

# UPR MONITOR

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UNIVERSAL PERIODIC REVIEW, 3<sup>RD</sup> SESSION  
TURKMENISTAN (FINAL)  
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## Overview

Turkmenistan was represented by Dr Shirin Akhmedova, Director of the Institute for Human Rights and Democracy Under the President of Turkmenistan. Due to the fact that the national report was not available in English, many delegations relied on the two compilations prepared by the Office of the High Commissioner for Human Rights (OHCHR), namely of United Nations (UN) information and information submitted by other stakeholders. The State under review appeared unprepared and did not provide satisfying responses to the questions and recommendations of the 33 delegations that took the floor.

Many States used strong language to express the gravity of their concerns about a range of human rights violations in Turkmenistan. Some States took the opportunity to inquire about specific cases of arbitrary detentions of journalists and human rights defenders, urging Turkmenistan to release them and to provide information on their whereabouts. Dr Akhmedova did not refer to any of these in her replies.

## General information on Turkmenistan

- Turkmenistan is not a member of the Human Rights Council.
- The members of the troika for the examination of Turkmenistan were Philippines, Chile, and Gabon.<sup>1</sup>
- According to information submitted by other stakeholders, the Government did not hold any consultations with non-governmental organisations (NGOs) in the preparation of the national report.

## Information submitted to the Working Group

The **national report** of Turkmenistan,<sup>2</sup> available in a limited number of languages,<sup>3</sup> mainly on points out the progress that has been made with respect to certain rights, in particular economic, social and cultural rights,

<sup>1</sup> Turkmenistan requested that a member of its regional group be among its troika. Turkmenistan rejected the first troika member drawn from the Asian group; it is not known which State. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at [www.ishr.ch](http://www.ishr.ch).

<sup>2</sup> A/HRC/WG.6/3/TKM/1, available at [www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CTMSession3.aspx](http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CTMSession3.aspx).

<sup>3</sup> At the time of the examination, the report was only available in Russian (original language), Spanish, French, and Chinese.

and women and children's rights. The national report generally lacks a self-critical assessment of the situation of human rights on the ground, and exclusively outlines positive examples of the Government's commitment to fulfil its international obligations.

The OHCHR compilation of **UN information**<sup>4</sup> focuses on the infringement of various rights, including: equality and non-discrimination; the right to life, liberty and the security of the person; administration of justice and the rule of law; the right to privacy; freedom of movement; the fundamental freedoms; the right to participate in public and political life; the right to work; the right to an adequate standard of living; and the right to education. Specific groups mentioned are minorities, indigenous peoples, migrants, refugees, and asylum seekers.

The OHCHR summary of **stakeholders' information**<sup>5</sup> draws on information submitted by 14 NGOs. Issues addressed by NGOs include the restriction of religious freedom,<sup>6</sup> discrimination on grounds of ethnic origin and culture,<sup>7</sup> frequent ill-treatment of detainees,<sup>8</sup> cases of child labour,<sup>9</sup> and the criminalisation and stigmatisation of homosexuality.<sup>10</sup> Further reports refer to cases of forced disappearances,<sup>11</sup> non-compliance with labour standards set by the International Labour Organization (ILO),<sup>12</sup> violation of the freedom of the press, sexual violence against women, and a deterioration of the health care system.

There are notable discrepancies between the national report on the one hand, and the compilation of UN information and the summary of stakeholders' information on the other. The inconsistency in the information was reflected in the interactive dialogue, as some delegations applauded Turkmenistan's commitment and achievements while others addressed cases of serious human rights violations.

## Interactive dialogue<sup>13</sup>

### Presentation by the State

In her very short presentation, Dr Akhmedova pointed to the new draft Constitution, which reportedly covers the implementation of all human rights laid down in the international treaties Turkmenistan has ratified. She stressed that the new Government is committed to adhere to its human rights obligations, and recognises the superiority of international law over domestic law. According to Dr Akhmedova, Turkmenistan is committed to eliminate all forms of discrimination, in particular against women. Questions submitted prior to the session via the troika were not addressed in the opening statement.<sup>14</sup>

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<sup>4</sup> A/HRC/WG.6/3/TKM/2, available at [www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CTMSession3.aspx](http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CTMSession3.aspx).

<sup>5</sup> A/HRC/WG.6/3/TKM/3, available at [www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CTMSession3.aspx](http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CTMSession3.aspx).

<sup>6</sup> Amnesty International.

<sup>7</sup> Amnesty International.

<sup>8</sup> Human Rights Watch.

<sup>9</sup> Turkmen Initiative for Human Rights (TIHR).

<sup>10</sup> SRI and Labrys.

<sup>11</sup> Amnesty International.

<sup>12</sup> International Federation of Human Rights Leagues (FIDH), TIHR.

<sup>13</sup> Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at [www.un.org/webcast/unhrc/index.asp](http://www.un.org/webcast/unhrc/index.asp).

<sup>14</sup> Advanced written questions are available at [on](http://portal.ohchr.org/portal/page/portal/UPR) the UPR extranet at <http://portal.ohchr.org/portal/page/portal/UPR>.

## Themes and issues

Many delegations addressed the issue of the Government's **lack of cooperation with international bodies**. States called on Turkmenistan to comply with the conventions it has ratified and to issue standing invitations to the special procedures mandate-holders.<sup>15</sup> Several delegations requested information on when Turkmenistan will submit overdue reports to the treaty bodies. Dr Akhmedova replied by pointing to the 'open-door policy' of the new Government and described numerous projects that are being carried out in cooperation with UN agencies to improve the human rights situation in the State.

Many countries expressed grave concern about violations of civil and political rights. In particular, States criticised the Government's alleged non-compliance with the *International Covenant against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, and demanded that it release **arbitrarily detained** human rights defenders, review unjust trials of the past, and repeal confessions made under coercion.<sup>16</sup> Germany highlighted that the compilation of stakeholders' information points out 'major deficiencies' of the judiciary and violations of the **right to fair trial**. Mostly Western States referred to specific cases of **forced disappearance and imprisonment** of human rights defenders and reporters.<sup>17</sup> In response, Dr Akhmedova assured that Turkmenistan is party to all relevant treaties, and proposals have been made to the Parliament on the drafting and implementation of a new criminal code. She also indicated that the independence of judges is guaranteed under the law. Turkmenistan rejected the recommendation that it immediately release all political prisoners and review potentially politically motivated court proceedings. In explaining the position of the State, Dr Akhmedova assured that the so-called political prisoners are individuals 'condemned because of criminal activities'.

Another issue that was frequently raised during the session was the **restriction of religious freedom** by the Government<sup>18</sup> Delegations condemned the discrimination against persons on grounds of their religion, and articulated numerous recommendations pressing Turkmenistan to ensure that all its citizens can worship and live freely as members of religious groups, regardless of their denomination. Several delegations requested information from Turkmenistan on how it intends to improve the situation. In response, Dr Akhmedova again assured that appropriate laws are in place, and emphasised the Government's cooperation with the UN Special Rapporteur on freedom of religion or belief, who visited Turkmenistan in September 2008. Dr Akhmedova informed the Working Group that an inter-administrative committee has sent a proposal to Parliament on the need to improve legislation on activities of religious organisations. She underscored the importance of international cooperation in this regard.

Several delegations were concerned about the way in which Turkmenistan controls the media and infringes upon the **freedom of expression**.<sup>19</sup> In this context, Turkmenistan was asked to take the necessary measures to ensure the safety of journalists, release detained reporters, and implement rights stipulated in the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Turkmenistan was repeatedly criticised for the detention of journalists and human right defenders, and was called upon to release them immediately. Turkmenistan did not comment on the specific cases mentioned, nor promised to provide further information on them. Dr Akhmedova assured that legislation is in place to ensure freedom of the press. Moreover, she described a visit by the British Broadcasting Corporation (BBC) to Turkmenistan.

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<sup>15</sup> Slovenia, Italy, Brazil, Mexico, Slovakia, Republic of Korea, Denmark, Malaysia, Czech Republic, Germany, Latvia, United Kingdom, Qatar, Hungary, Bangladesh, Uruguay.

<sup>16</sup> Poland, Brazil, Netherlands, Canada, Denmark, Sweden, Norway, Czech Republic, Germany, United Kingdom, Hungary.

<sup>17</sup> Germany, Canada

<sup>18</sup> Italy, Slovenia, Belgium, Denmark, United Kingdom.

<sup>19</sup> Italy, Mexico, Canada, Japan, Sweden, Norway, Germany, United Kingdom.

States also sought to engage Turkmenistan in discussion on the following themes: ratification of the *Rome Statute of the International Criminal Court*;<sup>20</sup> discrimination on grounds of ethnicity;<sup>21</sup> the rights of the child;<sup>22</sup> the establishment of an independent national human rights institution;<sup>23</sup> freedom of movement; the situation of refugees;<sup>24</sup> and the involvement and participation of civil society institutions in public and political life, in particular registration procedures for NGOs.<sup>25</sup>

### Adoption of the draft report

The Philippines, on behalf of the troika, expressed its satisfaction with the review. In particular, it pointed out the cooperation exhibited by Turkmenistan, which does not have a mission in Geneva. In turn, Dr Akhmedova expressed Turkmenistan's gratitude to the troika, the Secretariat, and the Working Group as a whole.

Dr Akhmedova reported that Turkmenistan accepts half of the 38 recommendations made to it by the Working Group, rejects six, and will further consider 13. Dr Akhmedova presented the Government's reasons for accepting or rejecting certain recommendations. According to her explanations, it appears as though Turkmenistan has only accepted recommendations on issues on which it has already set up relevant programmes.<sup>26</sup> In rejecting the recommendation to review legislation on criminal liability for sexual relations between members of the same sex, Dr Akhmedova pointed to the right of any societies to form laws based on their 'own moral standards and national traditions'. At the same time, she assured that the fact that the Criminal Code has criminalised this is 'not an indication of a punitive approach'.

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<sup>20</sup> Slovakia, Italy.

<sup>21</sup> France, Switzerland, Brazil, Mexico, Japan, Republic of Korea, Denmark, Uruguay.

<sup>22</sup> Italy, Brazil, Slovenia, Czech Republic, Germany, Hungary, United Kingdom.

<sup>23</sup> Netherlands, Republic of Korea.

<sup>24</sup> Poland, Mexico, Brazil, Norway, Czech Republic, United Kingdom.

<sup>25</sup> Poland, Brazil, Netherlands, Mexico, Canada, Germany, United Kingdom.

<sup>26</sup> On gender equality, non-discrimination against ethnic minorities, women's access to justice, and independence of NGOs.

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