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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Turkmenistan

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

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

The Government of Turkmenistan has considered the recommendations made by delegations participating in the Human Rights Council Universal Periodic Review of Turkmenistan on 22 April 2013 and wishes to make the following comments:

<i>Recommendation</i>	<i>Position of Turkmenistan</i>
113.1 113.3 113.5 113.6	Turkmenistan accepts the recommendation. Turkmenistan will consider ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A detailed response to the recommendation is given in the national report on the universal periodic review, in the section headed Recommendations which Turkmenistan will examine, part 1 (b).
113.2 113.4	Turkmenistan accepts the recommendations to sign and ratify the Optional Protocol to the Convention against Torture, and also to continue efforts to improve the situation of detainees.
113.7 113.8 113.9 113.10 113.11 113.12 113.13	Turkmenistan cannot accept these recommendations at present. Time is needed to come to an agreed, balanced position on this instrument in all branches of Government. Any decision on accession to the Rome Statute of the International Criminal Court, the time frame for such accession, and ratification of the Statute is the exclusive right of the State and will be taken in light of the national interest. When considering the possibility of ratification, Turkmenistan will take into account, among other factors, the initial results of the activities of the International Criminal Court and the outcome of work to define the crime of aggression.
113.14 113.15	Turkmenistan accepts the recommendations. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is currently under consideration.
113.16	A response concerning ratification of the Migrant Workers Convention can be found in 113.14–15. A response on issuing a standing invitation to the special procedures of the Human Rights Council can be found in 113.30–47.
113.17	Turkmenistan accepts the recommendation. Information can be found on ratification of: the Migrant Workers Convention in 113.14–15; the Rome Statute in 113.6–7 and 113.9–13; the International Covenant on Economic, Social and Cultural Rights in 113.18; and the Convention against Torture in 113.1, 113.3 and 113.5–6.
113.18	Turkmenistan accepts the recommendation. Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is currently being given careful consideration.
113.19	Turkmenistan accepts the recommendation. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure is currently under consideration.
113.20	Turkmenistan accepts the recommendation. The Convention against Discrimination in Education is currently being given careful consideration.

<i>Recommendation</i>	<i>Position of Turkmenistan</i>
113.21	Turkmenistan accepts the recommendation. The Migration Act, which was developed in accordance with the Constitution of Turkmenistan and the universally recognized standards of international law was adopted on 31 March 2012.
113.22	Turkmenistan accepts the recommendation. It is continuing to study the experience and practice of other countries in the establishment and operation of independent human rights institutions that comply with the Paris Principles, including from the viewpoint of improving existing human rights institutions where possible.
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113.30	Turkmenistan accepts the recommendations. The possibility of inviting the special procedures of the Human Rights Council to Turkmenistan is currently under consideration.
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113.48	Turkmenistan does not accept the recommendation by Hungary to invite experts from the International Labour Organization to overcome existing challenges in the implementation of laws to protect children from the harmful effects of all forms of child labour, since the laws and regulations concerning child labour that it has introduced are in line with the standards of international law. It is, however, prepared to consider forms of international cooperation in this field.
113.49	Turkmenistan accepts the recommendations. The equal right of men and women to the enjoyment of all civil and political rights provided for in the international conventions and agreements ratified by Turkmenistan is guaranteed. The Family Code, adopted on 10 January 2012, guarantees men and women equal rights in family relations. No direct or indirect restriction of rights related to race, ethnic group, religion or other circumstances is permitted in marriage or in family relations. On 14 December 2007, the Mejlis (parliament) adopted the State Guarantees of Women's Equality Act. The Act is intended to implement the main principles of the country's human rights policy, guarantee comprehensive development and progress for women and establish State guarantees of women's enjoyment, on an equal basis with men, of human rights and freedoms in political, economic, social, cultural and other fields. On 14 December 2007, the Trafficking in Persons Act was adopted to provide State guarantees
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<i>Recommendation</i>	<i>Position of Turkmenistan</i>
	for personal freedoms and to protect society from trafficking in persons, including trafficking in women. Efforts will continue to adopt new laws on gender equality, women's participation in society and domestic violence.
113.55	Turkmenistan accepts the recommendation and notes that any kind of direct or indirect restriction on the rights or any privileged treatment of a citizen in relation to his/her religious or atheistic persuasion, any incitement to hostility or hatred or any insult to a citizen in that connection constitute grounds for bringing charges in accordance with the law.
113.56	Turkmenistan accepts the recommendation and notes that national legislation does not permit any advantages to be conferred or restrictions imposed on one religion or faith compared to others.
113.57	Turkmenistan accepts the recommendation in part, since the Constitution provides that religious organizations are separate from the State and may not intervene in the affairs of the State or perform State functions.
113.58	A response regarding the elimination of torture and accession to the Optional Protocol to the Convention against Torture can be found in 113.1, 113.3 and 113.5–6. The establishment of a national preventive mechanism is addressed in 113.2 and 113.4.
113.60	The first part of the recommendation is addressed in 113.1, 113.3 and 113.5–6.
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113.63	Information on the second part of the recommendation can be found in 113.61.
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113.61	Turkmenistan accepts the recommendation. Police stations, holding cells and penal correction facilities are systematically being provided with technical equipment to allow audio and video recordings to be made of questioning. To prevent violence and cruel treatment in places of detention, a fully-fledged, functioning system of penal institution monitoring and inspections — performed by an independent body — is essential. Notably, on 31 March 2010, a governmental act was adopted providing for the establishment of oversight commissions attached to the Cabinet of Ministers and authorities in the provinces, Ashgabat, districts and towns with district status. The commissions monitor the activities of the agencies that apply penal enforcement legislation, and also work with convicted offenders and suspects following their release from places of detention. On the basis of, and in accordance with, the relevant legislation, voluntary associations may independently monitor the activities of institutions and bodies that enforce sentences.
113.59	Response in 113.78.
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113.69	Turkmenistan accepts the recommendation. Under the law, anyone suspected of torture or other human rights violations shall be prosecuted. As stated in the national report on the universal periodic

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	review, in the section headed Recommendations which Turkmenistan will examine, part 4, under article 23 of the Constitution, no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment.
113.70	Turkmenistan accepts the recommendation. All communications and complaints by citizens and other persons concerning human rights violations are examined, in the legally established manner, by the competent authorities. No complaints were registered during the reporting period of torture or cruel treatment of detainees, including human rights defenders and independent journalists, committed by staff of the internal affairs agencies, either at the time of arrest or during placement in pretrial detention, for the purposes of obtaining evidence from them.
113.71	Turkmenistan accepts the recommendation. In Turkmenistan, convicted persons serve their sentence in a place of detention only on the basis of a court decision. Under article 18 of the Constitution, no one may deprive an individual of any rights or freedoms, or restrict his or her rights or freedoms, other than in accordance with the Constitution and the law. Article 3 of the Criminal Code, adopted on 14 May 2010, states that no one may be found guilty of having committed a crime and be subjected to criminal punishment, except on the decision of the court and in accordance with the law.
113.72	Turkmenistan accepts the recommendation and notes that Turkmen legislation provides for the exercise of the rights of convicted persons serving long-term prison sentences to communicate with their lawyer and relatives and to have access to medical care.
113.73	Turkmenistan accepts the recommendation, since it has already been implemented. Under article 30 of the Constitution, citizens are entitled to set up political parties and other voluntary associations that function within the framework of the Constitution and the law. There is no law in Turkmenistan that restricts the activities of religious organizations or allows the criminalization of religious activities solely on the basis of a lack of legal registration.
113.74 113.75	Turkmenistan accepts the recommendations; the matters raised therein are currently being examined.
113.76 113.77 113.79	Turkmenistan accepts the recommendations. Under article 30 of the Constitution, citizens are entitled to found political parties and other public associations that function within the framework of the Constitution and the law. Such associations are an essential part of civil society and the conditions necessary to their development are being established. The Voluntary Associations Act, adopted on 21 October 2003 in accordance with the Constitution, is aimed at implementing the citizens' right to form voluntary associations and determines the legal and organizational framework for the creation, activity, reorganization and dissolution of voluntary associations, as well as regulating social relations in that field. There are no laws in Turkmenistan that restrict the activities of voluntary associations. The issues raised in the recommendations are currently being considered in the context of the ongoing reform of national legislation.
113.78	Turkmenistan accepts the recommendation. Under article 28 of the Constitution, Turkmen citizens enjoy the right to freedom of faith and

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	<p>free expression of faith, as well as to receive information that is not a State or other legally protected secret.</p> <p>Article 4 of the Media Act of 22 December 2012, which sets out the principles of government policy on the mass media, states that the media in Turkmenistan are free:</p> <ul style="list-style-type: none"> • The State guarantees the freedom of the media to express an opinion. No one may prohibit or prevent the media from distributing information that is in the public interest, except in accordance with the law; • Turkmen citizens have the right to use any form of mass media to express their views or faith, and to search, receive and distribute information; • Turkmen citizens have the right to receive, through the media, information on the activities of government bodies, voluntary associations and officials; • The freedom to gather, receive and disseminate information may not be restricted, except as provided for in law where necessary to protect the constitutional order, health, honour and dignity, a citizen's private life or public order; • The founding, ownership and use of mass media is restricted, except in the cases provided for in the present Act; • Fair legal and economic conditions are established to ensure honest competition among organizations that prepare and disseminate information; • Government bodies and voluntary associations monitor the situation to guarantee pluralism and honest competition among the mass media and prevent the abuse of dominant positions by organizations involved in the preparation and dissemination of information to the public; • Information is prepared and disseminated in the media in the State and other languages; • Legal entities and individuals have the right to demand that the editorial board of a media organization should retract published information that does not correspond to reality or harms the honour or dignity of an individual or damages the business reputation of a legal entity; • The media are entitled to State support for their activities; • Turkmen citizens enjoy free access to information and materials from foreign media organizations; • International cooperation in the field of the media is implemented in accordance with the international agreements of Turkmenistan.

<i>Recommendation</i>	<i>Position of Turkmenistan</i>
113.80 113.81 113.82 113.83 113.89	Turkmenistan accepts the recommendations. Article 30 of the Constitution regulates the constitutional right of citizens to form a political party or other public association that operates within the framework of the Constitution and the law. The Voluntary Associations Act also upholds the right of citizens to form public associations of their choice. Efforts are currently being concentrated on bringing national legislation into line with international standards.
113.84	Turkmenistan accepts the recommendation. Internet services are an accessible information resource for all citizens in this multi-ethnic State. Higher, specialist secondary and ordinary secondary educational institutions in Turkmenistan can access the services of the world wide web. There are Internet cafes open to the public in the capital city and the provinces and the number of Internet users grows every year. Internet service provision is governed by the Communications Act, adopted on 12 March 2010.
113.85 113.86 113.87 113.88	Turkmenistan accepts the recommendations. Article 4 of the Media Act of December 2012 states that, in Turkmenistan, the mass media are free. The State guarantees the freedom of the media to express opinions. No one may prohibit or prevent the media from disseminating information that is in the public interest, except as provided for by law. In article 4, paragraph 2, reference is made to government policy on the prohibition of censorship and of interference in the activities of the media.
113.90	Turkmenistan accepts the recommendation. The Political Parties Act of 10 January 2012 was developed in line with the Constitution and the universally recognized standards of international law. The Act regulates the social relations that arise when citizens exercise their constitutional right to form political parties and the details of founding, operating, reorganizing and dissolving political parties. It has already led to the founding of new political formations.
