

Responses to Recommendations

TURKMENISTAN

Review in the Working Group: 9 December 2008
 Adoption in the Plenary: 19 March 2009

Turkmenistan's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
19 REC accepted; 10 rejected; 13 pending	The delegation commented general human rights issues	The delegation commented 11 of the 13 pending REC but did not give a clear position	2 REC	Accepted: 19 Rejected: 10 No clear position: 11 Pending: 2

List of recommendations contained in Section II of the Report of the Working Group A/HRC/10/79:

“69. The recommendations formulated during the inter active dialogue have been examined by Turkmenistan and the recommendations listed below enjoy the support of Turkmenistan:

- 1. To continue its efforts to see through its reform agenda, as stipulated in its new Constitution (Malaysia); to pay attention to the integration into domestic legislation of the commitments undertaken by Turkmenistan by virtue of international conventions on human rights (Algeria); to ensure the full and effective implementation of the Constitution to deliver the better enjoyment of human rights for the people of Turkmenistan (United Kingdom); to bring the provisions of its domestic laws into compliance with the international obligations laid down in the human rights instruments it has ratified (Hungary);
- 2. To continue to strike a balance between the implementation of civil and political rights and economic, social and cultural rights (Malaysia);
- 3. To widely disseminate the main human rights texts, particularly by providing courses on human rights in school curricula to make all social categories aware of their rights (Switzerland); to use all appropriate ways and means to further develop and strengthen a culture of human rights, create more human rights capacity-building, and promote human rights public awareness-raising, with a view to the better promotion and protection of all human rights and fundamental freedoms in society at large (Islamic Republic of Iran);

- 4. To strengthen its policy on prevention and combat of child labour and on the full guarantee of the rights of the child, with special attention to children without parental care (Brazil); to cooperate closely with UNICEF and OHCHR in the protection of the rights of children (Slovenia);
- 5. To improve its overall cooperation with United Nations human rights mechanisms, in particular all mechanisms of the Council and the treaty bodies (Germany); to continue to cooperate with United Nations human rights mechanisms to further improve the human rights situation (Bangladesh); to continue its close cooperation with the mechanisms and special procedures of the Council, with a view to achieving incremental improvements, particularly with regard to the promotion and protection of the human rights situation of its people (Malaysia, Republic of Korea); to cooperate with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Working Group on Arbitrary Detention, the Special Rapporteur on summary, arbitrary or extrajudicial executions and the Special Rapporteur on violence against women, its causes and consequences and with OHCHR by responding to the questionnaires and questions sent to Turkmenistan by those mandate-holders (Uruguay);
- 6. To pursue its efforts, with the assistance of OHCHR, to abide by the timeline described in item 2 of paragraph 105 of the national report relating to its reporting to treaty bodies (Algeria); to strengthen cooperation with OHCHR with a view to building capacity in the area of human rights (Italy); to submit its periodic reports as soon as possible and establish mechanisms for the implementation of recommendations with the participation of civil society (Mexico);
- 7. To undertake urgently a campaign and initiate programmes aimed at eliminating all forms of de jure and de facto discrimination against women (Uruguay);
- 8. 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 harassment, threat of detention or imprisonment (Denmark); to eliminate all norms and practices that lead to the discrimination of members of national minorities, such as Russians, Uzbeks, Kazakhs, Turks and Kurds (Uruguay);
- 9. To put in place and apply sanctions against the perpetrators of domestic violence (Switzerland);
- 10. To implement the provisions of the Palermo Protocols ratified by Turkmenistan, in particular with a view to criminalizing trafficking in persons (France); to take steps to fight against trafficking in human beings and to comply with the conclusions of the Committee of the Right of the Child and other treaty bodies (Hungary);
- 11. To follow-up on the recommendations formulated by the Committee on the 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 (Switzerland);
- 12. To bring Turkmenistan's laws into line with articles 14 and 15 of the International Covenant on Civil and Political Rights (Canada);
- 13. 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 harassment and intimidation of journalists (Italy); to strengthen measures to promote freedom of association and take measures to guarantee the full exercise of the right to freedom of expression, including the right to access to public information by civil society organizations and individual citizens (Mexico); to intensify its efforts and take appropriate measures to guarantee the right of opinion, freedom of expression and freedom of assembly (Sweden);
- 14. To take effective measures to allow independent non-governmental organizations to register and work freely (Poland); to reform the registration process to make it easier for organizations to register

and work freely (Netherlands); to ensure that members of civil society are allowed, free of harassment, to meet with representatives of foreign media and Governments and international organizations (Germany);

- 15. To adopt adequate measures for the protection and promotion of religious freedom, in order to ensure effective freedom of worship for all religious communities (Italy); to take measures to grant effective and unhindered enjoyment of the freedom of religion (Germany);

- 16. To fully respect the rights of everyone to be free to leave and return to their own country, in conformity with article 12 of the International Covenant on Civil and Political Rights to which Turkmenistan is party (Norway);

- 17. To take a proactive approach to combating HIV/AIDS through educational and awareness-raising programmes for both the general public and drug users (Canada);

- 18. To continue to improve the situation of education in line with recent reforms in this sector (Bangladesh); to continue its efforts to establish an educational system in conformity with international standards, especially, as recommended by the Committee of the Rights of the Child, through the inclusion of human rights education in the curricula (Algeria);

- 19. To call on the international community to provide economic and technical assistance to Turkmenistan to allow it to implement a strategy for economic, political and cultural development until 2020 (China).

“70. The following recommendations will be examined by Turkmenistan, which will provide responses in due time. The responses will be included in the outcome report to be adopted by the Council at its tenth session. In the course of the discussion, the following recommendations were made to Turkmenistan:

- 1. Accede to/ratify the Rome Statute of the International Criminal Court (France, Brazil, Slovakia); consider ratifying the Optional Protocol to the Convention against Torture (Brazil) and establish its national preventive mechanism according to the Protocol (Czech Republic); consider ratifying the Convention for the Protection of all Persons against Enforced Disappearance and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);

- 2. To establish an independent national institute for human rights according to the Paris Principles, which could advise the Government and receive and investigate complaints by the public (Netherlands);

- 3. To reach the human rights goals set by the Council in its resolution 9/12 (Brazil);

- 4. To increase cooperation with the special procedures and eventually consider extending a standing invitation to all special procedures (Latvia); to address a standing invitation to all special procedures of the Council (Switzerland); to consider adopting a standing invitation to human rights special procedures (Brazil); to issue and implement a standing invitation to all special procedures (Czech Republic); to cooperate with special procedures and OHCHR by authorizing and facilitating procedures for the Special Rapporteur on the question of torture, the Special Rapporteur on the right to health, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of opinion and expression, the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial executions and the Special Rapporteur on violence against women requesting to visit the country (Uruguay); to agree to visits of other rapporteurs who have requested access to Turkmenistan in the last five years (Netherlands); to respond positively to all pending requests of special procedures for visits without further delay (Slovenia); to respond positively to visits already requested by special procedures (Slovakia); to consider positively the request of the Special Rapporteur on the question of torture to visit the country as a matter of priority (Italy); to seriously consider issuing an invitation to the Special Rapporteur on the question of torture (Denmark); to address effectively the concerns expressed in 2006 by the Special Representative of the Secretary-General on the situation of human rights defenders and invite the him to visit the country (Italy);

- 5. To eliminate the use of torture and other cruel, inhuman degrading treatment or punishment in places of detention (Sweden);
- 6. To grant access to detainees to ICRC, according to the usual terms of the Committee, as well as to international monitors (Slovakia); to allow regular access of ICRC to prisons and detention facilities (Czech Republic);
- 7. To protect the human rights of journalists and human rights defenders and ensure that they are able to carry out peaceful activities without harassment, threat of detention or imprisonment (Norway);
- 8. To take steps to ensure greater independence of the judiciary, including through the establishment of a constitutional court and ombudsman system (United Kingdom);
- 9. To increase its efforts to eradicate impunity for torture and other ill treatment, and to initiate thorough, impartial and independent investigations into all such allegations, and that alleged perpetrators are brought to justice (Denmark); to ensure a thorough and impartial investigation of all cases of torture and ill treatment and ensure punishment of persons responsible for them according to the law (Czech Republic);
- 10. To adopt all necessary measures for the liberalization and plurality of the media in order to promote full freedom of the press (France); to remove restrictions on the ability of journalists to report and criticize Government policy freely and without fear of repression (Canada); to end the practice of governmental appointment of editors and senior managers to all media outlets in the country to foster a more independent media (Canada); to guarantee the rights to freedom of expression and Covenant on Civil and Political Rights and thus ensure that the media are able to operate without interference (Norway);
- 11. To take the necessary steps to guarantee the right to associate and work freely for human rights defenders, in conformity with the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (France); to take measures to protect human rights defenders from prosecution and ensure a safe environment for their activities (Poland); to remove constraints on civil society groups and human rights defenders (Canada);
- 12. To recognize conscientious objection to military service in law and practice and stop prosecuting, imprisoning and repeatedly punishing conscientious objectors (Slovenia); to eliminate all impediments to freedom of religion and belief at juridical and administrative levels, and put an end to the intimidation of members of religious communities (Belgium); do more to promote and protect freedom of religion or belief, including by safeguarding personal access to, and use and ownership of, religious literature and materials (United Kingdom);
- 13. To ensure that opposition parties are permitted to participate freely in the political process without fear of retribution (Canada).

“71. Recommendations noted in the report in paragraphs 23 (last sentence), 29 (d), (f) and (g), 36 (b), 37 (c), 40 (a), (b) and (e), 41 (a) and 43 (last sentence) above did not enjoy the support of Turkmenistan.

- Paragraph 23 (last sentence) (Poland): “Recommended the abolition of the legislation and practices arising from the *propiska* system of registration of permanent residence”

- Paragraph 29(d) (Canada): “To hold an independent inquiry into the death in prison of journalist Ogulsapar Muradova in September 2006”

- Paragraph 29(f) (Canada): “To abolish the system of registration for nongovernmental organizations working in the country”

- Paragraph 29(g) (Canada): “To release all political prisoners including Valery Pal, Gulgeldy Annaniazov, Annakurban Amankylchev, Sapardurdy Khajiev and Mukhetkuli Aymuradov, and account for those prisoners whose fate is unknown.”

- Paragraph 36(b) (Sweden): “To consider legislation and/or additional policy measures to promote tolerance and non-discrimination of lesbian, gay, bisexual and transgender persons”
- Paragraph 37(c) (Norway): “To revoke any existing travel bans on human rights defenders and to guaranty the rights to freedom of expression and information of its citizens, in conformity with article 19 of the Covenant, and thus ensure that the media is able to operate without interference.”
- Paragraph 40(a) (Czech Republic): “To review politically motivated trials of the past and release all human rights defenders and political prisoners”
- Paragraph 40(b) (Czech Republic): “To abolish the *propiska* system and adopt further legislative and other measures to ensure compliance of its legal system and practice with the protection of freedom of movement”
- Paragraph 40(e) (Czech Republic): “To decriminalize consensual same-sex activity between adults and take measures to promote tolerance in this regard”
- Paragraph 41(a) (Germany): “To immediately release all political prisoners”
- Paragraph 43(last sentence) (United Kingdom): “Recommended conducting a nationwide, transparent review of all potentially political cases of past years and releasing all those found to have been incarcerated on politically motivated charges”

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