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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review\***

**TURKMENISTAN**

**Addendum**

**Supplementary questions in connection with the universal periodic review**

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\* The present document was not edited before being sent to the United Nations translation services.

## **Supplementary questions in connection with the universal periodic review**

### **1. Freedom of expression and press freedom**

1. The Print and Other Mass Media Act was adopted on 10 January 1991.
2. The Constitution of Turkmenistan provides that citizens of the country have the right to freedom of, and freedom to express beliefs and the right to receive information if it is not a State or other legally protected secret.
3. With the assistance of the United Kingdom Embassy, an expert from the British Broadcasting Corporation (BBC) has visited Turkmenistan. By agreement with the Ministry of Culture and Television and Radio Broadcasting, it is planned to hold training sessions, seminars and round tables for representatives of the mass media.
4. With the assistance of the USAID mission in Turkmenistan, cooperation is planned with Internews in Central Asia in improving the legislative regulation of the activities of the mass media.

### **2. Freedom of thought and religion**

5. The Act on Freedom of Conscience and on Religious Organizations was adopted on 29 May 1991.
6. The Constitution guarantees freedom of religions and faiths. On 21 October 2003 the Mejlis adopted the Freedom of Faiths and Religious Organizations Act, which reaffirms everyone's right to freedom of faith, citizens' equality before the law irrespective of their attitude to religion and beliefs, and the principle of respect for all religions. The Act defines freedom of faith as a constitutional right of citizens to profess any religion or none, to express and disseminate beliefs connected with their attitude to religion and to participate in the performance of religious worship, rituals and ceremonies.
7. In keeping with the universally recognized rules of international law, the Freedom of Faiths and Religious Organizations Act sets out the conditions for the establishment of religious organizations. Whereas previously the establishment of such an organization required an application from at least 500 citizens of Turkmenistan, it now requires only an application from five adult citizens permanently resident in the country.
8. The following are grounds for refusing to register a religious organization: the organization in question is not recognized as religious; the provisions of its statutes and other documents do not meet the requirements of Turkmen law or contain knowingly false information; the organization's founders are legally incompetent.
9. Refusal to register a religious organization is not an obstacle to resubmission of its documents for registration, but in that event the reasons for the refusal must have been eliminated.

10. Refusal to register a religious organization may be appealed to the courts. In all, 120 religious organizations are registered in Turkmenistan; 98 of them are Muslim, 13 Orthodox and 9 of other faiths.
11. The United Nations Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, visited Turkmenistan in September 2008 at the Government's invitation.
12. The Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations has made proposals to Parliament on the need for reform of the legislation governing the activities of religious organizations. Experts from the International Center for Not-for-Profit Law (ICNL) in Washington D.C. have been given the package of current relevant legislation to monitor it for compliance with international standards and to draw up proposals for improvements.

### **3. Conditions of imprisonment and torture**

13. Turkmenistan acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 by a Decision of the Mejlis dated 30 April 1999.
14. The Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations was established for the purposes of effective application of human rights conventions at the national level and preparation of the country's reports on compliance with such instruments. The Commission has submitted proposals to Parliament for domestic law reform, including the adoption of a new Code of Criminal Procedure.
15. The President of Turkmenistan has noted the need for reform of the penal system. The Code needs to be drafted taking into account:
  - (a) Article 10 of the International Covenant on Civil and Political Rights ("The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.");
  - (b) The 1955 Standard Minimum Rules for the Treatment of Prisoners;
  - (c) The 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).
16. With the assistance of the United Kingdom Embassy and the Deutsche Gesellschaft für Technische Zusammenarbeit (German Company for Technical Cooperation, GTZ), a two-year collaborative project on reform of the penal system will be undertaken with British and German experts respectively.
17. A joint project for reform of the juvenile justice system, including reform of the system of places of detention for juvenile offenders, is being undertaken with the UNICEF office in Turkmenistan.

#### **4. Freedom of association and assembly**

18. Pursuant to article 28 of the Constitution, “Citizens have the right to form political parties and other voluntary associations” that operate within the framework of the Constitution and the laws.

19. The Voluntary Associations Act was adopted on 21 October 2003.

20. Civil society institutions play an important role in the political system of Turkmenistan. Non-governmental organizations, voluntary associations, trade unions and creative unions take an active part in determining national economic, social and cultural policy. The most prominent voluntary associations in Turkmenistan are represented in all the country’s elected bodies. Members of these voluntary associations serve in the Turkmen parliament and local government bodies, thus enabling them to take a direct part in drafting programmes for the development of Turkmenistan.

21. A total of 90 voluntary associations are registered in Turkmenistan.

22. Turkmenistan is working to reform the legislation on voluntary associations. Experts from ICNL are currently reviewing the existing laws for compliance with international standards and with the country’s Civil Code.

#### **5. Rights of minorities**

23. Turkmenistan pursues a policy of mutual understanding between peoples and prohibition of any distinction, exclusion, restriction or preference based on race, descent, national or ethnic origin.

24. The Constitutional Act on Independence and the Principles of the State Structure of Turkmenistan of 27 October 1991 provides that “The independence of Turkmenistan is proclaimed in the name of the loftiest goals, namely the acquisition by the Turkmen people of genuine national statehood and the provision to every individual, without distinction as to ethnic, racial or social origin or religious belief, of the rights and freedoms provided for in the Turkmen Constitution, the Universal Declaration of Human Rights and other norms of international law. Turkmenistan guarantees all nations and peoples living in its territory the right to unfettered ethnic cultural development.”

25. Section II of the amended Constitution contains provisions on the human and citizens’ rights and freedoms that are guaranteed in Turkmenistan. Under article 19, Turkmenistan, in application of recommendations by United Nations treaty bodies, guarantees the equality of human and citizens’ rights and freedoms irrespective of nationality, race, gender, origin, wealth, position, place of residence, language, attitude to religion, political convictions, or membership or absence of membership of a political party.

26. The formation and operation of political parties and other voluntary associations that foment racial, ethnic or religious hatred are, like the formation of militaristic associations or political parties based on national or religious criteria, prohibited (Constitution, art. 28).

27. On 23 September 1994, Turkmenistan acceded to the Convention on the Elimination of All Forms of Racial Discrimination. Constructive international humanitarian cooperation with neighbouring countries has resulted in the opening of schools for ethnic minorities and the organization of culture years and months.

28. The Government is developing relations with States that have diasporas living in Turkmenistan.

29. The Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations has recently submitted a supplementary report to the Committee on the Rights of the Child in connection with the latter's concluding observations and completed a supplementary report concerning the concluding observations of the Committee on the Elimination of Racial Discrimination. It has also begun work on preparing the national report concerning the International Covenant on Economic, Social and Cultural Rights.

## **6. Freedom of movement and residence**

30. Article 24 of the Constitution provides that everyone has the right to freedom of movement and to free choice of their place of residence within the territory of Turkmenistan. The permit system for exit from the country was abolished in 2004.

31. The Government has abolished the previous restrictions on freedom of movement in Turkmenistan for all citizens. The Presidential Order of 13 July 2007 abolished the internal visa regime for citizens of Turkmenistan, including in the border areas.

## **7. The rights of children and women**

32. Turkmenistan acceded to the Convention on the Rights of the Child on 20 October 1993; to the World Declaration for the Survival, Protection and Development of Children on 28 December 1993; to the ILO Convention concerning Minimum Age for Admission to Employment on 20 December 1996; to the Hague Convention on the Civil Aspects of International Child Abduction on 25 November 1997; and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, to the United Nations Convention against Transnational Organized Crime on 28 March 2005.

33. In furtherance of international standards, the Rights of the Child (Safeguards) Act was adopted on 5 July 2002.

34. As regards educational reform, 10-year education has been introduced in schools and 5-6-year education in higher educational establishments. Further reforms include: extensive computerization of schools; connection to the Internet; ratification on 24 May 1996 of the Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region and of the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific; reform of curricula to include teaching of foreign languages, physical culture and social science; reduction of teachers' hours and of class sizes; building of mother-and-child centres in Ashgabat and in all velayats; building of modern schools and stadiums, and the opening of arts schools in all velayats. Social protection of the population is a priority of government policy. In March 2007,

the Parliament adopted the Social Security Code; the Code came into force on 1 June 2007. The Code established State benefits for childbirth and child care and increased the benefits for loss of breadwinner.

35. On 14 December 2007, the Parliament, in implementation of the relevant conventions, adopted the Women's Equality (State Guarantees) Act and the Human Trafficking Act.

36. The Interdepartmental Commission has submitted proposals to Parliament and the Government concerning the need to set up a special State body on the powers of a ministry for the Family and the Child and to draft a new Family Code taking into account the provisions of the Convention on the Rights of the Child and other international legal norms regarding the adoption of Turkmen children by foreign citizens. The Convention on the Rights of the Child provides, in article 21, that States parties shall "recognize that inter-country adoption may be considered as an alternative means of a child's care if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin" and "ensure that the child concerned by inter-country adoption enjoys safeguards [...] equivalent to those existing in the case of national adoption". The National Democracy and Human Rights Institute within the Office of the President has now drafted a new Family Code and sent it to Parliament.

## **8. Independence of the judiciary**

37. Pursuant to the Constitution:

(a) Judicial power belongs only to the courts;

(b) The function of the judiciary is to uphold civil rights and freedoms and the legally protected interests of the State and society;

(c) Judicial power is exercised by the Supreme Court and other courts provided for by law through the medium of civil, arbitral, administrative and criminal proceedings. The establishment of special courts or of other structures endowed with judicial power is prohibited. The amended Constitution upholds the democratic principle of the separation of powers between three independent branches: the legislature, the executive and the judiciary. There are no provisions concerning constitutional limits on judges' terms of office in this new version of the Basic Law.

38. The Judicial System and Status of Judges Act was adopted on 29 May 1991.

39. The Criminal Code was adopted on 12 June 1997 and the Civil Code on 17 July 1998. The Parliament is currently working on the amendment of procedural law, namely the Code of Civil Procedure and the Code of Criminal Procedure, to include international standards on the administration of justice. Its draft Code of Criminal Procedure has been submitted for their legal opinion to experts from OSCE and GTZ. Regarding the work on a draft Code of Civil Procedure, provision has been made for cooperation with European legal experts under the Memorandum on Legal Cooperation between the National Democracy and Human Rights Institute within the Office of the President and GTZ.

## 9. Cooperation with United Nations mechanisms

40. The Government of Turkmenistan has made cooperation with international organizations, particularly the United Nations, a foreign policy priority and has expressed its commitment to fulfil the country's international obligations. In this respect, it welcomes open and constructive dialogue with international organizations.

41. From its first days in office, the Government embarked on a course of developing democratic processes, promoting civil society, carrying out comprehensive major reforms in education, health care and social security, and improving the welfare of persons living in remote areas.

42. In 2007, the Government actively entered into constructive dialogue with the Office of the United Nations High Commissioner for Human Rights (OHCHR). The High Commissioner, Ms. Louise Arbour, visited Turkmenistan in May 2007. In March 2007, the Government invited the Special Rapporteur on freedom of religion or belief for a visit; it took place in September 2008. A joint OHCHR/UNDP project initiated by the Government on building reporting capacities in Turkmenistan is nearing completion; it was launched in May 2007.

43. In order to strengthen constructive dialogue with the United Nations on human rights protection, the further development of democratic processes and the timely preparation of national reports, the Government is cooperating with OHCHR, the European Commission and UNDP on a joint project for 2008-2009 entitled "Strengthening the national capacity of Turkmenistan to promote and protect human rights".

44. For the purposes of the effective application of international law, the implementation in practice of United Nations human rights conventions and the timely preparation of the country's reports to United Nations bodies, Turkmenistan has established the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations. The Commission is a standing interdepartmental advisory body responsible for coordinating the efforts of ministries, State committees, departments, local authorities, enterprises, institutions and organizations to fulfil Turkmenistan's international human rights obligations.

45. The Commission's tasks include:

(a) Coordinating the activities of the bodies responsible for implementing international human rights obligations;

(b) Preparing national reports on the status of implementation of international human rights agreements for submission to international organizations;

(c) Monitoring compliance of domestic legislation with international human rights standards;

(d) Drafting proposals to bring Turkmen law into line with the provisions of international human rights agreements to which Turkmenistan is a party;

(e) Promoting interaction and cooperation between State authorities, civil society and international organizations in the field of human rights;

(f) Publishing and disseminating national reports.

46. The preparation of national reports is coordinated by the National Democracy and Human Rights Institute within the office of the President.

47. The Commission has recently submitted a supplementary report to the Committee on the Rights of the Child in connection with the latter's concluding observations and completed a supplementary report concerning the concluding observations of the Committee on the Elimination of Racial Discrimination. It has also begun work on preparing the national report concerning the International Covenant on Economic, Social and Cultural Rights.

48. The Commission is actively engaged in dialogue with the OHCHR Regional Representative, UNDP and other United Nations agencies.

49. In the light of actual circumstances and with the agreement of the OHCHR regional office, the schedule for the submission of reports to United Nations treaty bodies has been approved as follows:

(a) Common core document in mid-2008;

(b) Universal periodic review (UPR) in September 2008;

(c) Initial report on the status of implementation of the International Covenant on Economic, Social and Cultural Rights at the end of 2008;

(d) Initial report on the status of implementation of the International Covenant on Civil and Political Rights at the end of 2009;

(e) Initial report on the status of implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the end of 2009;

(f) Sixth and seventh reports on the status of implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in mid-2010;

(g) Periodic report on the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the end of 2010;

(h) Periodic report on the status of implementation of the Convention on the Rights of the Child at the end of 2010.

50. The Commission has recently submitted to the relevant United Nations bodies a supplementary report in connection with the concluding observations of the Committee on the Rights of the Child and a supplementary report concerning the concluding observations of the Committee on the Elimination of Racial Discrimination. Preparation of the national report concerning the International Covenant on Economic, Social and Cultural Rights and of the



common core document is nearing completion. The national report for the UPR has been completed and sent to the Human Rights Council. Recommendations concerning the draft common core document and draft UPR report were received from Ms. Irina Liczek, chief technical adviser of the UNDP/OHCHR treaty body reporting project.

51. The Commission made recommendations on the suitability for Turkmenistan of acceding to the Convention on the Rights of Persons with Disabilities of 13 December 2006. The Convention entered into force for Turkmenistan on 4 October 2008. Drafting of recommendations on accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women is in progress.

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