkmenistan, CRC/C/TKM/CO/1, para. 34, and CERD/C/TKM/CO/5, para 17.
- ⁸⁸ CRC/C/TKM/CO/1, para. 32.
- ⁸⁹ CERD/C/TKM/CO/5, para 19.
- ⁹⁰ E/CN.4/2006/95/Add.5, para. 1671.
- ⁹¹ Ibid., para. 1674.
- ⁹² Ibid., para. 1675.
- ⁹³ A/HRC/4/20/Add.1, pages 331-334.
- ⁹⁴ A/HRC/4/33/Add.1, para.314.
- ⁹⁵ A/61/489, para. 27.
- ⁹⁶ E/CN.4/2005/62/Add.1, para. 1819.
- ⁹⁷ A/HRC/4/33/Add.1, para. 311.
- ⁹⁸ United Nations Press Release of 4 May 2007.
- ⁹⁹ CEDAW/C/TKM/CO/2, paras. 20-21.
- ¹⁰⁰ CRC/C/TKM/CO/1, paras 19-20.
- ¹⁰¹ A/61/489, para. 18.
- ¹⁰² CEDAW/C/TKM/CO/2, paras 26-27.
- ¹⁰³ United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx>.
- ¹⁰⁴ CEDAW/C/TKM/CO/2, paras 32 and 35.
- ¹⁰⁵ CRC/C/TKM/CO/1, paras 57-58.
- ¹⁰⁶ CEDAW/C/TKM/CO/2, para 38.
- ¹⁰⁷ CRC/C/TKM/CO/1, para. 51.
- ¹⁰⁸ CEDAW/C/TKM/CO/2, paras 36-37.
- ¹⁰⁹ A/HRC/4/28/Add.1, paras 45 and 46.
- ¹¹⁰ CEDAW/C/TKM/CO/2, para. 36.
- ¹¹¹ CRC/C/TKM/CO/1, para 51.
- ¹¹² A/HRC/4/28/Add.1, paras 45 and 46.
- ¹¹³ CRC/C/TKM/CO/1, paras 49-50.
- ¹¹⁴ Ibid., paras 53 and 55.
- ¹¹⁵ UNAIDS, Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections, Turkmenistan 2004 Update, p.2.
- ¹¹⁶ CRC/C/TKM/CO/1, paras 54 and 56.
- ¹¹⁷ Ibid., paras 59- 60.
- ¹¹⁸ United Nations Press Release of 4 May 2007.
- ¹¹⁹ UNFPA, Country programme document for Turkmenistan, p.2, available at www.undp.org/exbrd/2005/firstsession/dpfpacpd-tkm2.doc.
- ¹²⁰ CEDAW/C/TKM/CO/2, para 31.
- ¹²¹ CERD/C/TKM/CO/5, para 20.

¹²² CRC/C/TKM/CO/1, para 59 (c).

¹²³ *Ibid.*, para 60.

¹²⁴ CERD/C/TKM/CO/5/Add.1, para 35 and 48-52.

¹²⁵ CERD/C/TKM/CO/5, para 19.

¹²⁶ CERD/C/TKM/CO/5/Add.1, para 28 and 31.

¹²⁷ CRC/C/TKM/CO/1, para. 22.

¹²⁸ CERD/C/TKM/CO/5, para 15

¹²⁹ CRC/C/TKM/CO/1, para. 60 (d).

¹³⁰ CERD/C/TKM/CO/5, para 15.

¹³¹ CERD/C/TKM/CO/5/Add.1, paras 29 and 42.

¹³² CERD/C/TKM/CO/5, para 12.

¹³³ *Ibid.*, para 18.

¹³⁴ CRC/C/TKM/CO/1, para 61.

¹³⁵ CERD/C/TKM/CO/5, para 18.

¹³⁶ OHCHR, *2007 Report*, op. cit., p. 102; and UNDP submission to UPR on Turkmenistan, p. 2.

¹³⁷ UNHCR, Country Operations Plan 2007: Turkmenistan, p. 1, available at:

<http://www.unhcr.org/protect/PROTECTION/44fd9ca42.pdf> .

¹³⁸ CERD/C/TKM/CO/5/Add.1.

¹³⁹ CERD letter.

¹⁴⁰ UNDP submission to UPR on Turkmenistan, p. 1.

¹⁴¹ UNODC submission to the UPR on Turkmenistan, p. 9.
