

Human Rights Council
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Item 6: Universal Periodic Review

ORAL STATEMENT BY CONSCIENCE AND PEACE TAX INTERNATIONAL

Delivered by **Derek Brett**, CPTI Representative in Geneva, on Thursday 18 March 2009

ADOPTION OF UPR REPORT ON TURKMENISTAN

Paragraph 70(12) of the Report of the Working Group indicates that Turkmenistan's responses to the recommendation that it "recognise conscientious objection in theory and practice and cease imprisoning and repeatedly punishing conscientious objectors" will be included in the outcome document.

Turkmenistan's response has not been given in advance, but there was an indication from the its intervention in the interactive dialogue with the Special Rapporteur on Freedom of Religion or Belief that it was preparing legislation to allow conscientious objectors to perform unarmed military service in, for example the medical or engineering branches of the armed forces.

Given the previous complete lack of any provision for conscientious objectors in Turkmenistan, Conscience and Peace Tax International welcomes this first step. Most of the many states which now accommodate the right of conscientious objection to military service started, at different times in history, by instituting an option of unarmed military service.

However, the international standards have now moved on a long way, and unarmed military service available is by no means adequate. We would encourage Turkmenistan to make a careful study of these standards as set out the Resolution 1998/77 of the Commission on Human Rights and elaborated in the jurisprudence of the Human Rights Committee, and to seek to bring any legislation in line with them.

In particular, we would draw to the attention of Turkmenistan that Resolution 1998/77 to institute alternative service which is compatible with the reasons for the objection. While unarmed military service meets the needs of those whose only objection is to personally bearing arms, there are many whose consciences will not permit them to act in direct support of those who do. As long as a truly civilian alternative service is not available, many will continue their refusal to serve., and this exercise of their freedom of thought, conscience and religion will make them liable to the penalties set out in national law. Given this, the recommendation that Turkmenistan cease to imprison conscientious objectors remains valid. Moreover, Turkmenistan should bear in mind that, as stated by the Human Rights Committee in General Comment 32, any repeated punishment for

refusal to perform military service constitutes repeated punishment for the same offence
"if such subsequent refusal is based on the same constant resolve grounded in reasons of
conscience."