

UNCT's joint submission for the Universal Periodic Review of Turkmenistan (3rd cycle)

1. The reporting period was marked with the adoption of numerous legislative acts¹, including the September 2016 of the new Constitution; 2012 amendments to the Criminal Code (introducing definition of torture), the adoption by the President of national plans of action for gender equality (2015-2020); for combating trafficking in persons (2016-2018); and for human rights (2016-2020). The new Constitution features a new section on “rights, freedoms and duties”, referring to universally accepted norms of international law, but also allowing for a limitation of these rights through national legislation and enshrines a multiparty system. While some competences seem to be attributed to the legislative body and that some degree of decentralization is anticipated, the executive branch and the President still retain most powers.² The Law on Ombudsperson came into force on 1 January 2017, followed by the election of the first Ombudsperson of Turkmenistan. The law foresees the President to nominate three candidates, which the Parliament can then choose from, in a severe infringement on the independence requirement as stipulated in the Paris Principles.³ It should be further noted that some of the newly enacted laws either have not been implemented or establish highly restrictive provisions inconsistent with international human rights standards⁴. Furthermore, although international human rights treaties ratified and promulgated by the State party take precedence over national laws, none of the provisions of the international treaties have been invoked before national courts since the accession of the State party to these documents⁵.
2. Turkmenistan has significantly improved its reporting to the UN human rights mechanisms.⁶ However, with regards to the recommendations on ratifying the OPCAT, acceding to the Rome Statue of the ICC, ICPED, ICMW, OP-ICESCR, OP-CRC, the Convention on the Prevention and Punishment of the Crime of Genocide,⁷ very little progress, if any, has been observed. Although the National Human Rights Action Plan foresees increased cooperation with UN Special Procedures, and refers to the invitation of the Special Rapporteur (SR) on the situation of human rights defenders and the SR on the independence of judges and lawyers, UNCT is not aware of concrete steps being taken to follow through this commitment⁸. As of August 2017, none of the 7 views issued by the Human Rights Committee have been implemented.

Recommendations:

- Undertake immediate measures to implement the Human Rights Committee's views with respect to individual cases.
- Ensure a genuinely independent NHRI in accordance with the Paris Principles to make sure it can implement its mandate independently, will have the competence to hear and consider complaints, to monitor detention facilities and to make the results of its investigations public.
- Take measures to ratify the OPCAT and grant access to independent organizations such as ICRC and inviting UN SRs to carry out independent fact-finding missions.

¹ A/HRC/4/3, recommendations 112.3 - 112.10.

² Ibid.

³ A/HRC/4/3, Recommendations 113.22-113.29.

⁴ E. g., amendments to the Law on Public Organisations of 2014, the Law on Internet of 2015, and the Law on Assemblies, Meetings and Demonstrations of 2015.

⁵ A/HRC/4/3, Recommendation 112.2.

⁶ A/HRC/4/3, Recommendation 112.23, 112.25.

⁷ A/HRC/4/3, Recommendations 113.1-113.6.

⁸ A/HRC/4/3, Recommendations 113.30 -113.47.

II. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

3. The new Constitution of Turkmenistan and various legislations⁹ contain guarantees of equality and set forth the principles of non-discrimination¹⁰. However, there is no comprehensive anti-discrimination legislation that addresses discrimination; prohibits direct, indirect and multiple discrimination; contains a comprehensive list of prohibited grounds for discrimination, including colour and sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings. Law and reality differ considerably. Many stereotypes on the role of women persist and certain patriarchal attitudes are deeply rooted. Despite country's zero-tolerance policy on violence against women and the adoption of the National Plan of Action for Gender Equality, domestic violence is considered as a private family matter and is not a separate crime in the Criminal Code. Despite the proportion of seats held by women in the national parliament,¹¹ women participating in the decision-making and in private sector are rather nominal. Although legislation on maternity leave and child care leave is in order, in practice some pregnant women and young mothers face discrimination from their employers. A special law for combating sexual harassment at work does not exist. Furthermore, homosexuality faces a strong social stigmatization in Turkmen society¹². Under article 35 of the Criminal Code, sodomy is considered a criminal offence for which the penalty is deprivation of liberty for up to 2 years, with or without the obligation to reside in a certain area for a period of 2 to 5 years. Fearing persecution and harassment, gay men are reportedly forced to hide their sexual identity.

Recommendations:

- Promote women's participation in decision-making processes; eradicate negative stereotypes regarding the roles of women in the family and in society.
- Decriminalize sexual relations between consenting adults of the same sex and combat discrimination on the grounds of sexual orientation and gender identity.
- Take measures to prevent law enforcement and medical personnel subjecting persons detained and charged with sodomy to forced anal examinations.
- Introduce domestic violence, including sexual violence and marital rape, as specific criminal offences in the Criminal Code. Establish an independent complaints mechanism and ensure that victims of domestic violence benefit from protection, and have access to medical and legal services, as well as to safe shelters.
- Conduct public awareness campaigns throughout the country.

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

4. Since the definition of torture was introduced in the Criminal Code, no cases of torture have been recorded or examined by courts.¹³ It is of concern that article 47 of the Constitution stipulates that citizens' rights may be suspended during the imposition of a state of emergency or martial law. The Constitution does not clearly prohibit amnesties for torture and enforced disappearance. There is no independent oversight body to carry out independent

⁹ The Law on State Guarantees for Equal Rights and Opportunities of Women and Men (2015), the Labor Code (2009), the Code on Social Protection of the Population (2013) and the Family Code (2012).

¹⁰ A/HRC/4/3, Recommendations 112.41- 112.53.

¹¹ In the fifth convocation of the Parliament (2014-2019), of the 125 members of the national parliament, 34, or 27.2 per cent (including the speaker and the deputy speaker), are women.

¹² A/HRC/4/3, Recommendations 112.41- 112.53.

¹³ A/HRC/4/3, Recommendations 113.70.

inspections of all places of detention. The ICRC is not allowed to access detention facilities. The Oversight Commission of the Penal Corrections Department, in charge of monitoring places of detention, is part of the Ministry of Internal Affairs and lacks independence.¹⁴ There are serious concerns about allegations of torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially during the first hours of apprehension and pre-trial detention; impunity for acts of torture and ill-treatment persists. The international community remains concerned about the reports and allegations of enforced disappearances and the practice of incommunicado detention and lack of information on whereabouts of individuals who were convicted in December 2002 and January 2003.¹⁵

5. During the past years, the supervisory bodies of the ILO strongly urged the Government to take effective and time-bound measures to ensure the complete elimination of the use of compulsory labour of public and private sector workers in cotton farming, and requested the Government to provide information on concrete measures taken to this end, both in law and in practice, and the concrete results achieved. In this respect, the Government was called upon to seek ILO technical assistance in order to comply with the relevant Convention and to develop a national action plan to eliminate forced labour in cotton harvesting. Despite subsequent direct engagement with the ILO, no steps appear to have been taken yet towards the adoption of effective measures to address the concerns raised.

Recommendations:

- Ensure that any derogations from fundamental rights and freedoms are strictly required by the exigencies of the situation. Ensure that acts amounting to torture are not subject to any statute of limitations and that amnesty is not granted in case of crimes of torture and enforced disappearance.
- Ensure that persons under investigation for having committed acts of torture or ill-treatment are immediately suspended pending investigation and that measures are taken to put an end to incommunicado detention. Make the whereabouts of persons convicted in connection with the assassination attempt of the former President, including by informing their relatives and allowing visits from members of their families and access to their lawyers. Undertake measures to implement the decisions of the UN Working Group on Arbitrary Detention on individual cases of concern.
- Take steps to address the allegations of serious acts of intimidation, reprisals, threats and arbitrary arrests and imprisonment of human rights defenders, journalists, dissidents, members of religious groups, often on fabricated charges and in retaliation for their work, and of their relatives.

C. Administration of justice, including impunity, and the rule of law

6. While noting the adoption in 2014 of the revised Courts Act and the Revised Act on Enforcement Proceedings and the Status of Court Appointed Officers, judges continue to be appointed and dismissed solely by the President. Access to justice remains problematic for numerous citizens, both in terms of understanding their rights and fears to claim them before courts. The number of lawyers is limited and their professionalism, independence and sense of impartiality is questionable. In court, among other impediments, the respect for the presumption of innocence and access to a lawyer is still an obstacle to the exercise of the right to a fair trial. The closed nature of trials and the absence of human rights NGOs and/or trial monitoring mechanism affect the transparency of judicial processes. The 2002 legislation concerning corporal punishment of children¹⁶ was reiterated in the Family Code in 2012. In a letter to the Global Initiative to End All Corporal Punishment of Children dated 13 January

¹⁴ A/HRC/4/3, Recommendations 113.58, 113.62-113.63.

¹⁵ A/HRC/4/3, Recommendation 114.2- 114.7.

¹⁶ A/HRC/4/3, Recommendation 112.28.

2014, the Government has confirmed that corporal punishment, without exception, was unlawful under the 2002 law and the Family Code 2012. However, corporal punishment as a form of disciplining children is still practiced in the home setting.

7. The Law on combating human trafficking (2007) determines punishment for illegal human trafficking and forced labor¹⁷. Other activities in the area of preventing human trafficking include the opening of 2 hotlines and one rehabilitation center run by local registered NGOs, and identification and investigating of over 11 human trafficking cases since 2010. The General Juvenile Justice System Development Programme (2012) has yet to be translated into practice. Development of appropriate policies is needed to bring existing practices into compliance with the international standards on juvenile justice. Consideration is given by the Government to programmes that identify children at risk of offending and provide them with assistance.

Recommendations:

- Establish and ensure in practice the independence of the judiciary, including by guaranteeing their tenure in the office and severing administrative ties with the executive branch.
- Facilitate the access to justice of citizens that claim to be victims of arbitrary arrest, detention, torture and other human rights violations, and guarantee a fair trial to all.

D. Right to privacy, marriage and family life

8. The age of marriage in 2012 Family Code was raised to 18 years. A special attention in the Family Code is paid to ensuring the payment of State benefits to families, arranging health protection, and creating conditions for parents to combine work with family commitments. Religious marriage and other religious rituals, have no standing in the law.
9. The “Law of Turkmenistan on combating the spread of diseases caused by the human immunodeficiency virus (HIV)” contains a number of provisions that are not consistent with international standards. Persons who discover their status as the result of involuntary testing often face stigma and can be deterred from accessing appropriate services, undermining long-term prevention and treatment efforts from a public health perspective. There is no information as to the measures taken to ensure the protection of privacy and confidentiality of persons living with HIV/AIDS¹⁸.

Recommendations:

- Take measures to bring the Act on the Prevention of Illnesses Caused by the Human Immunodeficiency Virus (HIV) into compliance with the State’s international obligations.

E. Freedom of movement

10. The “*propiska*”(registration) system, coupled with specific restrictions regarding work permits make it very difficult for unemployed people to work in the capital. The February 2016 decree “On Matters of Registration of the Individuals Arriving in Ashgabat for Employment Purposes” discriminates against residents from the regions seeking employment in Ashgabat. In 2007, following the removal of all internal land border checks positively affected former prima facie refugees living in remote border areas. However, the Government still does not issue travel and identity documents to refugees recognized under the mandate of UNHCR, which limits their access to social and economic benefits they are entitled to by law.
11. Travel bans and restrictions are commonly imposed on civil society activists and relatives of exiled dissidents or individuals who are considered disloyal to the regime.¹⁹ The Law on

¹⁷ A/HRC/4/3, Recommendations 112.34-112.38.

¹⁸ A/HRC/4/3, Recommendations 112.77-79.

¹⁹ A/HRC/4/3, Recommendation 113.70.

Migration sets out a list of grounds based on which residents can be temporarily banned from exiting the country. Several thousand individuals are believed to be blacklisted and subject to an international travel ban by migration authorities.

Recommendations:

- Ensure freedom of movement within the country, including eliminating of any legal restrictions regarding work permits.
- Halt travel restrictions imposed in relation to activists, religious leaders, journalists, students and former Government officials holding opposition views, as well as their relatives.

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

12. The right to religion and expression, association and peaceful assembly and the right to participate in the public and political life are stipulated in the Constitution and in the 2016 Law on Freedom of Religion and Religious Organizations. The latter prohibits the activities of unregistered religious communities and imposes severe restrictions on worship, religious education and the import and distribution of religious literature²⁰. The Administrative Code provides for penalties for violations of legislation regulating the conduct of religious activities. Religious minority communities continued to face problems in obtaining registration.
13. The Media Act of January 2013 contains welcome provisions that safeguard freedom of the media and prohibit censorship and unlawful interference in the activities of media. It also sets out that the State will guarantee media independence and pluralism. However, there is no independent media in the country. Journalists working for foreign media and reporting on politically “sensitive” issues are systematically harassed. Undue internet restrictions, in the framework of the 2014 Internet development and service regulations, are also common, particularly regarding foreign media outlets, social networks and blogs. Self-censorship is widespread. The import and sale of foreign newspapers is restricted. Campaigns by authorities to dismantle private satellite dishes, which have been argued to spoil the outer appearance of apartment buildings, has restricted access to information from foreign TV and radio channels. Internet is still available only to some 12% of the population.
14. The 2015 Law on organizing and conducting assemblies, rallies, demonstrations and other mass events allows, in principle to exercise this freedom if authorities are notified in advance. At the same time, the law grants local officials wide discretion to refuse holding assemblies on the grounds that the proposed venue is unsuitable²¹. It is also troubling that authorities continue to forcibly mass mobilize residents for participation in various events and parades. Freedom of association is subject to administrative restrictions, such as the complex and compulsory registration modalities outlined in the 2014 voluntary association law, which in principle grants citizens the right to establish and join associations, and allows foreign organizations to operate. It also prohibits State interference in the activities of associations. However, basic provisions of the law remain problematic, such as a requirement of compulsory registration, strict registration rules and provisions granting authorities wide discretion over the creation, closing, and funding of these associations. In practice, authorities continue to promote Government-controlled organizations and have not demonstrated any political will to enable genuinely independent CSOs.

Recommendations:

²⁰ A/HRC/4/3, Recommendations 113.73-113.74, 114.7, 114.8.

²¹ A/HRC/4/3, Recommendations 112.59-112.65, 113.78, 113.82-113.89.

- Implement basic provisions of the media law to protect media independence and prohibit censorship, ensure uninterrupted and unhindered internet access.
- Implement the new law on assemblies and ensure that children and other individuals are not forcibly mobilized to participate in mass parades.
- Ensure that the restrictions imposed on the exercise of freedom of religion are compatible with international human rights standards.
- Support the independence and development of CSOs.

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

15. The 2016 Law “On Employment of Population” for the first time introduces the term “unemployment” and unemployment allowance and establishes State employment fund. According to ILO estimates, the level of unemployed is estimated 8.6 percent in 2015, although some observers contend the rate is much higher²². Occupational segregation of women is present in health and education spheres compared to transportation, industry and construction spheres, where men predominate.²³ There is lack of disaggregated data on wage gap, actual employment and unemployment, youth employment, migrant workers, unpaid domestic, employment of people with disabilities, and ethnic minorities. To create more jobs, the Government adopted programs aimed at promoting employment and creating jobs, e.g. the State Program on modernization of the employment services and creation of new jobs for 2015-2020; the National Action Plan to fulfil the rights of people with disabilities to work for 2017-2021²⁴. In 2017, the Government was tasked to establish interdepartmental commission to ensure the employment of young professionals.

Recommendations:

- Eliminate structural barriers and stereotypes that young women face in the transition from school to work and provide access to technical and vocational skills training, job-matching and career guidance.
- Increase efforts to eliminate occupational segregation, as well as review laws and policies to ensure gender equality in the labor sector. Enhance the information flow to the labour force, especially among the rural youth. Increase economic opportunities for women, promote sharing of work and family responsibilities for women and men, including by designing, implementing and promoting family responsive legislation, policies and services.

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

16. Due to the State budget constraints amid of collapse of global energy prices in 2014-2016, the Government started experiencing serious budgetary constraints, leading in some cases to wages arrears of civil servants, and is planning to cut universal subsidies, which may increase vulnerabilities of households, particularly those with children.

17. In April 2017, the Commission on the Status of Women reiterated its concern regarding an adequate standard of living for women and girls throughout their life cycle, including through social protection systems. The President tasked the Parliament to pay special attention to the creation of favourable conditions for productive work, study, rest and movement of people with disabilities but this is yet to be translated into action²⁵.

Recommendations:

²²*News Bulletin*, “Turkmenistan Looks to Help Its Citizens Find Jobs in Country.” Ashgabat, 28 March 2014.

²³Statistical Yearbook of Turkmenistan. 2016. p.261.

²⁴ A/HRC/4/3, Recommendations 112.11, 112.12, 112.39.

²⁵A/HRC/4/3, Recommendations 112.11, 112.12, 112.39.

- Maintain existing subsidies for families with children while assessing the adequacy of cash benefits to meet the need of children.
- Introduce new types of social services to address multiple vulnerabilities of households, in particular those with disabilities.

I. Right to health

18. The State programme on Health Care and Health Sector Development “*Saglyk*” for 2015-2025 envisages improvement of the legal framework for healthcare²⁶; introducing modern methods of treatment and organization of scientific research; increasing public awareness of risk factors and diseases; ensuring supply of high-quality medical services to the entire population; improving medical education through revising curricula; introducing the principles of evidence-based medicine; developing and improving the infrastructure of health facilities.
19. Limited or no access to official, quality and public data has proven a major impediment to the planning and development. The lack of disaggregated data is detrimental to addressing gender and other social determinants of health. There is no practice to use health and human rights indicators to demonstrate the extent to which Government is meeting their health-related human rights obligations. Access to information and the awareness level on the right to reproductive health remains low among adolescents.
20. Primary care facilities are well distributed around the country. Family planning services are being offered in 105 family planning centers and offices. Full immunization coverage of young children is high at 95%²⁷. Since 2001, national vaccination and procurement is fully financed by the State budget,
21. Total public health expenditure (TPHE) in Turkmenistan is relatively low²⁸. Financing healthcare is done through a combination of national budget funds, user fees and voluntary health insurance (VHI). The system of State VHI is essentially a discount program for user fees. However, only nationals and holders of national medical insurance cards are entitled to the healthcare services at reduced costs. The Government finances “core” services, i.e. a basic benefit package, for the entire population. The introduction of Mandatory Health Insurance from 2016 is a stated goal of the 2030 national Programme. However, the Government has recently determined that it is both more complex and expensive than anticipated, and its introduction has been deferred for an unspecified time.
22. All health facilities are at liberty to charge fees for service except to patients in the exempt categories. According to the MoHMI, 25 to 30% of facilities have chosen to be wholly or partly self-financing and charge user fees, which is encouraged since it reduces pressure on health resources. Importantly, the central children’s hospital charges fees. WHO (2014a) notes that in “hospitals practicing non-budgetary admissions” the parents of sick children hospitalized on non-budgetary base should pay all medicines. Out of pocket payments remain high that lead to very high probability of impoverishing health expenditures.
23. The child mortality rate is high for a middle-income country. Between 1990 and 2015, Turkmenistan reduced under-five mortality from 91 to 51 per 1,000 live birth, but still U5MR is six times higher than that of the average of the OECD countries.

Recommendations:

²⁶ A/HRC/4/3, Recommendations 112.69-70.

²⁷ 2015-16 Multiple Indicator Cluster Survey.

²⁸ Data show TPHE at 1.1% to 1.25% of GDP (Total Health Expenditure (THE) is 2% of GDP) and 8.7% of Government expenditure. Out-of-pocket expenditure (OOP) stands at 36.7% (World Bank, 2012).

- Ensure full access to official quality and public disaggregated data; use health and human rights indicators for national health policies and strategies monitoring frameworks.
- Increase the Government share in health-related expenditure and reduce out-of-pocket payments.
- Undertake additional and systematic measures leading to further reduction of infant and child mortality, ensure full State financing of all the core motherhood and childhood-related health services.
- Ensure rationalization of staffing and put in place a quality assurance system through capacity development of health managers on organizational practices and protocols.

J. Right to education

24. In 2014, the Government extended the education system from 10 to 12 years of free, compulsory education, with primary school starting at the age of 6. This led to a revision of the curricula and textbooks. Despite substantial reform efforts, the education sector continues to be characterized by highly centralized and comparatively weak education institutions.
25. Recent approval of the pre-primary curriculum with child-friendly school readiness measurement tools and parental empowerment programme for nation-wide implementation are important milestones towards alignment of the early learning system with international standards. The above is also important given the current low pre-primary education coverage (45%) with high urban-rural disparities. Reproductive health issues are part of a mandatory school subject. The Government endorsed the national age-appropriate comprehensive sexual and reproductive health education standards. However, due to cultural resistance, outdated views on reproductive health education, and lack of teachers' training, the issues of sexuality are censored and left out.
26. Since 2015, there are certain restrictions to the effective recognition of diplomas of foreign universities. Validation of a degree obtained abroad is granted through a special commission that recognizes (or not) the validity of such a degree. Upon return, the students often face difficulties in obtaining employment in the public sector.
27. The Government continues to control cultural performances and events, including the production of plays, screening of films and art and other public exhibitions. Nearly all sources of information appear to be subject to Government control thus hampering the diversity.

Recommendations:

- Ensure universal pre-primary education coverage for all children through introduction of one-year mandatory pre-primary education programme.
- Address the issue of corruption in the education system and ensure genuine access to university and higher education, through selection and admission processes that are based on merit and abilities.
- Ensure and protect cultural independence and prohibit censorship.

L. Persons with disabilities

28. The concept of disability in the national legislation is problematic²⁹. The Social Protection Code defines “a disabled person” as “a person with sustained physical, mental, intellectual or sensory disorders, which lead to limitation of opportunities to take full and effective participation in public life”. The Main Criteria for Determination of Disability of the Ministry of Health and the Ministry of Labor and Social Protection defines disability as a lasting long-term or permanent loss of ability to work caused by physical, mental or severe chronic

²⁹ A/HRC/4/3, Recommendations 112.11-12, 112.39.

diseases (injuries) resulting in disorders of body functions. Jurisdiction of disability is performed by the Medical and Social Expert Commissions (MSEC) consisting of physicians with various medical specialties. The disability assessments of the MSECs do not apply any widely-accepted tools for functional assessment addressing activities, participation or environmental factors.

29. Children with disabilities face challenges in timely identification and addressing their rights through early intervention and family support services, in gaining inclusive education with trained teachers, improved physical access, and supportive social norms. There are also legal, procedural, physical and attitudinal barriers to a fully-fledged participation of children with disabilities in society, including their visibility in the media. Community-services and support to children with disabilities and their families is lacking.

Recommendations:

- Harmonize the national legislation in health, education, social protection and employment with the CRPD principles.
- Develop a comprehensive policy on inclusive education with a particular focus on integration of children with disabilities into mainstream education.
- Develop new disability assessment and referral procedures based on biopsychosocial model of disability and link them to the emerging inclusive support services and enhanced employment opportunities.
- Further develop and scale-up a system of early intervention and inclusive support services and improved accessibility.

M. Minorities and indigenous peoples

30. There is no comprehensive data on the ethnic composition of the population nor there is information on the extent to which economic and social rights of the representation of ethnic minorities are protected.³⁰ Ethnic minorities' rights are often infringed because of the "assimilation" policy. Opportunities for individuals belonging to ethnic minorities to be educated in their own language and live according to their traditions are limited. Reportedly, the Government practices third-generation tests to establish whether people belong to genuine Turkmen families.³¹ The NHRAP foresees measures to create favorable conditions for children of ethnic minorities to learn their mother tongue, as well as establishment of the mechanism of holding consultations with representatives of national minorities and vulnerable groups.

Education is provided primarily in Turkmen and student and Government employees must wear the Turkmen national dress regardless of their ethnicity. Ethnic minorities face language barriers in obtaining state employment and in communicating with state and public institutions.

Recommendations:

- Ensure that proper status is given to the cultures of and languages spoken by the various groups of the population and eliminate language barriers to the enjoyment of economic and social rights.
- Promote the integration of ethnic minorities in society through education, participation in public life and access to public functions.

N. Migrants

³⁰ A/HRC/4/3, Recommendations 112.54-56.

³¹ Recommendations 112.25, 112.54-112.56; 113.49- 113.54.

31. Turkmenistan as a source country for forced labour and sex trafficking took active measures to combat human trafficking.³² The 2007 Law on Combating Human Trafficking was amended in 2016 to include, along with penalizing trafficking, new provisions on the rights of victims, identification and assistance to them as well as coordination aspect of counter trafficking work.
32. In 2016, Turkmenistan adopted the National Action Plan (NAP) for 2016-2018, which includes aspects of prevention, protection, prosecution and partnership. It also drafted the Standard Operating Procedures for identification of victims of trafficking and their further referrals.

Recommendations:

- Ensure practical implementation of the Law and NAP in practice.
- Take measures to refer victims to the shelters and provide financial support to NGOs for counter-trafficking activities.
- Provide regular data and share reporting on trafficking cases and related issues.

O. Refugees and asylum-seekers

33. The current refugee population consists of 21 refugees (12 families) as of May 2017, all of who were individually recognized under UNHCR’s mandate between 1998 and 2002. Turkmenistan has a long tradition of facilitating durable solutions for refugees in the country.
34. Currently most of the 21 mandate refugees reside primarily in the capital city of Ashgabat. Permanent residency or naturalization are the most appropriate durable solutions for these persons.
35. There have not been any new asylum-seekers officially registered in Turkmenistan since 2005. Without having access to the border areas, UNHCR is not in a position to verify instances of effective access to the territory of Turkmenistan, particularly with regard to those who are from Afghanistan. The Government continues to exert strict control over the borders as well as internal and external movements of people.

Recommendations:

- Ensure access to the territory and asylum procedures for persons in need of international protection.
- Establish fair asylum and referral procedures that are accessible at all border points; ensure that these procedures are enforced in practice, authorizing visits to the border for UN human rights mechanisms; ensure that asylum-seekers, including detainees, have access to independent, qualified and free legal advice and representation, and that their protection needs are recognized and instances of *refoulement* prevented.

P. Right to nationality

36. Turkmenistan is the only country in Central Asia that has acceded to the 1954 and 1961 Conventions relating to the Status of Stateless Persons the Reduction of Statelessness. The true extent of statelessness in the country is however unknown in the absence of reliable and comprehensive data.
37. The 2013 Law on Citizenship provides Turkmenistan nationality to children born into families of stateless persons or children born in Turkmenistan and whose parents are unknown. Yet, children born to parents with undetermined nationality are inhibited to acquire Turkmen nationality until their parents’ statelessness status is formally confirmed.

³² A/HRC/4/3, Recommendations 112.34-112.38.

38. Between 2011 and 2016, Turkmenistan granted citizenship to over 6,400 stateless persons and refugees. It is estimated that there are some 6,000 applications of stateless persons pending decision from the authorities either to confirm or obtain citizenship. An additional 2,000 individuals are thought to need assistance to confirm their citizenship or non-citizenship from relevant CIS embassies.
39. In 2014, authorities started issuing to stateless persons International Civil Aviation Organization (ICAO)-compliant ID and travel documents. According to the legislation, stateless persons have the right to state social assistance, including pensions and allowances, but they are not covered by medical insurance.

Recommendations:

- Ensure timely birth registration for all children born in Turkmenistan, regardless of the citizenship and/or documentation status of their parents, guarantee their right to a nationality, legal identity as well as access to services.
- Fully implement the 2013 Law on Citizenship to facilitate naturalization of refugees and stateless persons, and ensure their full integration and enjoyment of rights.
- Bring the definition of stateless persons prescribed in the 2013 Law on Citizenship into compliance with Article 1 of the 1954 Convention, and adopt SDPs to allow the identification and provision of a legal status. Reduce documentary requirements and simplify administrative procedures of determining stateless status or of confirming Turkmen nationality.
- Release the 2012 national census data without further delays.

Q. Right to development and environmental issues³³

40. In June 2012, National Climate Change Strategy was adopted, outlining the key strategic directions of the country on reduction of greenhouse gas emissions and adaptation of the country's economy to the changing climate. In October 2016 Turkmenistan ratified Paris agreement and submitted its Intended Nationally Determined Contribution (INDC) to implement the Paris Agreement and the UN Framework Convention on Climate Change.
41. Turkmenistan adopted and implements all environment related SDGs. Turkmenistan is a party to the key Rio conventions on biodiversity, combating desertification and climate change and prepares regular reports on their implementation.

Recommendations:

- Develop further national programs for climate change adaptation and mitigation and revise the INDC in line with the Paris agreement.
- Approve a biodiversity strategy and action plan in line with the Convention on Biodiversity.

R. Human rights and counter-terrorism

42. Counterterrorism and counter violent extremism narratives are very strong, and often lead to arbitrary arrest and detention, while restricting fundamental freedoms, such as the freedom of movement and freedom of religion. This situation is exacerbated by tensions at the border with Afghanistan and the fear of terrorist infiltrations and spill over, coupled with the potential return of foreign fighters.
43. In 2015 and 2017, the Criminal Code was amended to specifically look at the issues of extremism and extremist organizations, and their financing aspects, but without clearing defining the phenomenon. A definition of “mercenary” has nevertheless appeared in the Code. The lack of a clear definition offers law enforcement bodies liberty to arrest and imprison alleged extremists and terrorists. Dozens of alleged members of the Gulenist

³³ A/HRC/4/3, Recommendations 112.68, 112.84.

movements, many of which teachers and businessmen have been arrested and sentenced to heavy prison sentences in the recent past. The fight against extremism is also used as a justification to limit the international travel of youth, including to Turkey, where it is feared that they could join terrorist and extremist networks. Authorities often conduct “preventive” visits in near border areas, to interrogate local leaders on their religiosity. External signs of religiosity and community practices are often sufficient to expose the concerned individuals to arbitrary arrest and detention.

Recommendations:

- Encourage the adoption of a more precise definition of terrorism and extremism, and a more balanced approach to countering terrorism that is compatible with human rights standards and does not curtail fundamental freedoms.
- Promote a preventive and inclusive approach to violent extremism based on a “whole society” approach, involving all segments of society and especially youth, women and the broader communities, and address the various root causes of the phenomenon, including socio-economic ones.