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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-fourth session**  
6–17 November 2023

## **Summary of stakeholders' submissions on Turkmenistan\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 20 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations and cooperation with human rights mechanisms**

2. CA noted that Turkmenistan had yet to sign the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>3</sup>

3. HRW noted that Turkmenistan did not implement several recommendations from the universal periodic review of 2018 (the 2018 UPR), calling for the ratification of the Optional Protocol to the Convention against Torture and the establishment of national preventive mechanism.<sup>4</sup> HRW<sup>5</sup> and JS2<sup>6</sup> recommended ratifying the optional protocol.

4. ICAN urged Turkmenistan to sign and ratify the Treaty on the Prohibition of Nuclear Weapons.<sup>7</sup>

5. JS2 welcomed a standing invitation issued in 2018 by Turkmenistan to United Nations special procedures mandate holders to visit the country, in accordance with recommendations from the 2018 UPR. Several special procedure mandate holders made requests to visit Turkmenistan since 2018. However, the authorities had yet to agree to their visits.<sup>8</sup> JS2 recommended that the authorities facilitate visits of all special procedures mandate holders who had requested to visit the country and cooperate constructively with them on the preparation, conduct and follow-up of the visits.<sup>9</sup> HRW, HRF and CA made similar recommendations.<sup>10</sup>

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\* The present document is being issued without formal editing.



6. JS5 recommended that the authorities fully implement recommendations made by United Nations treaty bodies, special procedures mandate holders and the supervisory mechanisms of International Labour Organisation.<sup>11</sup>

7. Furthermore, CA recommended that Turkmenistan conduct an immediate and impartial investigation into the cases raised by the Working Group on Enforced or Involuntary Disappearances, and resume dialogue with the Working Group.<sup>12</sup>

## **B. National human rights framework**

### **Institutional infrastructure and policy measures**

8. HKC noted the publication of a national action plan on human rights in 2021, emphasising changes necessary to improve human rights in Turkmenistan. However, it was concerned that the action plan has not been implemented effectively.<sup>13</sup>

## **C. Promotion and protection of human rights**

### **1. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### *Equality and non-discrimination*

9. ADC Memorial recommended adopting a comprehensive anti-discrimination legislation and providing effective protection against all forms of discrimination, including discrimination based on sexual orientation and gender identity.<sup>14</sup>

10. OSCE/ODIHR observed that Turkmenistan would benefit from raising awareness among and building the capacity of criminal justice officials to address hate crime.<sup>15</sup>

#### *Right to life, liberty and security of person, and freedom from torture*

11. JS2 stated that torture and ill-treatment remained widespread and were largely perpetrated with impunity. Torture and ill-treatment were reportedly used more in pre-trial detention facilities to obtain confessions in criminal cases and in prisons against individuals imprisoned on politically motivated grounds.<sup>16</sup> JS2 and HRW recommended ensuring that any allegations of torture and ill-treatment are promptly and impartially investigated, the perpetrators prosecuted, and the victims granted adequate compensation.<sup>17</sup>

12. JS2 reported that the practice of enforced disappearances continued in Turkmenistan.<sup>18</sup> JS3 reported that the fate of at least dozens of victims of enforced disappearances remained unknown.<sup>19</sup> CA recalled that Turkmenistan received several recommendations concerning cases of enforced disappearances during the 2018 UPR. However, those recommendations had not been implemented.<sup>20</sup>

13. Furthermore, JS2 stated that the pattern of arbitrary detention, prosecution, and imprisonment of individuals for their legitimate exercise of fundamental freedoms continued. Trials in such cases were usually held behind closed doors, without access to a lawyer of defendants' choice and in violation of other basic fair trial guarantees.<sup>21</sup> JS2 observed that individuals imprisoned on charges considered politically motivated have sometimes continued to be deprived of their liberty even after the expiration of their sentences.<sup>22</sup> HRW welcomed the release of some individuals imprisoned on politically motivated charges since May 2018. However, other individuals still remained behind bars on politically motivated grounds.<sup>23</sup>

14. HRW recommended that the authorities end the practices of enforced disappearance and arbitrary and incommunicado detention, provide information about the fate and whereabouts of all those who have disappeared in prison, and release all who have been convicted on politically motivated grounds in closed, unfair trials and whose prison sentences expired.<sup>24</sup> JS2,<sup>25</sup> JS3<sup>26</sup> and CA<sup>27</sup> made similar recommendations.

15. JS2 stated that the material conditions within some parts of the prison system had improved due to efforts of the Government to modernise prisons. However, serious concerns remained about overcrowding, poor sanitation, limited availability of food and drinking water, and widespread diseases, including tuberculosis and a lack of adequate medical assistance.<sup>28</sup> RFTC reported on cases of death of prisoners during the COVID-19 pandemic due to a lack of necessary treatment and oxygen in prisons.<sup>29</sup>

16. Furthermore, JS2 highlighted that the conditions in Ovadan Depe prison facility, which accommodated many individuals imprisoned on politically motivated grounds were reportedly disturbing.<sup>30</sup> RFTC observed that chances to survive in the Ovadan Depe prison were minimal due to a lack of food or medication for inmates. Relatives of deceased inmates were required to have the funerals without the identification of the bodies of the deceased. Investigations into the causes of death were not conducted.<sup>31</sup> JS2 noted that the Ombudsperson did not visit the prison despite the reported violations.<sup>32</sup> Moreover, JS2 reported on a lack of independent and effective monitoring of detention facilities.<sup>33</sup>

17. JS2 recommended that the Government address overcrowding and other problems within the prison system and bring prison conditions in line with international standards.<sup>34</sup> JS2 and HRW recommended establishing an effective national system for independent and regular monitoring of all places of detention without prior notice and granting the International Committee of Red Cross unhindered access to detention facilities to carry out monitoring.<sup>35</sup> Likewise, CA recommended that Turkmenistan provide immediate access to its prisons, including Ovadan Depe prison for independent observers.<sup>36</sup>

#### *Human rights and counter-terrorism*

18. JS3 reported that several dozens of citizens were convicted under the Criminal Code on terrorism (Article 271), financing of terrorism (Article 271.1), violent overthrow the constitutional order (Article 174) or calls for violent change of the constitutional order (Article 175), and incitement to religious hatred committed by an organized group (Article 177). JS3 stated that hundreds of citizens were serving long prison sentences as “extremists” and “terrorists”, often only for their religious beliefs.<sup>37</sup> JS3 recommended amending the anti-extremist legislation in accordance with international law. The definition of extremism allowing arbitrary and broad interpretation should be replaced by a narrow definition on violent extremism.<sup>38</sup>

#### *Administration of justice, including impunity, and the rule of law*

19. ECOM recommended that Turkmenistan work to strengthen the rule of law and ensure that all citizens have access to justice.<sup>39</sup>

20. JS2 recommended strengthening the independence of the judiciary and ensuring that the judicial system is not used to ensure politically motivated judicial sentences in violation of international fair trial standards.<sup>40</sup>

#### *Fundamental freedoms and the right to participate in public and political life*

21. ECLJ observed that Turkmenistan was failing to uphold the principles enshrined in its Constitution, stipulating that everyone shall have the right to profess any religion.<sup>41</sup> Forum18 stated that the exercise of freedom of religion or belief without state permission was banned.<sup>42</sup> ECLJ explained that under the 2016 Law on Religion, activities of unregistered religious organizations were forbidden.<sup>43</sup> ECLJ reported on arbitrary denial of registration. Applications for registration of protestant communities outside the capital Ashgabat and Jehovah’s Witnesses were reportedly rejected.<sup>44</sup>

22. Forum18 stated that even registered communities experienced raids against their meetings and members. Many communities met in small groups because of a fear of raids conducted by police and the Ministry of National Security. Owners of venues often cancelled a rental agreement with religious organisations, reportedly after receiving telephone warnings from officials. Religious communities found it almost impossible to build or acquire a place of worship.<sup>45</sup>

23. JS4 reported that the Ministry of National Security had repeatedly interrogated Jehovah's Witnesses and ordered them not to engage in peaceful manifestation of their religious beliefs, terming such manifestation illegal activities.<sup>46</sup> ECLJ stated that many Christians felt they had to manifest their faith in secret.<sup>47</sup> Moreover, Christians, particularly those who converted from Islam, had reportedly experienced pressure and physical violence from members of their families and local community.<sup>48</sup>

24. Forum18 stated that the Sunni Muftiate – the only form of Islam permitted – remained under tight control of the authorities. The Justice Ministry named the Chief Mufti and the Muftiate appointed imams down to the district level.<sup>49</sup> Forum18 reported on the ban on Muslim men under 40 in some regions from wearing beards, and women from wearing a hijab.<sup>50</sup>

25. Forum18 reported on a de facto ban on most religious publications, and on the confiscation of religious literature from residents and from people entering or leaving Turkmenistan.<sup>51</sup> Turkmen citizens returning to the country were often stopped at the airport for questioning and searched, being detained for longer if they were thought to pray the namaz (Muslim daily prayers) or carrying a Koran or other Islamic literature. Many active religious believers were among those on an exit ban list maintained by the Migration Service.<sup>52</sup>

26. IFOR stated that Turkmenistan did not recognise the right to conscientious objection to military service. The Criminal Code provided punishment in a form of imprisonment or corrective labour for the refusal to serve in the army.<sup>53</sup> IFOR and CPTI explained that those who served the sentence remained subject to call-up. Therefore, they could be sentenced for a second time.<sup>54</sup>

27. CPTI reported that in May 2021 all imprisoned conscientious objectors were released under an amnesty. No new imprisonments of conscientious objectors were reported. However, at least three of those released were reportedly called up for a second time.<sup>55</sup>

28. ECLJ recommended that Turkmenistan reform its laws to ensure that all religious organizations can operate freely.<sup>56</sup> IFOR recommended that Turkmenistan revise the legislation to recognise the right to conscientious objection to military service and provide for alternative service of a civilian nature outside the military sphere and not under military command for conscientious objectors, which should not be punitive or discriminatory, and provide full reparation for conscientious objectors who have been already punished.<sup>57</sup>

29. HRF stated that freedom of expression was curtailed in Turkmenistan.<sup>58</sup> JS1 remained concerned about the laws and practices restricting freedom of opinion and expression, including absence of genuinely independent media and undue restrictions on access to the Internet and on online media.<sup>59</sup> HRW concluded that several recommendations from the 2018 UPR concerning freedom of expression and access to information had not been implemented.<sup>60</sup>

30. HKC and HRW explained that the authorities controlled all print and electronic media.<sup>61</sup> JS2 stated that all national media outlets experienced state interference in their editorial policies, resulting in censorship.<sup>62</sup> JS1 noted that self-censorship was widespread in media.<sup>63</sup>

31. JS1 stated that independent online news outlets were forced to operate from abroad and remained blocked inside Turkmenistan.<sup>64</sup> HRW explained that independent foreign and Turkmen media outlets had no access to the country.<sup>65</sup> HRF reported that the authorities retaliated against local journalists who assisted foreign media outlets.<sup>66</sup>

32. HKC stated that it was unsafe for journalists to perform their job without fearing for their safety.<sup>67</sup> JS1 noted that in the period of 2018–2022, at least 50 cases of persecution of media workers and media outlets were documented. Moreover, the authorities continued the practice of harassing family members of exiled journalists.<sup>68</sup>

33. JS2 stated that Internet access in Turkmenistan remained slow and expensive, and that it was heavily censored.<sup>69</sup> JS1 reported that foreign media and websites of non-governmental organisations were blocked. Access to social media and online communications applications were restricted and proxy sites used to circumvent the restriction were regularly blocked.<sup>70</sup>

34. Furthermore, HRF reported that amendments made to the Criminal Procedure Code in 2019 expanded the ability of the Government to monitor communications systems, regardless of their ownership.<sup>71</sup> HRW explained that since 2019 the Government was systematically blocking all Virtual Private Network (VPNs) services and punished technology specialists for installing VPNs to clients by imposing arrests, fines, and administrative sentences on unknown charges. Police interrogated people suspected of using VPNs and threatened them with criminal prosecution; and carried out sporadic inspections of students' mobile phones' and threatened them for accessing social media and the websites of "banned" outlets.<sup>72</sup> JS1,<sup>73</sup> JS2<sup>74</sup> and HRF<sup>75</sup> made similar observations.

35. JS1 recommended ensuring freedom of expression and media freedom by aligning domestic legislation with international standards and decriminalizing defamation and including it in the Civil Code.<sup>76</sup> JS1 recommended that the authorities stop threats to, harassment, arbitrary detention and conviction, and travel bans of, and physical attacks and other acts of intimidation against journalists and media workers.<sup>77</sup> OSCE/ODIHR recommended creating an enabling environment for the establishment of private and independent media, free from administrative and other impediments to encourage the exercise of free speech and access to information.<sup>78</sup> JS2 recommended promoting access to information on issues of public interest.<sup>79</sup>

36. Furthermore, HRW recommended that the Government ensure unobstructed internet access and stop blocking access to independent news websites and social networks, repeal relevant articles of the Criminal Code that may potentially outlaw the use and installation services of VPNs, cease any form of intimidation and retaliation against users of VPN and social media, and others who seek to obtain, exchange, or disseminate independent and alternative information.<sup>80</sup> JS1 recommended that the authorities end the practice of dismantling satellite dishes to ensure that residents can have unimpeded access to foreign sources of information.<sup>81</sup>

37. HRW reported on hostile environment for development of civil society and burdensome registration requirements for non-governmental organisations.<sup>82</sup> JS2 noted that the 2014 Law on Public Associations provided for excessive restrictions on the right to freedom of association *inter alia* by requiring compulsory state registration of associations, establishing strict registration rules and granting authorities wide powers to oversee the activities and finances of associations without adequate safeguards against abuse.<sup>83</sup> JS3 stated that there were no registered opposition parties and independent non-governmental organizations.<sup>84</sup> JS2 recommended ensuring that independent non-governmental organisations obtain legal status in a fair and transparent process and carry out their activities without undue interference by authorities.<sup>85</sup>

38. JS2 observed that since the 2018 UPR, the pattern of intimidation and harassment of critical voices continued.<sup>86</sup> HRW stated that the Government punished any dissent, perceived opponents, and peaceful critics, harassed and intimidated individual activists, including in exile, and retaliated against their relatives.<sup>87</sup> JS2 stated that the authorities also sought the detention and return of activists based abroad.<sup>88</sup> JS6 added that there was a trend of transnational surveillance and harassment directed at Turkmen nationals who expressed their peaceful opposition views in a third country which was also extended at their family members in Turkmenistan.<sup>89</sup>

39. HRW recommended that the authorities cease the practice of harassment and intimidation of civil society activists and other critical voices, including in exile and their family members in Turkmenistan and ensure they can carry out their work without fear of government retribution and undue government interference.<sup>90</sup> JS6 recommended that Turkmenistan cease the ongoing surveillance, harassment, detentions and forced returns of Turkmen activists, dissidents, and rights defenders abroad.<sup>91</sup> HRF,<sup>92</sup> JS2,<sup>93</sup> and JS3<sup>94</sup> made similar recommendations.

40. JS2 stated that the right to freedom of assembly was restricted in Turkmenistan. The 2015 Law on Mass Events allowed organising assemblies if the authorities were informed in advance and if a venue was agreed with them. The Law granted wide discretion to local officials to refuse authorising assemblies if the proposed venue was deemed unsuitable.<sup>95</sup>

41. JS2 noted that public protests were an extremely rare occurrence because of the repressive climate and a risk of persecution associated with any public criticism of the authorities. However, in some cases, residents held spontaneous protests to express discontent about issues of concern to them such as problems related to the protracted economic crisis in the country. The authorities sought to suppress such protests, including by intimidating or detaining the participants.<sup>96</sup> At the same time, the authorities continued mass mobilisation of public sector employees, students, and other residents for various state-organised events under the threat of reprisals.<sup>97</sup>

42. JS2 recommended that the authorities bring the provisions of the laws on public associations and on mass events into full compliance with international human rights standards, allow residents to hold peaceful spontaneous protests without facing repercussions, and put an end to the practice of forcible mobilisation for state-organised mass events.<sup>98</sup>

43. JS6 reported on restrictions on the freedom of movement of its citizens in the past five years.<sup>99</sup> JS3 stated that Turkmenistan continued restrictions on traveling abroad, usually without explanation. Thousands of citizens remained on blacklists and travel bans continued to be made in a non-transparent manner and without a clear notification procedure.<sup>100</sup>

44. HRW stated that the authorities have systematically refused to renew expired or expiring passports for its citizens abroad via diplomatic missions, compelling them to return to the country.<sup>101</sup> JS3 explained that when returning to Turkmenistan to renew their passports, many migrants faced a five-year travel ban and were treated as offenders. Due to the lack of legal documents, hundreds of thousands of Turkmen citizens living abroad faced problems of employment, obtaining banking services, social protection, etc.<sup>102</sup> Furthermore, JS6 reported that a third country, based on an official request by Turkmenistan, had reversed a previous policy allowing Turkmen citizens to reside in that country without a visa, thus leaving hundreds of thousands of Turkmens in an undocumented situation.<sup>103</sup>

45. HRW recommended that the authorities stop the arbitrary interference with the right to freedom of movement; ensure foreign and domestic travel for all who wish to travel, including perceived government opponents, critics, and their relatives, and abolish arbitrary requirements and/or restrictions that are used to limit the right to freedom of movement.<sup>104</sup> JS3 recommended that the authorities ensure the implementation of paragraph 3 of Article 26 of the Law on Migration by obliging consulates to issue new passports to all citizens of Turkmenistan abroad, ensure the issuance of birth certificates to its citizens born abroad by consular offices and refrain from putting pressure on activists living abroad by refusing to issue (extend) documents to them and their relatives in consular offices provided for by law.<sup>105</sup>

46. OSCE/ODIHR concluded that the 2018 Parliamentary elections lacked important prerequisites of a genuinely democratic electoral process. The political environment was only nominally pluralist and did not offer voters political alternatives. Exercise of fundamental freedoms was severely curtailed, inhibiting free expression of the voters' will. Despite measures to demonstrate transparency, the integrity of elections was not ensured, leaving veracity of results in doubt.<sup>106</sup> OSCE/ODIHR recommended that Turkmenistan inter alia develop and implement safeguards to ensure that election commissions are independent from the government and local self-governance bodies and ensure the integrity of the electoral process, by preventing proxy voting, multiple voting, ballot box stuffing, and inflation of the voter turnout.<sup>107</sup>

47. OSCE/ODIHR, and JS2 noted that early presidential elections were held on 12 March 2022.<sup>108</sup> JS2 reported that the 2022 elections were manifestly unfree and unfair and offered voters no real choice.<sup>109</sup>

*Prohibition of all forms of slavery, including trafficking in persons*

48. JS5 stated that the forced labour system persisted in the cotton harvest. It remained widespread and systematic. Since the 2018 UPR, every year during the cotton harvest the Government had continued to force public sector employees to pick cotton in hazardous and unsanitary conditions or – as an alternative – to pay money or hire a replacement worker and that anyone unable to do so faced threats of loss of wages and termination of employment.<sup>110</sup>

JS5 stated that the police forced some vulnerable citizens to pick cotton, such as internal migrants, men with alimony debts, citizens registered as alcohol dependent, and women doing sex work.<sup>111</sup>

49. JS5 reported that there was an official ban on involving children in the cotton harvest since 2005. However, it did still occur in practice as children were often sent to the fields as replacement for state employees or to help their families to pick cotton.<sup>112</sup>

50. JS5 explained that State-sponsored forced labour in Turkmenistan took place in a climate of widespread human rights violations, that independent scrutiny of labour practices was suppressed by the Government, and that independent non-governmental organisations were not permitted to operate openly.<sup>113</sup>

51. JS5 recommended that Turkmenistan establish and implement a time-bound national action plan to reform the root causes of forced labour in the cotton sector. JS5 recommended that Turkmenistan ensure the effective implementation of existing legislation prohibiting child labour and conduct thorough investigations into ongoing incidents of child labour in the cotton harvest. JS5 recommended that Turkmenistan enforce its laws that prohibit forced labour and put in place effective legislation specifically criminalizing slavery, servitude and forced labour.<sup>114</sup>

52. JS5 recommended that Turkmenistan allow independent journalists, human rights defenders, and other individuals and organizations to document and report concerns about the use of forced labour without fear of reprisals.<sup>115</sup>

53. JS5 acknowledged that in 2022 the International Labour Organisation (ILO) had undertaken a high-level mission to Turkmenistan and welcomed the agreement reached on a draft road map for cooperation between the ILO and the Government in relation to the cotton harvest in 2023. However, JS5 was concerned that in the framework of its high-level mission ILO was not able to conduct a visit during the height of the cotton harvest period.<sup>116</sup> JS5 recommended that Turkmenistan fully cooperate with United Nations agencies, such as the ILO, to ensure the implementation of its obligations under United Nations and ILO conventions.<sup>117</sup>

#### *Right to social security*

54. ECOM recommended that Turkmenistan boost transparency and accountability in social welfare programs to make sure that they reached those who required them and make space for non-governmental organisations to work on social issues.<sup>118</sup>

#### *Right to an adequate standard of living*

55. HRW stated that the authorities denied the existence of poverty and a crisis of affordable food that has been accelerating since 2016. Shortages of subsidized food and the rise of food prices forced people to stand in lines for hours to access more affordable foodstuffs and forced some to cut back on food. In 2020, HRW documented that the Government failed to ensure an adequate standard of living and the right to food for low-income individuals.<sup>119</sup>

56. HRW recommended that the Government collect data on poverty and food insecurity and use the data to effectively respond to the rise in hunger and develop and implement substantial measures to protect people from food insecurity and ensure an adequate standard of living for everyone.<sup>120</sup>

#### *Right to health*

57. ECOM stated that Turkmenistan reported only a few cases of COVID-19 with no deaths. However, the true extent of COVID-19 in the country was difficult to assess.<sup>121</sup> JS2 noted that independent sources reported about a serious national outbreak.<sup>122</sup>

58. JS2 reported that as part of its policy to deny COVID-19 pandemic, the Government pressured medical workers to participate in covering up the COVID-19 outbreak and threatened them with repercussions should they leak information about COVID-19 cases.<sup>123</sup> RFTC reported that hospitals reportedly refused to accept patients with symptoms of the

COVID-19 virus without explanation in 2020. Laboratories were given separate instructions to present only negative tests for coronavirus. RFTC stated that doctors did not have protocols for the treatment of coronavirus until December 2021.<sup>124</sup>

59. ECOM stated that the accurate number of persons living with HIV in Turkmenistan was unknown and that many cases of such persons remained unregistered, which caused significant difficulties for persons living with HIV to access appropriate medical treatment. ECOM reported on inadequate knowledge and awareness about HIV among healthcare workers and the public. The authorities did not recognize men who have sex with men, trans individuals, and non-heterosexual women as key populations for HIV prevention and monitoring.<sup>125</sup>

60. ECOM recommended that Turkmenistan maintain access to antiretroviral therapy and work towards preventing new HIV infections and ensuring that persons living with HIV have access to healthcare, social services, and employment without experiencing discrimination or stigma.<sup>126</sup>

61. ECOM noted the limited availability of resources and services on sexual and reproductive health rights that affected mostly LGBT persons and children. ECOM considered it essential to promote comprehensive education on sexual and reproductive health rights and ensure access to essential healthcare services for all individuals, irrespective of their sexual orientation, gender identity, or age, to safeguard their human rights.<sup>127</sup>

#### *Right to education*

62. Broken Chalk noted that Turkmenistan had intensified efforts to guarantee the most comprehensive coverage and highest possible quality of education at all levels and that twenty-three per cent of the State budget was directed to education.<sup>128</sup>

63. Broken Chalk reported that educational establishments were equipped with modern multimedia and computer equipment. However, only 35 per cent of youth aged 15 to 24 had at least one ICT skill. Access to the Internet and a computer at home was influenced by the socio-economic background.<sup>129</sup> Broken Chalk recommended that Turkmenistan address part of the budget for the development of ICT skills and increase efforts to ensure equal access to education and allocate more resources to the poorest areas of the country.<sup>130</sup>

64. JS5 stated that the education of children involved in the cotton harvest was disrupted as the harvest season began in early September and lasted until November. During this period, either the children worked in the cotton fields, or their teachers did – with many schools practically not functioning for two months as teachers combined teaching in school with work in the cotton fields.<sup>131</sup>

65. Broken Chalk stated that, despite the Law on Education established the right of citizens to education irrespective of their religion, the State officials continued to pressure non-Muslims to change their belief and bullied non-Muslim school children and their parents and guardians.<sup>132</sup> It recommended that school curricula include topics explaining different religions and beliefs and related historical developments, and that the State officials stop their discriminatory practices.<sup>133</sup>

66. Broken Chalk noted that the measures taken by Turkmenistan to enable persons with disabilities to attend regular school had failed to guarantee the development of children with special needs.<sup>134</sup> It recommended that Turkmenistan provide better training programs for teachers, including on the different forms of disabilities and how to structure the curriculum to ensure the inclusion of these students.<sup>135</sup>

## **2. Rights of specific persons or groups**

### *Women*

67. ECOM noted that according to the Constitution, men and women were guaranteed equal rights and opportunities, but full participation of women in the decision-making process was yet to be achieved. It noted a lack of comprehensive data on women in managerial positions raised concerns.<sup>136</sup>



68. Moreover, JS2 observed that women remained one of the most vulnerable groups of the population.<sup>137</sup> ADC Memorial reported on several restrictions on the rights of women, including de-facto introduction of a traditional dress code and persecution for wearing modern-style cloth, and for using cosmetics and jewellery, obstacles to legal abortions, violation of freedom of movement, prohibition to drive a car and even sit in the front seat next to the driver.<sup>138</sup>

69. JS2 noted that the authorities' drive to promote so-called traditional and moral values was likely to further strengthen entrenched negative and discriminatory attitudes regarding the roles and responsibilities of women and girls and might also aggravate problems of violence against women.<sup>139</sup>

70. JS2 recommended that the authorities put an end to arbitrary and discriminatory restrictions on the rights of women and girls and ensure that efforts to promote so-called traditional values are consistent with national commitments and international human rights standards on the rights of women and gender equality.<sup>140</sup> ADC Memorial recommended that the authorities cancel all restrictions on women's self-presentation, dress code, social behaviour, communication and guarantee the right to freedom of expression and speech.<sup>141</sup>

71. ADC Memorial welcomed the exclusion of part 1 of Article 243 from the 2019 Labour Code, abolishing occupational bans for women and repealing the list of professions banned for women.<sup>142</sup> However, the Labour Code still contained bans for pregnant women to work in certain conditions, which appeared redundant considering the existing guarantees of the labour rights of pregnant women under articles 245-249.<sup>143</sup> ADC Memorial noted that employers frequently refused to hire women because of potential pregnancy, as well as taking care of children. Trends towards illegal dismissals forced future mothers to hide their pregnancies to keep their jobs.<sup>144</sup>

72. ADC Memorial recommended that the authorities repeal all restrictions for women in employment and guarantee their access to all professions, as well as promote access to education and employment of women in previously restricted or prohibited areas and jobs.<sup>145</sup>

73. RFTC stated that domestic and sexual violence was widespread in Turkmenistan. Women often did not turn to law enforcement agencies when experiencing domestic violence. Law enforcement officers reportedly considered that such problems should be resolved exclusively between spouses.<sup>146</sup>

74. Broken Chalk noted that socioeconomic situation and education strongly influenced early marriage and that girls from the poorest regions had the highest prevalence of early marriage.<sup>147</sup>

75. ECOM recommended that Turkmenistan take action to address gender-based violence and discrimination against women, including by strengthening laws to protect women from domestic violence, encouraging gender equality in education and employment, and improving women's access to justice.<sup>148</sup> JS2 recommended that the authorities take concrete measures to implement the recommendations resulting from the 2022 national survey on the health and status of women in the family, with a view to combating violence and discrimination against women.<sup>149</sup> JS2 recommended that the authorities make the national action plan on promoting gender equality for the years 2021–2025 publicly available, disseminate it widely and ensure that it is effectively realised in practice.<sup>150</sup>

*Lesbian, gay, bisexual, transgender and intersex persons*

76. ADC Memorial stated that LGBTI+ persons regularly endured violations of their rights, homophobia, and discrimination in all areas of life.<sup>151</sup> ECOM noted that they faced discrimination and social stigma and that hate speech against them was common in public and private discourse. ECOM noted that the authorities had not taken any measure to protect the rights of LGBT persons, but rather promoted homophobia and transphobia through its policies and propaganda.<sup>152</sup>

77. ECOM reported that sexual relations between men were still criminalized in Turkmenistan and those found guilty of such conduct might face up to two years of imprisonment.<sup>153</sup> ADC Memorial reported that despite the numerous recommendations from

international bodies, Article 135 of the Criminal Code, criminalizing consensual same-sex sexual relations of adult men had not been abolished.<sup>154</sup>

78. ECOM noted that although same-sex relationships among women were not explicitly outlawed, lesbian, bisexual and transgender women were still subjected to stigmatization and discrimination.<sup>155</sup>

79. ECOM noted that Turkmenistan did not have a legal recognition process for transgender or non-binary persons.<sup>156</sup> ADC Memorial reported a lack of legal provisions for changing the gender marker by transgender people, while the law allowed to change surnames and first names due to the change of sex for intersex persons. Transgender persons had to make surgical corrections abroad without having a possibility to change their documents.<sup>157</sup>

80. ADC Memorial reported that the transphobic police violence and harassment against transgender people were especially cruel and included physical, psychological, and sexual violence, threats, and harassment. Transgender women were in a more difficult position than men, both because of visibility and the associated public condemnation, and because of gender-based discrimination.<sup>158</sup>

81. ADC Memorial recommended that the authorities decriminalize consensual same-sex relationships between adult men and revoke Article 135 of the Criminal Code, eliminate repressive practices and persecution based on sexual orientation and gender identity by law enforcement agencies, including raids, roundups, blackmail, violence, and extortion, and declare the use of torture against LGBTI+ persons as unacceptable and evidence obtained through violence, threats, and humiliation inadmissible.<sup>159</sup>

82. ADC Memorial recommended conducting comprehensive human rights education for judges, prosecutors, police officers with a focus on promoting gender sensitivity and non-discrimination based on sexual orientation, gender identity, gender expression and sex characteristics.<sup>160</sup>

## Notes

<sup>1</sup> A/HRC/39/3, A/HRC/39/3/Add.1, and A/HRC/39/2.

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org)

### *Civil society*

#### *Individual submissions:*

CPTI	Conscience and Peace Tax International, Grand Lancy (Switzerland);
ADC Memorial	Anti-discrimination Centre Memorial, Brussels (Belgium);
Broken Chalk	Broken Chalk, Amsterdam (The Netherlands);
CA	Crude Accountability, Linden (United States of America);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
ECOM	Eurasian Coalition for Health, Rights, Gender and Sexual Diversity, Tallinn (Estonia);
Forum18	Forum 18, Oslo (Norway);
HRF	Human Rights Foundation, New York (United States of America);
HKC	Helena Kennedy Centre for International Justice, Sheffield (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
IFOR	International Fellowship of Reconciliation, Utrecht (Netherlands);
RFTC	Rights and Freedoms of Turkmenistan Citizens, Plzeň (Czech Republic).

#### *Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> Justice for Journalists Foundation, (United Kingdom of Great Britain and Northern Ireland) and Turkmen News (Turkmenistan/Europe);
JS2	<b>Joint submission 2 submitted by:</b> International Partnership for Human Rights (Belgium) and Turkmen Initiative for Human Rights (Austria);
JS3	<b>Joint submission 3 submitted by:</b> Turkmenistan Helsinki Foundation for Human Rights and Bulgarian Helsinki Committee (Bulgaria);
JS4	<b>Joint submission 4 submitted by:</b> The European Association of Jehovah's Witnesses (Germany) and Asia-Pacific Association of Jehovah's Witnesses (Japan);
JS5	<b>Joint submission 5 submitted by:</b> Anti-Slavery International (United Kingdom of Great Britain and Northern Ireland), Cotton Campaign (United States of America); International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (Switzerland); Global Labor Justice – International Labor Rights Forum (United States of America); Turkmen.News; and Turkmen Initiative for Human Rights;
JS6	<b>Joint submission 6 submitted by:</b> <b>University of Southern California</b> University of Southern California Human Rights Advocacy Group (United States of America) and Freedom for Eurasia (Austria).

*Regional intergovernmental organization:*

OSCE-ODIHR	Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland).
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- <sup>3</sup> CA, para. 3.  
<sup>4</sup> HRW, pp. 5–6. See also JS2, para. 5.4.  
<sup>5</sup> HRW, p. 8.  
<sup>6</sup> JS2, para. 5.10.  
<sup>7</sup> ICAN, p. 1.  
<sup>8</sup> JS2, para. 4.8. See also HRW, p. 5.  
<sup>9</sup> JS2, para. 4.9.  
<sup>10</sup> HRW, p. 5, HRF, para. 34 and CA, para. 6.1.  
<sup>11</sup> JS5, p. 8.  
<sup>12</sup> CA, para. 6.1. See also JS3, p. 5.  
<sup>13</sup> HKC, paras. 3 and 4.  
<sup>14</sup> ADC Memorial, p. 4.  
<sup>15</sup> OSCE/ODIHR, para. 8.  
<sup>16</sup> JS2, para. 5.3. See also HRF, para. 32.  
<sup>17</sup> JS2, para. 5.10 and HRW, p. 7.  
<sup>18</sup> JS2, para. 5.6. See also CA, paras. 1.1–1.7.  
<sup>19</sup> JS3, p. 4. See also HRF, para. 32.  
<sup>20</sup> CA, para. 3.1.  
<sup>21</sup> JS2, para. 5.2.  
<sup>22</sup> JS2, para. 3.5.  
<sup>23</sup> HRW, p. 6.  
<sup>24</sup> HRW, p. 7.  
<sup>25</sup> JS2, para. 5.10.  
<sup>26</sup> JS3, p. 5.  
<sup>27</sup> CA, para. 6.1.  
<sup>28</sup> JS2, para. 5.8.  
<sup>29</sup> RFTC, para. 3.  
<sup>30</sup> JS2, para. 5.9.  
<sup>31</sup> RFTC, para. 3. See also HRF, paras. 31 and 32.  
<sup>32</sup> JS2, para. 5.9.  
<sup>33</sup> JS2, para. 5.4.  
<sup>34</sup> JS2, para. 5.10.  
<sup>35</sup> JS2, para. 5.10 and HRW, p. 8. See also RFTC, p. 4.  
<sup>36</sup> CA, para. 6.1.

- <sup>37</sup> JS3, p. 5.  
<sup>38</sup> JS3, p. 6.  
<sup>39</sup> ECOM, para. 19.  
<sup>40</sup> JS2, para. 5.10.  
<sup>41</sup> ECLJ, para. 23.  
<sup>42</sup> Forum18, para. 23.  
<sup>43</sup> ECLJ, para. 6.  
<sup>44</sup> ECLJ, para. 12. See also JS4, paras. 1 and 4–6.  
<sup>45</sup> Forum18, paras. 21, 23, 25 and 26. See also ECLJ, paras. 16–23.  
<sup>46</sup> JS4, para. 2.  
<sup>47</sup> ECLJ, para. 11.  
<sup>48</sup> ECLJ, para. 15.  
<sup>49</sup> Forum18, para. 13.  
<sup>50</sup> Forum18, para. 14.  
<sup>51</sup> Forum18, para. 28. See also ECLJ, paras. 21 and 22.  
<sup>52</sup> Forum18, para. 21.  
<sup>53</sup> IFOR, paras. 7 and 10. See also CPTI, para. 5 and JS4, para. 3 and 21–28.  
<sup>54</sup> IFOR, para. 22 and CPTI, para. 5.  
<sup>55</sup> CPTI, para. 19. See also IFOR, para. 18.  
<sup>56</sup> ECLJ, para. 24. See also JS4, para. 45.  
<sup>57</sup> IFOR, para. 29. See also CPTI, para. 28 and JS4, para. 45.  
<sup>58</sup> HRF, para. 17.  
<sup>59</sup> JS1, p. 8.  
<sup>60</sup> HRW, p. 2.  
<sup>61</sup> HKC, para. 11 and HRW, p. 2. See also JS1, p. 4, JS2, para.2.2 and HRF, para. 17.  
<sup>62</sup> JS2, para. 2.3.  
<sup>63</sup> JS1, p. 8.  
<sup>64</sup> JS1, p. 5.  
<sup>65</sup> HRW, p. 2.  
<sup>66</sup> HRF, para. 28. See also JS2, para. 2.3.  
<sup>67</sup> HKC, paras. 18 and 19.  
<sup>68</sup> JS1, pp. 2 and 6.  
<sup>69</sup> JS2, para. 2.5. See also JS1, p. 8.  
<sup>70</sup> JS1, p. 8. See also HRF, paras. 19 and 20, and HRW, p. 2.  
<sup>71</sup> HRF, para. 18.  
<sup>72</sup> HRW, p. 2. See also HKC, paras. 10–16.  
<sup>73</sup> JS1, p. 4.  
<sup>74</sup> JS2, para. 2.5.  
<sup>75</sup> HRF, paras. 19 and 20.  
<sup>76</sup> JS1, p. 97.  
<sup>77</sup> JS1, p. 7. See also HKC, para. 21 and HRW, p. 3.  
<sup>78</sup> OSCE/ODIHR, para. 6. See also ECON, para. 20.  
<sup>79</sup> JS2, para. 2.7.  
<sup>80</sup> HRW, p. 3. See also JS1, p. 8, JS2, para. 2.7, HKC, para. 17, ECOM, p. 8 and HRF, para. 34.  
<sup>81</sup> JS1, p. 8.  
<sup>82</sup> HRW, p. 3.  
<sup>83</sup> JS2, para. 4.2.  
<sup>84</sup> JS3, p. 1. See also JS2, para. 4.3 and HRW, p. 3.  
<sup>85</sup> JS2, para. 4.9. See also JS3, p. 4, JS5, p. 8 and ECOM, para. 18.  
<sup>86</sup> JS2, para. 3.2. See also JS5, pp. 2–3.  
<sup>87</sup> HRW, p. 3. See also HRF, para. 18, JS2, paras. 2.7, 3.3, 3.8 and 3.9 and JS3, pp. 1 and 2.  
<sup>88</sup> JS2, para. 3.9.  
<sup>89</sup> JS6, pp. 6 and 11.  
<sup>90</sup> HRW, p. 5. See also JS3, pp. 1 and 2.  
<sup>91</sup> JS6, p. 12.  
<sup>92</sup> HRF, para. 34.  
<sup>93</sup> JS2, p. 6.  
<sup>94</sup> JS3, p. 4.  
<sup>95</sup> JS2, para. 4.4.  
<sup>96</sup> JS2, para. 4.5.  
<sup>97</sup> JS2, paras. 4.6–4.7.  
<sup>98</sup> JS2, para. 4.9.

- 99 JS6, p. 2.  
100 JS3, p. 7.  
101 HRW, p. 8. See also JS2, para. 3.10, JS3, p. 8 and JS6, p. 3.  
102 JS3, p. 8.  
103 JS6, pp. 1 and 2.  
104 HRW, p. 8.  
105 JS3, p. 9. See also JS6, p. 12.  
106 OSCE/ODIHR, para. 5.  
107 OSCE/ODIHR, para. 6.  
108 OSCE/ODIHR, para. 4 and JS2, para. 1.2.  
109 JS2, para. 1.2.  
110 JS5, pp. 2 and 3.  
111 JS5, p. 4.  
112 JS5, p. 9.  
113 JS5, p. 11.  
114 JS5, pp. 7 and 11.  
115 JS5, p. 12.  
116 JS5, p. 6.  
117 JS5, p. 8.  
118 ECOM, para. 17.  
119 HRW, p. 9. See also ADC Memorial, para. 9.  
120 HRW, p. 9.  
121 ECOM, para. 11.  
122 JS2, para. 2.4.  
123 JS2, para. 2.4.  
124 RFTC, para. 2. See also HRF, paras. 25 and 30.  
125 ECOM, paras. 8 and 9.  
126 ECOM, para. 16.  
127 ECOM, para. 7.  
128 Broken Chalk, p. 3.  
129 Broken Chalk, p. 4.  
130 Broken Chalk, pp. 6 and 7.  
131 JS5, p. 9.  
132 Broken Chalk, p. 5.  
133 Broken Chalk, p. 6.  
134 Broken Chalk, p. 5.  
135 Broken Chalk, p. 6.  
136 ECOM, para. 12.  
137 JS2, para. 6.2.  
138 ADC Memorial, para. 6.  
139 JS2, para. 6.4.  
140 JS2, para. 6.7.  
141 ADC Memorial, p. 4.  
142 ADC Memorial, para. 4.  
143 ADC Memorial, para. 5.  
144 ADC Memorial, para. 7.  
145 ADC Memorial, p. 4.  
146 RFTC, para. 1(c).  
147 Broken Chalk, p. 4.  
148 ECOM, para. 14.  
149 JS2, para. 6.7.  
150 JS2, para. 6.7.  
151 ADC Memorial, para. 11.  
152 ECOM, para. 1.  
153 ECOM, para. 2.  
154 ADC Memorial, para. 12.  
155 ECOM, para. 3.  
156 ECOM, para. 13.  
157 ADC Memorial, para. 14.  
158 ADC Memorial, para. 15.  
159 ADC Memorial, p. 4. See also ECOM, p. 7.  
160 ADC Memorial, p. 4.