



# General Assembly

Distr.: General  
4 February 2013  
English  
Original: Russian

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Sixteenth session**  
Geneva, 22 April–3 May 2013

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Turkmenistan**

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## **I. To step up its efforts to see through its reforms, as stipulated in its new Constitution; to meet its obligations to comply with international conventions**

1. The elaboration and adoption of a new version of the Constitution of Turkmenistan is the logical outcome of progressive reforms in the political, economic, social and cultural life of the people. The goal of these positive changes is a further democratization of State and public life and the improvement of the system of government authority. Public understanding and the political initiative of the Head of State have laid a firm foundation for the transformations taking place in the country. The determination of the Turkmen people to continue along the path of development and the firm intention of the State to maintain this course constitute the foundation of Turkmenistan's ongoing development.

2. Turkmenistan is a party to more than 120 international conventions and agreements, which are the basis of its international legal participation in the protection of human rights and freedoms and the resolution of socioeconomic and humanitarian problems, and which include fundamental international human rights instruments, and notably United Nations human rights documents.

3. Turkmenistan's membership of a number of leading international organizations is proof of its efforts to make a worthy contribution to global development. Turkmenistan was elected to the United Nations Commission on Population and Development for the period 2012–2015 and to the United Nations Commission on Narcotic Drugs for the period 2012–2015, and it is a permanent member of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

4. On 8 November 2012, at the sixty-seventh session of the United Nations General Assembly, Turkmenistan was elected to ECOSOC for the period 2013–2015. This event opens greater opportunities for moving forward and realizing new initiatives and imposes a heavy responsibility for elaborating and adopting proposals in the framework of the Council.

5. With a view to further protecting human rights, Turkmenistan has acceded to a number of international instruments, including the United Nations Convention on the Rights of Persons with Disabilities (04.09.2008) and its Optional Protocol (25.09.2010), the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) (25.09.2010), the WHO Framework Convention on Tobacco Control (21.05.2011), the United Nations Convention relating to the Status of Stateless Persons (14.09.2011) and the Convention on the Reduction of Statelessness (04.08.2012). Legislative work on the implementation of the norms of international conventions and national law is based on a pragmatic, comprehensive analysis. For example, following a consideration of domestic requirements for the granting of citizenship, the President of Turkmenistan signed a decree pursuant to which 3,318 persons living in Turkmenistan were granted citizenship in 2011. This was seen worldwide as an act of humanism and justice.

6. In March 2009, Turkmenistan held a dialogue on human rights in the context of the universal periodic review. It has made considerable progress over the past period towards implementing its obligations in the framework of the recommendations made under the review.

7. Under the direct supervision of the Head of State, Turkmenistan is carrying out a successful reform of the national legal system, to which the Presidential Decision of 28 November 2007 on measures for the further improvement of legislation testifies, pursuant to which a State Committee was created for that purpose.

8. Turkmenistan's foreign policy is based on the promotion of cooperation and constructive dialogue with its foreign partners and international organizations. The implementation in national law of generally accepted rules of humanitarian law and the recommendations of United Nations bodies is an important focus of progressive initiatives.

9. When elaborating and adopting legislation, the Mejlis (the parliament of Turkmenistan) examines whether they are consistent with international law as a whole and international obligations in particular.

10. By way of illustration, reference is made to the rules of the Criminal Sentence Administration Code, which has incorporated many provisions of international human rights agreements, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The provisions of the Convention on the Rights of Persons with Disabilities have been incorporated into the Aviation Code, and the provisions of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women have been incorporated into the Family Code; there are many other examples. Virtually all laws and regulations are assessed to see whether they are in conformity with the norms of international law.

11. A number of legislative acts were adopted in Turkmenistan which ensure human rights protection in the framework of the legal reform carried in the period 2008–2012. These include the International Treaties of Turkmenistan Act (22.05.2010), the Courts Act (15.08.2009), the Procurator's Office Act (15.08.2009), the Bar and Advocacy Act (14.05.2010), the Legal Status of Foreign Nationals in Turkmenistan Act (26.03.2011), the Political Parties Act (10.1.2012), the Copyright and Related Rights Act (10.01.2012), the Refugees Act (04.08.2012), the Migration Act (31.03.2012), the Mass Media Act (22.12.2012), the Code of Criminal Procedure (18.04.2009), the Labour Code (18.04.2009), the new version of the Criminal Code (14.05.2010), the Criminal Sentence Administration Code (25.03.2011), the Social Protection Act (19.10.2012) and the Family Code (10.01.2012).

## **II. To strike a balance between the implementation of civil and political rights and economic, social and cultural rights**

12. Legal safeguards constitute one component of the ongoing process on the road to national progress. The Guarantees of Citizens' Electoral Rights Act, the Referendum Act, the Refugees Act, the Migration Act, the Political Parties Act and the Legal Status of Foreign Nationals in Turkmenistan Act are a non-exhaustive list of legislative instruments regulating current positive changes in Turkmenistan.

13. The 2011–2030 national programme for the social and economic development of Turkmenistan, the outline plan for the social and economic development of the provinces and Ashgabat in the period 2008–2012, the 2012–2016 presidential social and economic development programme and the presidential programme to improve social and living conditions in villages, communities, towns and district centres in the period up to 2020 are long-term programme targets and strategic objectives. The implementation of these programmes has resulted in the emergence of hundreds of new major industrial, social and infrastructure facilities throughout the country.

14. The main objective of the latter programme is to ensure that rural inhabitants have a high quality of life and favourable working conditions that are as close as possible to those in urban areas. To that end, the State has allocated 4 billion dollars for the realization of major new projects in rural areas. As a result, comfortable housing, modern schools and medical facilities with contemporary equipment, cultural centres, stadiums and other recreational centres have been provided at district level.

15. The 2010–2015 national programme on the early development of children and their preparation for school is a successful presidential initiative. Safeguarding the rights and freedoms of children and ensuring favourable conditions for a happy life for the younger generation are basic priorities of State policy.

16. In April 2011, Turkmenistan ratified the WHO Framework Convention on Tobacco Control, in the context of which the President signed a decision approving the plan of action for the period 2012–2016 to combat tobacco smoking in Turkmenistan, which calls for measures for monitoring the situation with regard to smoking and campaigns to inform the public about the hazards of tobacco.

17. The science and education sector is fully equipped with computers and multimedia centres. The information sciences are taught in schools and higher education institutions. The public transport system is converting to electronic tickets and schedules, the health-care system is moving ahead with electronic medical files, and electronic document filing and management are being introduced.

18. In the capital and throughout the provinces, dozens of modern telephone stations are being built, optical fibre connections are being installed between Ashgabat and provincial centres, communication by mobile phone is expanding, and the use of the Internet is being rapidly developed at local level.

19. The economic growth of Turkmenistan, averaging 11 per cent over the past five years, has resulted in a steady increase in per capita GDP, as confirmed by World Bank experts. Since 2007, the GDP has increased nearly 3.5-fold, and GDP at purchasing power parity per capita has grown 1.9-fold. In the current year, per capita GDP exceeded the generally accepted threshold for high-income countries. The pronounced social orientation of budgetary expenditure in recent years has continued: more than 75 per cent of budgetary resources are allocated to finance ongoing capital expenditure in the social sphere.

20. Expenditure on salaries, pensions and State assistance and scholarships has been increasing by more than 10 per cent annually. The population continues to receive free electric power, natural gas, water and salt as well as 120 litres of petrol per car per month.

21. In 2012, fringe benefits for academic degrees and distinctions and the remuneration of active and associate members of Turkmenistan's Academy of Sciences were introduced in order to promote innovative research and build the country's scientific capacity.

22. The main focus of the social security system is on the realization of the constitutional right to an old-age pension and State support for individual categories of persons, as well as the adaptation of the social security system in conditions of a developing market economy.

23. This is seen in the adoption in 2012 of the Act on the approval of the Social Protection Code, which entered into force on 1 January 2013. In accordance with the Code, social protection takes the form of a State system for the provision of material protection and social services to incapacitated persons, persons with disabilities, families with children and other persons and is operated through the payment of pensions, State assistance and social benefits.

24. On 1 January 2013, an occupational pension was introduced as well as disability pensions and pensions for loss of breadwinner (formerly called State benefits for disabilities and loss of breadwinner).

25. Persons who work under special (hazardous and particularly difficult) conditions are entitled to one of several kinds of occupational pension. The Code also provides that, in addition to an occupational pension, a personal pension may also be awarded for special service to Turkmenistan.

26. Under the national social security system, provision is made for the allocation of benefits to compensate for part of the income lost in connection with the partial, complete or temporary loss of ability to work, maternity and childhood, loss of breadwinner or loss of sources of protection with the start of pension age.

27. On 1 January 2013, a new form of State benefit was introduced for spouses of participants in the Second World War. Provision is also made for the introduction of other types of benefits by presidential act.

28. Children with disabilities up to the age of 16, persons with a disability from childhood who have contributed to the mandatory pension insurance scheme for less than five years and persons with disabilities who have contributed to the mandatory pension insurance scheme for less than five years continue to be eligible for State disability allowances.

29. In July 2012, the President signed a decree on the increase, as from 1 January 2013, of pensions by 15 per cent and of State allowances by 10 per cent.

30. On 1 January 2013, Turkmenistan shifted to a modern notional defined contribution pension system, which will be implemented by the Turkmen Pension Fund.

31. Between 2010 and November 2012, 100 road bridges and junctions were built in Turkmenistan.

32. Over the same period, construction was completed on the following facilities in the social sphere:

- 84 preschool establishments for 12,960 children;
- 67 general secondary schools for 32,712 pupils;
- 49 sports schools for 17,765 children;
- 10 higher education institutions;
- 23 athletic competition facilities and stadiums with a total capacity for 88,150 persons;
- 5 large racetracks;
- 11 cultural and recreation centres and 2 libraries with book collections in the millions;
- 4 museums;
- 35 health clinics and centres;
- 26 hospitals;
- 3,857,000 square metres of housing;
- 6,058 kilometres of communications lines.

33. The implementation of these major, crucial reforms and transformations has led to steady growth in the country's economy.

### **III. To disseminate human rights texts; to provide courses on human rights in school curricula**

34. Courses in Turkmenistan's secondary schools on humanitarian and social subjects help impart a knowledge of civil law. A course on world history was introduced into the curriculum for the ninth and tenth classes which provides insight into international

humanitarian law through a study of the basic documents, namely the four Geneva Conventions and their additional protocols.

35. Social science, a subject introduced in 2007 in the ninth and tenth classes, plays an important role in inculcating an understanding of the law and legal culture in pupils in secondary schools.

36. A course on the fundamentals of the legislation of Turkmenistan, which has been introduced into the syllabus of all higher and secondary occupational schools, familiarizes students with human rights, basic contemporary legal systems and legislative and legal instruments.

37. For students at Makhtumkuli State University of International Relations, the State Institute of Economics and Management and the Turkmen-Turkish University, the course serves as a basis for the study of a number of other subjects providing a general introduction to human rights.

38. Reading days, stands, photo exhibitions on children's rights, book fairs on the upbringing of children and awareness campaigns on healthy life styles are organized for children and adults.

39. In the framework of cooperation between the Ministry of Education and the United Nations Children's Fund (UNICEF), a workshop was conducted during the 2012 summer holidays for children at the Gyokder and Awaza Health Centre on questions of national and international legal systems, children's rights and children with special needs.

40. Special publications of the parliament and the Cabinet of Ministers, and newspapers and journals distributed by subscription and on sale at newsstands, keep the population fully informed, in Russian and in the national language, about laws and regulations on human rights and freedoms as well as international instruments to which Turkmenistan has acceded.

41. Together with representatives of international organizations and the embassies of countries accredited in Turkmenistan, long-term humanitarian programmes are carried out to raise public awareness of basic international instruments in the area of human rights and freedoms.

42. The President's National Institute of Democracy and Human Rights periodically publishes a newspaper entitled "Democracy and Law" in Turkmen, Russian and English. The Institute also issues numerous compilations of international and national human rights instruments in cooperation with other ministries and administrations and with the assistance of representatives of United Nations bodies in Turkmenistan.

43. With the help of the Institute, and with a view to further enhancing a constructive dialogue on the protection of human rights, the Government of Turkmenistan has initiated the joint project "Strengthening the National Capacity of Turkmenistan to Promote and Protect Human Rights", which is being carried out in conjunction with the European Commission, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP).

44. On 2 May 2011, the Institute inaugurated the Human Rights Information Centre in the framework of the project.

45. In the course of 2012, similar centres were opened throughout the country at the Mary State Institute of Energy, the Dashoguz Institute of Agriculture, the Balkanabad branch of the State Petroleum and Natural Gas Institute and the S. Seidi State Teachers' Institute in Turkmenabad, Lebap province, in order to familiarize interested parties with international experience in the area of human rights.

46. The aim of the centres is to help promote human rights by introducing and disseminating information on human rights and heightening awareness and understanding of issues in this area. The centres offer visitors a wide choice of material on human rights protection, including specialized literature, manuals, guides and Internet resources.

47. A compilation of international instruments and national legislation on the rights of women has been elaborated and published in conjunction with the United Nations Population Fund and the joint project carried out by the European Union, UNDP and the Office of the United Nations High Commissioner for Human Rights.

#### **IV. To strengthen human rights culture and capacity-building; to strengthen its policy on prevention of child labour; to cooperate with UNICEF and OHCHR in the protection of the rights of children**

48. A general sense of responsibility for the younger generation is at the basis of all progressive reforms being carried out in Turkmenistan.

49. In a decision of 23 September 1994, the Mejlis ratified the United Nations Convention on the Rights of the Child, and on 20 December 1996 it ratified the ILO Convention concerning the Abolition of Forced Labour (No. 105), the ILO Convention concerning Discrimination in Respect of Employment and Occupation (No. 111) and the ILO Convention concerning Minimum Age for Admission to Employment (No. 138).

50. On 25 September 2010, Turkmenistan acceded to the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).

51. The provisions of these conventions are reflected in the Constitution and national legislative instruments governing labour and employment, including of children, as well as in the Employment Act (12.11.1991), the Act on Guarantees of Young People's Right to Work (01.02.2005) the Children's Rights Act (05.07.2002), the Labour Code (18.04.2009) and elsewhere.

52. The constitutional right of everyone, including children, to work is enshrined in the Children's Rights Act, which protects children from all forms of exploitation at the workplace and prohibits their employment in work which would be prejudicial to their health or hinder their physical, intellectual or moral development or which is related to the production and realization of tobacco products or alcoholic beverages, as well as the recruitment of schoolchildren during the school year for agricultural or other employment unrelated to the educational process (art. 27).

53. Another legislative act directed at strengthening the prevention of child labour is the Act on Guarantees of Young People's Right to Work, which prohibits the conclusion of labour contracts with children who have not reached the age of 16. Children who have reached the age of 15 may be employed only with the written consent of one of their parents (or legal guardian), and the work must not interfere with their schooling. In addition, employers, irrespective of the form of ownership, may not employ persons who have not reached the age of majority for work in difficult, hazardous or dangerous conditions or underground.

54. The Labour Code has a separate chapter on special features governing the employment of persons under 18 years of age which establishes guarantees for the hiring of persons under the age of 18, enumerates work for which it is prohibited to employ such persons, prohibits the recruitment of such persons for work at night and for overtime work,

and sets working standards for young employees, special remuneration of their labour, working time, breaks, rest periods and other matters.

55. In accordance with national legislation, the violation of the labour rights of children is punishable by law.

## **V. To improve cooperation with United Nations human rights mechanisms with regard to the submission of periodic reports; to cooperate with special rapporteurs by responding to the questionnaires sent to Turkmenistan**

56. The invitation to Turkmenistan of special rapporteurs of the Office of the United Nations High Commissioner for Human Rights is currently under consideration.

## **VI. To pursue its efforts, with the assistance of OHCHR, with regard to the submission of its country reports**

57. Under a presidential decision of 12 August 2011, the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations became the Interdepartmental Commission on compliance with Turkmenistan's international obligations in the field of human rights and international humanitarian law.

58. The Interdepartmental Commission monitors the conformity of national legislation with international human rights norms, elaborates proposals for improving such legislation to bring it into line with the provisions of international human rights agreements, including in the area of women's rights, and drafts country reports in the context of the implementation of international human rights agreements.

59. The activities of the Interdepartmental Commission are coordinated by the President's National Institute of Democracy and Human Rights.

60. Work has been stepped up on preparing and submitting country reports to the United Nations human rights treaty bodies. The recommendations of international organizations are taken into account during the implementation of the norms of international law in Turkmenistan's legal system.

61. The Interdepartmental Commission attaches great importance to the holding of seminars, consultations and working meetings with the participation of experts from leading international organizations and to the study of best international practices in the area of the protection of human rights and freedoms.

62. The Interdepartmental Commission regularly conducts an active dialogue with the regional representatives of the Office of the United Nations High Commissioner for Human Rights, UNDP, UNICEF, UNFPA, UNHCR and other United Nations bodies on preparing country reports, implementing the recommendations of the United Nations treaty bodies and carrying out joint initiatives.

63. Based on the activities of the Interdepartmental Commission, the following country reports were drafted and sent to the United Nations treaty bodies and the Human Rights Council:

- (a) The core document was sent to the United Nations in December 2008;



(b) Turkmenistan's country report on the implementation of the International Covenant on Economic, Social and Cultural Rights was submitted in December 2008; it was considered on 18 to 21 November 2011;

(c) Turkmenistan's country report on the implementation of the International Covenant on Civil and Political Rights was sent to the United Nations in December 2009; it was considered on 15 and 16 March 2012;

(d) Turkmenistan's country report on the implementation of the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was submitted in January 2010; it was considered on 17 and 18 May 2011;

(e) Turkmenistan's country report on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination was sent to the United Nations in December 2010; it was considered on 23 and 24 February 2012;

(f) Turkmenistan's country report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women was submitted to the United Nations in December 2010; it was considered on 11 October 2012;

(g) Turkmenistan's country report on the implementation of the Convention on the Rights of the Child was sent to the Committee on the Rights of the Child in April 2012;

(h) Turkmenistan's initial country report on the implementation of the Convention on the Rights of Persons with Disabilities was drafted and was sent to the Committee on the Rights of Persons with Disabilities;

(i) Turkmenistan's initial country reports on the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict have been drafted.

64. Documents were submitted to the Committee on the Rights of the Child in November 2011.

65. In the context of the joint project "Strengthening the National Capacity of Turkmenistan to Promote and Protect Human Rights" (2009–2013) being carried out in conjunction with the European Commission, the Office of the United Nations High Commissioner for Human Rights and UNDP, work is under way on the recommendations of the universal periodic review.

66. On 8 and 9 February 2011, a seminar was held on the implementation of those recommendations, with the participation of the following international experts: Fiona Frazer, Regional Representative of the Office of the United Nations High Commissioner for Human Rights in Central Asia, and Dimiter Chalev, Chief, Europe and Central Asia Section of the Office of the United Nations High Commissioner for Human Rights.

67. Working groups have been set up prior to the dialogues held in the relevant United Nations treaty bodies, the aim being to prepare the submission of Turkmenistan's initial country reports on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its periodic country reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

68. The Interdepartmental Commission recently sent additional reports to the Committee on the Rights of the Child and to the Committee on the Elimination of All Forms of Racial Discrimination in response to their concluding observations. Additional information prepared by the Government of Turkmenistan for the report on the implementation of the

International Covenant on Economic, Social and Cultural Rights was submitted in December 2009; additional information in response to the list of issues under discussion in connection with the consideration of Turkmenistan's initial report on implementation of the International Covenant on Civil and Political Rights was submitted in 2008; and additional information in response to the list of issues under discussion in connection with the consideration of Turkmenistan's periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women was submitted in 2010.

69. The Interdepartmental Commission formulated recommendations favouring Turkmenistan's accession to the Convention on the Rights of Persons with Disabilities. The Mejlis ratified the Convention on 4 September 2008 and its Optional Protocol on 25 September 2010.

70. In accordance with the recommendations of the Human Rights Council, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, the Interdepartmental Commission sent recommendations to the Mejlis favouring Turkmenistan's accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (18.01.2009), the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) (25.09.2010), the Optional Protocol to the Convention on the Rights of Persons with Disabilities (25.09.2010), the General Assembly Convention on the Status of Stateless Persons (14.09.2011) and the Convention on the Reduction of Statelessness (04.08.2012).

71. The elaboration of the draft 2011–2015 national programme on the early development of children and their preparation for school constitutes a practical implementation of the Convention on the Rights of the Child and other basic international instruments on the protection of the rights and legitimate interests of children and young people.

72. The national programme was considered and adopted at a session of the Interdepartmental Commission and was forwarded to the Government and approved in a presidential decision on 27 May 2011.

73. In cooperation with the representation of UNICEF in Turkmenistan, work was carried out on the preparation of a draft outline plan on improving the system of juvenile justice in Turkmenistan, the aim of which is to bring the system of juvenile justice into line with international standards.

74. A draft outline plan on the development of a system of juvenile justice was examined and adopted at a session of the Interdepartmental Commission for discussing the implementation of Turkmenistan's international obligations in the area of human rights and international humanitarian law and was forwarded to the Head of State for consideration.

75. With a view to improving ways and means of protecting human rights, on 1 June 2012 the President of Turkmenistan adopted a decision approving a general programme for the development of a system of juvenile justice.

## **VII. To undertake urgently a campaign and initiate a programme aimed at eliminating all forms of discrimination against women**

76. A distinctive feature of the policy of gender equality is its wide range of measures, which take into account all aspects of women's life in Turkmenistan today. These measures are reflected in detail in Turkmenistan's third and fourth periodic report submitted to the

Committee on the Elimination of Discrimination against Women in 2010; a constructive dialogue was held in October 2012.

77. Seminars were held in 2011 to familiarize the members of the Interdepartmental Commission and its working group with best practices for incorporating gender perspectives into national legislation.

78. Together with the Ministry of Foreign Affairs and the United Nations Population Fund, the President's National Institute of Democracy and Human Rights organized and conducted international conferences on 13 and 14 April 2009 and on 19 and 20 June 2012 on an exchange of experience on approaches to the government regulation of questions of gender equality and the establishment and activities of national gender equality mechanisms.

### **VIII. To step up its efforts, in complying with its international human rights obligations, and end discrimination of ethnic minorities to ensure they are able to carry out peaceful activities without threat of detention or imprisonment; to eliminate all norms and practices that lead to the discrimination of members of national minorities (Russians, Uzbeks, Kazakhs, Turks and Kurds)**

79. Turkmenistan regards the cultural traditions of all national and ethnic groups favourably. The celebration of national holidays and the wearing of national dress are most welcome. Members of all ethnic and national groups have been given a range of opportunities for all forms of creative work.

80. On 12 March 2010, Turkmenistan adopted the Culture Act, in which five articles guarantee citizens, irrespective of ethnic background, race, sex, origin, financial situation, official status, place of residence, language, attitude to religion, political beliefs, party affiliation or absence thereof the right to participate in cultural activities, to use cultural organizations and to have access to cultural property located at State cultural organizations.

81. In accordance with article 4, paragraph 3, of the Act, universal access to cultural property and all forms of cultural services is a principle of State policy in this area. Proof of this can be seen in the publication of newspapers and journals and the broadcasting of radio and television programmes in Russian and English.

82. Pursuant to a presidential decree, every year personalities in literature, culture and the arts are awarded honorary titles for their contribution to the promotion of national culture, and the President of Turkmenistan announces the winners of the "Türkmeniň Altyn asyry" contest. Many members of ethnic groups have received these honorary distinctions.

### **IX. To put in place and apply sanctions against the perpetrators of domestic violence**

83. Turkmen legislation does not contain specific provisions on domestic violence. However, the Criminal Code criminalizes conduct involving acts accompanied by manifestations of cruelty, humiliation or degradation or the infliction of other forms of physical or other harm. Detailed information on this aspect is provided in Turkmenistan's periodic country reports.

84. The Committee on the Elimination of Discrimination against Women called on the State party to adopt specific legislation on domestic violence, including marital rape, that ensures that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. It also recommended that the State party should conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention.

85. Bearing in mind the recommendations of the UPR and the Committee on the Elimination of Discrimination against Women, consideration is currently being given to the legislation and the practical experience of other countries in the area of domestic violence.

86. To that end, it is useful to examine the experience gathered from the point of view not only of the elaboration of legislation and legislative procedure, but also its actual effectiveness in the area of law enforcement.

## **X. To implement the provisions of the Palermo Protocols with a view to criminalizing trafficking in persons; to comply with the conclusions of the Committee on the Rights of the Child and other treaty bodies**

87. In accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, those aspects of activities were included in the United Nations Development Assistance Framework (UNDAF) for the period 2010–2015 which had not been covered by UNDAF in the period 2005–2009 but had become new national priorities. This includes strategies in the area of drug trafficking, border administration, assistance with transboundary trade, preparation for emergency situations and the elaboration of emergency plans.

88. Pursuant to the UNDAF document, the Government of Turkmenistan is working to build capacity for the introduction of transparent and gender-sensitive legislation in line with international standards in the field of combating drug trafficking and organized crime, including trafficking in persons (International Organization for Migration, the Joint United Nations Programme on HIV/AIDS (UNAIDS), UNDP, UNHCR, the United Nations Office on Drugs and Crime, the United Nations Regional Centre for Preventive Diplomacy in Central Asian Countries and WHO). With regard to capacity-building, law enforcement personnel are assisted in becoming more effective and accountable in providing security services, with immediate attention being given to issues relating to chemical precursors, drug trafficking and organized transnational crime. With the help of improved data collection and a better analysis and exchange of information, the national and local authorities will be able to practice more effective strategic planning in the area of law enforcement.

89. Turkmenistan is not a party to the Palermo Protocols, but it has acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000). It is also a party to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (New York, 7 September 1956) and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New York, 25 May 2000).

90. On 14 December 2007, the Suppression of Trafficking in Persons Act was adopted, which establishes the legal and organizational foundation for combating trafficking in persons in Turkmenistan and provides State guarantees for freedom of the individual as well as the protection of society from such practices.

91. Amendments were made to the Criminal Code on the basis of this Act. Pursuant to article 125 of the Criminal Code, trafficking in persons, i.e. the purchase or sale of human beings for their recruitment, transport, concealment or transfer to other persons for the purpose of their exploitation, is a criminal offence.

92. In cooperation with the relevant government bodies, the representation in Turkmenistan of the International Organization for Migration has worked on a number of joint projects to raise awareness of the issue, including on:

- Trafficking in persons in Turkmenistan (2008–2009);
- Trafficking in persons in Turkmenistan: capacity-building for law enforcement officials and interested government bodies (2009–2011);
- Trafficking in persons in Turkmenistan: prevention, protection and capacity-building of national voluntary organizations (2009–2012).

93. The representation of the International Organization for Migration in Ashgabat has set up a hotline to provide counselling to the public on illegal trafficking in persons and migration.

## **XI. To follow up on the recommendations formulated by the Committee on the Elimination of Discrimination against Women in 2006, and to adopt all necessary procedural laws to ensure women's access to justice, and to enhance women's awareness of their rights through legal literacy programmes and legal assistance so that they can claim all their rights**

94. Access for women to justice is ensured through the Code of Criminal Procedure, article 11 of which strengthens the legal protection of human rights and freedoms. The State guarantees that victims have access to justice and compensation for injury suffered in cases and procedures established by law. Article 3 of the Code of Civil Procedure sets out the right to appeal to the courts for legal protection. Article 240 of the Code of Administrative Offences requires that cases involving administrative offences must be considered on the basis of equality of citizens, irrespective of background, social status, financial situation, race, ethnic origin, gender, education, language, attitude to religion, type or nature of employment, place of residence or other circumstances. In accordance with article 2 of the Citizens Complaints Act, Turkmen citizens have the right to submit applications and complaints to the bodies concerned, either in writing or orally, and they have the right to submit applications and complaints to the courts in cases and procedures established by law.

95. The Courts Act guarantees the right of citizens to protection and to legal assistance in court (art. 12). Article 12 of the State Guarantees of Women's Equality Act specifies that women may not be restricted in or deprived of their rights, sentenced or subjected to punishment other than in accordance with the procedure established by law. The State guarantees and safeguards the rights of women held in detention, remanded in custody or serving a sentence in a place of deprivation of liberty, in accordance with the procedure established by law.

96. Recommendations for improving women's knowledge of their rights through legal education are set out in the provisions of the State Guarantees of Women's Equality Act. Under article 13 of the Act, the State guarantees women's equality with men regarding the necessary conditions for receiving an education in accordance with the Constitution and the Education Act. The State also organizes public awareness-raising activities, including legal education, aimed at ensuring gender equality.

97. Guarantees of legal assistance for the exercise by women of their rights are set out in the provisions of the Bar and Advocacy Act, article 4 of which specifies that the State ensures the provision of professional legal assistance for all, including for women. The State guarantees that all individuals and legal entities on the territory of Turkmenistan have an equal right to receive legal assistance, information on its nature and the procedure for obtaining it.

## **XII. To bring Turkmenistan's laws into line with articles 14 and 15 of the International Covenant on Civil and Political Rights**

98. The recommendations refer to access to justice. In recent years, a number of laws and codes have been adopted in Turkmenistan which contain provisions guaranteeing the right to a fair trial.

99. Article 5-6 of the Courts Act also establishes that justice is administered on the basis of equal rights and freedoms and the adversarial principle as well as the equality of all before the law and the courts, irrespective of ethnic background, race, gender, origin, financial situation, official status, place of residence, language, attitude to religion, political beliefs, party affiliation or absence thereof or other circumstances not provided for by law.

100. Pursuant to civil and criminal legislation, all court proceedings are held in open session, except when this may jeopardize the protection of State secrets. The court may also take a reasoned decision to hear a case in closed session to prevent the public disclosure of information about the private life of a party to the proceedings or to protect the confidentiality of an adoption. In criminal proceedings involving offences committed by juveniles, sexual offences and also in other cases, the court or judge may issue a reasoned decision or ruling to hear a case in closed session to prevent the public disclosure of information about the private life of a party to the proceedings. These provisions of the Courts Act are in line with article 14, paragraph 1, of the Covenant.

101. Article 14, paragraph 2, of the Covenant is reflected in the Code of Criminal Procedure, which states that everyone is presumed innocent until proved guilty in a procedure established by the Code and the court issues an enforceable judgement. These provisions are also reflected in the Criminal Code adopted on 14 May 2010, article 3 of which provides that no one may be found guilty of a crime and subjected to criminal punishment except on the basis of a court judgement and in accordance with the law. Article 11 of the Courts Act likewise specifies that everyone is presumed innocent until proved guilty in a procedure established by law and the court issues an enforceable judgement.

102. Guarantees in connection with the consideration of any of the criminal charges set out in article 14, paragraphs 3, 4, 5, 6 or 7, of the Covenant establish:

103. The provisions of article 14, paragraph 3 (a), of the Covenant are reflected in the Code of Criminal Procedure, article 247 of which specifies that criminal charges must be served no more than 48 hours after they have been formally prepared. After verification of the identity of the accused, the investigator reads out the formal charges to the accused and explains their substance; a note to that effect is made in the case file, and the accused is

explained his rights and obligations pursuant to article 80 of the Code, on which a report is drawn up, namely:

- To know what offence he is accused of and to see the bill of indictment;
- To see the records of the investigative and other procedural activities conducted at his request or at the request of his defence counsel or legal representative and to enter comments in them;
- To testify in his native language or in a language which he masters, and to use the services of an interpreter.

104. Article 28 of the Code of Criminal Procedure also provides that parties to the proceedings who do not master the language in which the proceedings are conducted have the right to make statements, give testimony and evidence, make applications, file complaints, acquaint themselves with the case file, and express themselves during hearings in their native language or a language in which they are proficient and use the services of an interpreter.

105. In accordance with the procedure established under the Code, documents relating to investigations and court documents must be communicated to accused persons or defendants or other parties in the proceedings in the native language of the person concerned or another language which he understands.

106. The provisions of article 14, paragraph 3 (b), of the Covenant are reflected in article 80 of the Code of Criminal Procedure: the accused has the right to have a lawyer in cases established by law, to receive free legal assistance or to refuse the services of a lawyer, to defend himself in person and, once a lawyer has been permitted to take part in the proceedings, to meet with him in private and confidentially, without limitation as to the number or duration of such meetings. In accordance with the Code, a lawyer is permitted to take part in the proceedings from the moment a suspect is interrogated, from the moment a suspect is charged with an offence or from the moment an arrest warrant or detention order is served on a suspect who has been detained or remanded in custody pending charges being brought, but no more than 24 hours thereafter.

107. Article 14, paragraph 3 (c), of the Covenant is reflected in article 349 of the Code of Criminal Procedure, pursuant to which district courts and courts in cities with district status must begin the consideration of criminal proceedings no later than 20 days after the referral of the case to the courts, and, for provincial courts, courts in cities with provincial status and the Supreme Court, no later than one month.

108. Article 14, paragraph 3 (d), of the Covenant is reflected in article 80 of the Code of Criminal Procedure, which gives the accused the right:

- To have a lawyer in cases established by law, to receive free legal assistance or to refuse the services of a lawyer and to defend himself in person;
- Once a lawyer has been allowed to take part in the proceedings, to meet with him in private and confidentially, without limitation as to the number or duration of such meetings.

109. The provisions of article 14, paragraph 3 (d), of the Covenant are set out in article 110 of the Code of Criminal Procedure, which gives the accused the right to petition the person conducting the initial inquiry, the investigator, the procurator or the court to take procedural actions or decisions to establish facts of relevance to the case and to ensure the rights and legitimate interests of the petitioner or his representative.

110. The provisions of article 14, paragraph 3 (f), of the Covenant are embodied in article 80 of the Code of Criminal Procedure, pursuant to which the accused has the right to give

testimony in his native language or in a language which he masters and to use the services of an interpreter.

111. The provisions of article 14, paragraph 3 (g), of the Covenant are reflected in article 171 of the Code of Criminal Procedure, pursuant to which no one may be forced to give evidence or testimony against themselves or their close relatives.

112. A separate chapter of the Code of Criminal Procedure, on proceedings involving offences by minors, is devoted to the provisions of article 14, paragraph 4, of the Covenant. The provisions of that chapter are applied to persons who have not reached the age of 18 at the time of the commission of the crime (arts. 507–521). Special attention must be given to the following circumstances during the preliminary investigation and judicial proceedings in cases involving minors:

- The age of the minor (date of birth);
- The living conditions and education of the minor;
- The causes and conditions contributing to the commission of the offence by the minor;
- Intellectual, emotional and psychological development, special traits of character and temperament, needs and interests;
- The impact of peers and adult instigators.

113. The provisions of article 14, paragraph 5, of the Covenant are enshrined in article 436 of the Code of Criminal Procedure, pursuant to which a court judgement which is not enforceable may be challenged or appealed in a court of cassation. A convicted person, an acquitted person, their lawyers and legal representatives, and victims and their representatives have the right to appeal the judgement. Civil plaintiffs, civil defendants or their representatives have the right to appeal the part of a judgement concerning a civil action.

114. The provisions of article 14, paragraph 6, of the Covenant are reflected in chapter 4, article 12-146, of the Code of Criminal Procedure, which concerns the harm caused to a person as a result of the illegal actions of the bodies conducting the criminal proceedings and provides for compensation in accordance with the procedure established by law, and in article 13, pursuant to which the harm caused to a person as a result of illegal deprivation of liberty or detention in conditions hazardous to life and health or cruel treatment is subject to compensation in accordance with the procedure set out under the Code.

115. The provisions of article 14, paragraph 7, of the Covenant are embodied in article 19 of the Code of Criminal Procedure, which establishes that no one may be tried or punished again for the same offence other than for reasons specifically set out in the Code.

116. The provisions of article 15 are enshrined in article 3 of the Criminal Code, adopted on 14 May 2010, which specifies that no one may be found guilty of an offence and punished other than by a court judgement and in accordance with the law. Article 5 of the Code states that the criminal nature of an act and the penalty which it incurs are determined by the law in force at the time the act is committed. The time of commission of an offence is the time when the consequences manifest themselves, and in cases in which liability is established for the actual commission of an act (or omission) under criminal law, it is the time at which the act (or omission) is committed. A law revoking criminal responsibility for an act, reducing the penalty or otherwise improving the situation of a person who has committed an offence has retroactive effect, that is, it applies to persons who committed the act concerned before the law took effect, including persons currently serving sentences and persons who have completed their sentences but whose criminal record has not been expunged. A law which criminalizes an act, imposes a heavier punishment or otherwise



worsens the situation of an offender does not have retroactive effect. If the new criminal law imposes a less severe penalty for an offence for which a sentence is currently being served, the penalty is reduced within the limits established under the new law.

117. The provisions of article 15 of the Covenant are reflected in article 4 of the Criminal Code, in accordance with which the basis for the determination of criminal responsibility is the commission of an act that has all the characteristics of an offence as specified in the Criminal Code. Turkmen citizens are entitled to judicial protection against unlawful acts by State bodies, voluntary associations and officials, violations of honour and dignity, attacks on life or health and violations of the personal and political rights and freedoms set out in the Constitution.

### **XIII. To comply with its international obligations for the exercise of freedom of expression, ensuring the right to seek, receive and impart information and ideas, including by electronic means and from foreign sources, and to act against any form of intimidation of journalists; to strengthen measures to promote freedom of association**

118. Internet services are accessible sources of information for all citizens in the multi-ethnic country of Turkmenistan. Higher and secondary specialized educational institutions and secondary schools have access to global Internet services. Public Internet cafes have been opened in the capital and around the country. The number of users of Internet services has been growing every year.

119. The Communications Act, adopted on 12 March 2010, regulates the concession of Internet services.

120. The Act on the legal protection of algorithms, computer programmes, databases and the configuration of integral microchips (23.09.1994), the Electronic Documents Act (19.12.2000) and other legislation govern legal relations in this area.

121. In the framework of a programme of cooperation between Great Britain and Turkmenistan, the President's National Institute of Democracy and Human Rights conducted seminars in 2010–2011 on questions relating to the legal regulation of the activities of the mass media in the countries of the Commonwealth of Independent States (CIS) and Europe. The seminars examined a number of regulatory systems, contemporary legal issues in this connection, the regulation of the mass media in the era of the Internet and digital technologies, the requisite legal and regulatory basis for the establishment of commercial mass media, presentations and other relevant questions.

122. In August 2011, seminars were conducted with representatives of the European Union on the elaboration of legislation on the mass media and on the mass media in the framework of the joint project "Strengthening the National Capacity of Turkmenistan to Promote and Protect Human Rights" (2009–2013) being carried out in conjunction with the European Commission, the Office of the United Nations High Commissioner for Human Rights and UNDP.

**XIV. To take effective measures for the registration of independent non-governmental organizations, to reform and simplify the registration process; to ensure that members of civil society are allowed to meet with representatives of foreign media and Governments and international organizations**

123. The activities of voluntary associations and religious organizations testify to the changes which have taken place in the country and the far-reaching process of renewal of Turkmen society.

124. As of 1 December 2012, 109 voluntary associations had registered in Turkmenistan, including 7 in 2012, and 128 religious organizations.

125. On 10 January 2012, a new Political Parties Act was adopted, pursuant to which Turkmen citizens have equal rights and equal opportunities to form political parties and participate freely in their activities. If they so wish, and in line with their political beliefs, Turkmen citizens have the right to form political parties and, in accordance with the established procedure, freely to join or refrain from joining a party, to take part in its activities and to leave it without hindrance.

126. The activities of political parties are based on the principles of voluntary participation, equality, tolerance, self-government, the rule of law and transparency. Political parties are free to decide on their own structure, goals and activities.

127. The activities of political parties must not restrict the human and civil rights guaranteed by the Constitution and Turkmen law. Political parties must function openly, and their programmes, activities and other information must be generally accessible.

**XV. To adopt adequate measures for the protection of religious freedom**

128. In accordance with the Freedom of Conscience and Religious Associations Act, freedom of religion is the constitutionally guaranteed right of citizens to profess any religion or none, to express and disseminate religious beliefs and to take part in religious services, ceremonies and rites.

129. No one may be forced to adopt a religious belief, to profess or abjure a religion, to participate or not participate in religious services, rites or ceremonies or to take religious instruction.

130. Foreign nationals and stateless persons permanently resident or temporarily present in Turkmenistan enjoy the same freedom of religion as Turkmen citizens and bear responsibility in accordance with the law.

131. Under Turkmen law, it is an offence directly or indirectly to restrict rights or confer privileges as a function of religious or atheistic beliefs, to incite hatred or enmity in connection with such beliefs or to offend on such grounds.

132. The Freedom of Conscience and Religious Associations Act guarantees everyone's right to freedom of religion and prohibits discrimination on religious grounds. Obstruction of the exercise of freedom of conscience and religion incurs criminal responsibility (article 154 of the Criminal Code). Incitement of manifestations of racial or religious discrimination is a criminal offence (articles 145 and 168 of the Criminal Code).

133. The regulations for the registration of voluntary associations and religious organizations approved by the presidential decree of 14.01.2004 establish the procedure in this regard.

134. The Ministry of Justice registers voluntary associations, irrespective of their kind, as well as branches and representations of foreign voluntary associations in Turkmenistan.

135. The Ministry of Justice also registers religious organizations upon submission by the council on religious affairs attached to the Office of the President of Turkmenistan.

136. The activities of unregistered religious organizations are prohibited. Persons engaged in activities on behalf of unregistered religious organizations are liable to prosecution in accordance with the law.

137. At the current time, 128 religious organizations are registered, including 104 Islamic (99 Sunni and 5 Shia), 13 Russian Orthodox and 11 other confessions.

138. In September 2008, Asma Jahangir, United Nations Special Rapporteur on freedom of religion or belief, visited Turkmenistan at the invitation of the Turkmen Government. The national bodies concerned, in cooperation with United Nations agencies, are studying the recommendations formulated in the Special Rapporteur's report with a view to further improving legislation.

139. It is planned to hold seminars to analyse legislation governing the activities of religious organizations in neighbouring countries and the countries of the CIS; experts and representatives of the relevant Turkmen bodies will attend. Recommendations will be drafted on ways of improving the relevant legislative framework.

## **XVI. To respect the rights of everyone to be free to leave the country**

140. The legal basis for the above recommendation is contained in the Migration Act (31.03.2012), which, in accordance with the Constitution and generally recognized norms of international law, defines the procedure for entry into Turkmenistan, residence on its territory and departure from Turkmenistan for Turkmen citizens, foreign nationals and stateless persons and establishes legal relations in the field of migration in Turkmenistan and the competence of government bodies for its regulation.

141. Under article 6 of the Act, foreign nationals and stateless persons may enter and reside in Turkmenistan on the basis of an entry visa in accordance with the law unless otherwise specified in an international treaty to which Turkmenistan is a party. Article 24 of the Act guarantees the right of every Turkmen citizen to leave Turkmenistan and to return; this right may not be refused. The right to leave Turkmenistan may be temporarily restricted in accordance with article 30 of the Act.

142. Turkmen citizens who leave the country are guaranteed the protection of Turkmenistan in accordance with the law.

## **XVII. To take a proactive approach to combating HIV/AIDS through educational and awareness-raising programmes**

143. Major work on the prevention of HIV/AIDS is carried out by the National AIDS Prevention Centre, 5 provincial AIDS prevention centres and 36 specialized diagnostic laboratories. The activities of the AIDS services are directed at raising public awareness, conducting preventive measures, carrying out pre- and post-test consultations, testing for

the HIV infection and preparing and publishing information materials which take into account the age and specific nature of the target group.

- The Act on the Prevention of Illnesses caused by the Human Immunodeficiency Virus (HIV) (07.07.2001);
- The national programme for the prevention of HIV/AIDS/STD for the period 2005–2010;
- The national programme for the prevention of the HIV infection for the period 2012–2016.

144. The free distribution of means of protection at medical facilities, anonymous clinics and places where young people congregate is an essential component of the work of the national and provincial AIDS prevention centres.

145. With support from UNFPA, two youth centres have been opened to familiarize young people with HIV/AIDS prevention, at which they are taught on the basis of a peer-to-peer approach.

146. A course on the fundamentals of health and safety was introduced in the school curriculum in 2008. In it, schoolchildren and adolescents learn about HIV/AIDS prevention, reproductive health and healthy living. The Health Information Centre is carrying out additional activities in the framework of cooperation between the Ministry of Health and the Medical Industry and the Ministry of Education. In 2010–2011, with UNFPA support, nationwide peer-to-peer HIV prevention seminars were conducted, involving 10,150 adolescents, including 8,770 adolescents who spent their summer holidays in health-oriented centres. Discussion groups were organized for 6,259 students in higher educational institutions, with the participation of specialists from student health centres. Twenty volunteers received peer training from senior students on HIV/AIDS prevention. Seminars were held for 115 persons on fixed-term military service. With the support of the United Nations Office on Drugs and Crime, 36 family facilitators were trained under the Families and School Together (FAST) programme, and they instructed 91 families in HIV/AIDS prevention.

147. In 2009, the Health Information Centre set up a telephone helpline staffed by a psychologist and a gynaecologist who provide confidential counselling and social and psychological assistance, including on questions of reproductive health, to adolescents and young adults. The helpline network has since been expanded with UNFPA support, and three telephone helplines are now operating in the city of Ashgabat and the provinces of Dashoguz and Mary.

148. In the framework of an interdepartmental agreement between the Ministry of Health and the Medical Industry (the Health Information Centre and the National AIDS Prevention Centre), law enforcement bodies and Turkmen NGOs, a vast information campaign is being conducted on healthy lifestyles and the prevention of HIV/AIDS/STD and occupational illnesses.

149. The following work has been carried out in cooperation with UNFPA:

- A team of 11 is working with vulnerable groups to reduce high-risk behaviour;
- National capacity in HIV prevention among young people is being built up through the training of peer-to-peer instructors among young men in military units;
- Specialists in HIV centres in the provinces who have received training from international experts trained 124 instructors in 6 pilot military units in 2011 and provided them with modules developed for those purposes this year;

- In 2011, with a view to reducing at-risk behaviour among vulnerable population groups, safe behaviour training was given to 649 women, and 368 were treated by consulting physicians;
- Assistance has been provided for the renovation of a walk-in clinic for vulnerable groups at the HIV prevention centre in Ahal province to lower high-risk behaviour and increase access to medical services;
- Male and female condoms have been purchased and distributed at all provincial HIV centres and family planning centres in order to ensure access for young people, and in particular members of key groups, to means of protection;
- Condoms have been purchased and distributed to HIV prevention and family planning centres throughout the country to ensure that young persons, especially at-risk groups, have access to such protection;
- As part of a situation analysis to guide the development of a national HIV prevention programme for 2012–2016, a study was conducted on the level of awareness and behaviour of vulnerable population groups. The study showed that 92 per cent of the respondents were aware of the main modes of HIV transmission; 88 per cent understood the need for condom use; 77 per cent knew where they could receive specialized medical care; and 69 per cent said that they knew where they could be tested for HIV.

150. As part of a project for the promotion of the mass media, the BBC World Service Trust, in close cooperation with the Health Information Centre of the Ministry of Health and the Medical Industry, opened and equipped a studio and developed a new broadcasting format (Public health – the wealth of a nation) and channel (Altyn asyr) in conformity with international standards.

151. A study of healthy behaviour among adolescents and a multi-indicator cluster survey (MICS) conducted in 2012 included questions to identify the level of awareness among adolescents and adults about HIV/AIDS and HIV/AIDS prevention. The findings of the study are being processed and a report on them is under preparation.

152. The Ministry of Health and the Medical Industry will continue its educational activities with various population groups with a view to further raising public awareness of HIV/AIDS.

153. Meetings and conferences are held for the public as well as for employees in organizations and enterprises.

154. Awareness-raising initiatives are conducted for senior pupils at general education schools.

155. Information materials on HIV/AIDS have been produced and distributed to the public.

156. Seminars are held to train secondary-schoolteachers of courses on the fundamentals of health and safety about HIV/AIDS prevention.

157. Seminars and postdoctoral training on HIV/AIDS prevention are organized with health-care professionals, including family doctors and nurses.

158. Specialists of the Health Information Centre of the Ministry of Health and the Medical Industry actively participate in educational courses and seminars to train members of the medical profession about the health-care aspects of HIV/AIDS prevention.

## **XVIII. To continue to improve the situation of education**

159. Pursuant to a presidential decree, starting on 1 September of the 2007/08 school year, education programmes in secondary schools were set at 10 years, 5 years for higher education institutions and 6 years for schools of medicine and the arts, the aim being to improve the educational system and bring it into line with international standards. An outline plan is currently being elaborated for converting to a 12-year education programme for secondary school.

160. As part of reforms in the area of education and science, the Government of Turkmenistan continues to support mandatory recognition of school-leaving documents issued in other countries.

161. Secondary schools and higher educational institutions are equipped with multimedia and computer technology, making it possible for young Turkmen to receive training on the basis of an interactive approach, in keeping with international educational standards.

162. Boarding schools for children from outlying districts have been opened at provincial level.

163. The fact that education is free and generally accessible ensures a high level of education and literacy in Turkmenistan.

164. Since 2008, admissions to higher educational institutions have increased, and 18 new specialities have been introduced, including: Italian and Italian literature, Chinese and Chinese literature, Korean, Spanish, agro-chemistry and soil sciences, plant protection, the global financial market and insurance, international law, international relations and diplomacy, international journalism, trade and commerce, and industrial engineering.

## **XIX. To continue its efforts to establish an educational system in conformity with international standards**

165. The Ministry of Education is currently elaborating an outline plan and projects for State educational standards with a view to converting to a 12-year secondary education programme.

### **Recommendations which Turkmenistan will examine**

#### **1. To accede to the Rome Statute of the International Criminal Court**

**To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**To establish a national preventive mechanism in accordance with the Protocol**

#### *(a) Concerning the recommendation to accede to the Rome Statute of the International Criminal Court*

166. Recognition of this international legal instrument requires Turkmenistan to introduce amendments to a number of substantive and procedural laws and norms, in particular the Criminal Code and the Code of Criminal Procedure. Upon accession, it will be necessary to regulate, through procedural provisions, the process for the surrender of Turkmen citizens to the International Criminal Court as well as other procedural questions. The parties to the Rome Statute must have the possibility of prosecuting such crimes, since the Court will

function solely in cases in which the national judicial system is unable (or unwilling) to do so.

167. If Turkmenistan ratifies the Rome Statute, it will encounter a problem with its implementation – the incorporation of the provisions of the Statute into domestic law. For example, it will be necessary to incorporate crimes against humanity and war crimes into its Criminal Code. The crime of genocide is already included therein (art. 168); its definition is virtually identical with the definition under the Rome Statute. The Criminal Code of Turkmenistan does not provide for terms of imprisonment of 30 years or more for multiple offences.

168. It may also be necessary to amend the Code of Criminal Procedure. Given that the persons concerned may be held in a temporary holding facility or a remand centre until their surrender, a detailed regulation of the activities of the officials of these facilities and centres is needed, as well as of the rights of persons detained with the authorization of this international body.

169. On 10 April 1992, Turkmenistan acceded to the four Geneva Conventions of 1949 in the area of humanitarian law and the two Additional Protocols.

170. Pursuant to articles 49, paragraph 1, of the First Geneva Convention, article 50, paragraph 1, of the Second Geneva Convention, article 129, paragraph 1, of the Third Geneva Convention and article 146, paragraph 1, of the Fourth Geneva Convention, all Contracting Parties must “enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any [...] grave breaches” of international law. Each of the Conventions contains a list of such breaches (articles 50, 51, 130 and 147, respectively). This is supplemented by article 11, paragraph 4, and article 85, paragraphs 3 and 4, of Additional Protocol I, which specify that failure to take action in respect of such persons also constitutes a grave breach (Additional Protocol I, art. 86).

171. Recognition of the norms of international law governing responsibility for crimes of genocide, crimes against humanity, war crimes and wars of aggression, which incur international legal responsibility for their commission, as well as the subsequent implementation of those norms in the legislation of Turkmenistan would signify implementation at national level of the norms of international law, including the obligations under the Geneva Conventions and their Additional Protocols.

172. It should, however, be borne in mind that recognition of the jurisdiction of the International Criminal Court means that it will administer justice in respect of citizens of Turkmenistan who have committed such crimes. Moreover, this question is directly associated with sovereignty, since Turkmenistan will be under an obligation to surrender those citizens to the Court, which is at variance with the country’s constitutional principles, and in the event of accession, it will be necessary to make amendments to national legislation. In addition, if the Court finds a person guilty, it may order the sentence to be served in another country. Thus, accession to the Statute calls for careful consideration.

(b) *Concerning ratification of the Additional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

173. Turkmenistan is conducting specific work in this regard. In particular, it has elaborated and adopted an Act on the introduction of additions to the Criminal Code, including article 182, which defines and criminalizes acts of torture.

174. Reference is also made to articles 8, 88 and 125 of the Criminal Sentence Administration Code, which prohibit the use of torture on prisoners.

175. Thus, measures are being taken at national level to prevent torture.

176. A decision on ratification requires careful consideration. Legislation governing the functioning of prison systems in countries which have ratified the Protocol must be examined before introducing legal provisions into the Turkmen system. The advisability of acceding to the mechanism needs to be studied and the views of interested departments heard.

**2. To establish an independent national institute for human rights in accordance with the Paris Principles, which could advise the Government and receive and investigate complaints by the public**

177. The Government of Turkmenistan is conducting a joint project “Strengthening the National Capacity of Turkmenistan to Promote and Protect Human Rights” (2009–2013) in conjunction with the European Commission, the Office of the United Nations High Commissioner for Human Rights and UNDP.

178. In April 2010, a seminar was held on the Paris Principles with a view to closely studying the mandate and functions of national institutes which promote and protect human rights in accordance with international standards. Richard Carver, international expert on human rights, attended the seminar.

179. In September 2011, a fact-finding trip was organized to the Danish Institute for Human Rights for members of parliament and representatives of State bodies and higher education institutes.

180. A study is continuing of the experience and practice of other countries in setting up and operating independent human rights institutes in accordance with the Paris Principles.

**3. To consider the question of inviting special rapporteurs**

181. The question of inviting special rapporteurs of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan is currently under consideration.

**4. To eliminate the use of torture and other inhuman or degrading treatment or punishment in places of detention**

182. In accordance with article 23 of the Constitution, no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment. The Criminal Code clearly and specifically regulates measures of criminal responsibility for such crimes against the life and health of persons.

**5. To grant access to detainees to the ICRC, in accordance with the terms of its mandate**

183. The Criminal Sentence Administration Code attaches particular importance to inspections of places of detention.

184. Pursuant to the Code, the penal correction authorities monitor the activities of bodies in their territory which are responsible for the enforcement of sentences. Oversight commissions in the administrative offices of the provinces are involved in the reform of convicts and public monitoring of the activities of bodies responsible for the enforcement of sentences and other measures of criminal law, the aim being to improve supervision of respect for the rule of law in prisons and to work with persons released on parole. Provincial administration commissions on juvenile affairs at district level and in cities with district status help juvenile delinquents.

185. Pursuant to a presidential decision dated 31 March 2010 approving regulations for oversight commissions for closer monitoring of respect for the rule of law in prisons and working with persons released on parole, such bodies, which are attached to the Cabinet of Ministers of Turkmenistan, were set up in the administrative offices of the provinces, in



Ashgabat, at district level and in cities with district status in order to work with inmates and with persons released on parole.

186. On 16 July 2011, a delegation of the International Committee of the Red Cross visited health and employment facility AN-R/4 of the Ahal province police department and familiarized itself with conditions there and with the project for a new women's prison. On 6 April 2012, it visited the construction site of a new women's prison in the city of Dashoguz. On 7 April, it visited juvenile correctional facility MK-K/18 of the Mary province police department. On 10 December, it visited a special section (maximum security) of the Ahal province police department in the city of Tedzhen.

187. In the course of these visits, the international experts were allowed to see all parts of the facilities. They were shown the canteens, the kitchen unit, the laundry unit, meeting rooms, telephone rooms, the secondary school, the library, the medical dispensary, sports facilities, a production area, a workshop, a barbershop, a club and the administration building. They also viewed progress made in the construction of a building complex.

188. The experts noted that all facilities which they had been shown had modern technology, furniture and medical equipment, sports equipment and production units, that good conditions had been created for schooling and recreation and that the prisoners had adequate food and clothing, as could be seen by the satisfactory appearance of the detainees at the juvenile correctional facility. The juveniles receive adequate medical care, and considerable time is spent on their education. Another positive aspect noted by the experts was that the organization of work and the installation of video monitoring enable the administration to reconcile the daily routine with the free movement of the juveniles within the correctional facility.

**6. To protect the human rights of journalists and human rights defenders and ensure that they are able to carry out peaceful activities without threat of detention or imprisonment**

189. At the end of 2012, the Mass Media Act was adopted, article 4 of which enshrines freedom of the mass media. The State guarantees freedom of opinion in the media. No one may prohibit the mass media or prevent it from disseminating information of public interest unless in accordance with the law. Article 4, paragraph 2, covers State policy with regard to the prohibition of censorship and interference in the activities of the mass media.

**7. Establishment of a constitutional court and an ombudsman system**

190. Government bodies and voluntary associations carefully analyse court practice and experience in human rights protection with a view to organizing work in this area more effectively. The sole criterion is whether a given institute is efficient and capable of improving the protection of civil rights and freedoms.

**8. To adopt all necessary measures for the liberalization and plurality of the media; to remove restrictions on the ability of journalists to report and criticize Government policy freely and without fear of repression; to end the practice of governmental appointment of editors and senior managers to media outlets**

191. The Mass Media Act (24.12.2012) and other laws and regulations do not contain provisions restricting the nature of criticism that is honest, objective and justified. Editors are appointed through an objective selection process for assessing whether a candidate has the qualifications, standing and moral authority to become head of a mass media outlet, as required for this high-level appointment.

**9. To remove constraints on civil society groups and human rights defenders**

192. Article 30 of the Constitution governs the constitutional right of citizens to form political parties and other voluntary associations which operate within the framework of the Constitution and the law. The Voluntary Associations Act (23.10.2003) also protects the rights of citizens to form voluntary associations of their choice.

**10. To recognize conscientious objection to military service in law and practice and stop prosecuting, imprisoning and repeatedly punishing conscientious objectors; to put an end to the intimidation of members of religious communities; to safeguard access to, and use and ownership of, religious materials**

193. Turkmenistan does not impose any government functions on religious organizations and does not interfere in the activities of religious organizations if they do not violate the law.

194. Religions must comply with the requirements of the legislation in force. Religion may not be used to disseminate propaganda against the State or the Constitution, incite enmity, hatred or inter-ethnic strife, violate moral principles or civil harmony, disseminate slanderous or destabilizing fabrications, sow panic in the population or unhealthy relations between people or commit other acts directed against the State, society or individuals.

195. Activities of religious organizations, movements, sects or other groupings which promote or propagate terrorism, drug trafficking or other crimes are prohibited.

196. Any attempts to bring pressure to bear on government authorities or officials and any unlawful religious activity are punishable by law.

197. In accordance with the law, the financial and tax authorities monitor the sources of income of religious organizations, the resources which they receive and the taxes and duties which they pay.

198. Under the procedure established by law, the Ministry of Justice submits to the competent government body information on projects and programmes of foreign technical, financial and humanitarian assistance and grants if their amount exceeds a set threshold or is not typical for activities of voluntary associations receiving such assistance.

199. The implementation by religious organizations of existing norms and standards may be monitored and supervised by the relevant environmental, fire-fighting, health, epidemiological and other government bodies.

200. Pursuant to article 20 of the Freedom of Conscience and Religious Associations Act, citizens of Turkmenistan and religious organizations have the right to acquire and use religious literature in the language of their choice as well as other religious objects and materials.

201. The production, import, export or dissemination of literature which incites religious, ethnic or inter-ethnic discord is prohibited. Such acts are punishable by law.

202. Religious literature published abroad may be delivered and disseminated following an expert assessment of its content by the council on religious affairs attached to the Office of the President, in accordance with the procedure established by law.

203. The production, possession and dissemination of printed matter or cinematographic, photographic, audiovisual or other materials fostering religious extremism, separatism or fundamentalism is punishable by law.