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Human Rights Committee**Concluding observations on the third periodic report of Turkmenistan***

1. The Committee considered the third periodic report of Turkmenistan¹ at its 3960th and 3961st meetings,² held on 1 and 2 March 2023. At its 3983rd meeting, held on 17 March 2023, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the third periodic report of Turkmenistan and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

- (a) Adoption of the National Action Plan for Human Rights of 2021-2025 in 2021;
- (b) Adoption of the National Action Plan on Gender Equality in Turkmenistan for 2021-2025 in 2021;
- (c) Adoption of the National Plan for Preparedness of Turkmenistan to Counteract the Pandemic to Acute Infectious Diseases and the Plan of operational socio-economic measures in Turkmenistan to counter the coronavirus pandemic in 2020;
- (d) Adoption of the Law On Combating Trafficking in Human Beings in 2019; and
- (e) Establishment of the Office of the Ombudsperson in 2017.

* Adopted by the Committee at its 137th session (27 February to 24 March 2023).

¹ [CCPR/C/TKM/3](#).

² See CCPR/C/SR.3960 and CCPR/C/SR.3961.

³ [CCPR/C/TKM/RQ/3](#).

⁴ [CCPR/C/TKM/Q/3](#).

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

4. The Committee welcomes the adoption of the National Action Plan for Human Rights of 2021-2025, which envisages the enactment of new legislation to improve compliance with international human rights standards. Notwithstanding the information received from the State party on the action taken to implement and build capacity among representatives of the judiciary and law enforcement system, the Committee is concerned by:

(a) The State party's failure to implement 23 Views adopted by the Committee and the absence of specific information, as requested in its previous recommendations (see CCPR/C/TKM/CO/2, para. 4), on establishing effective mechanisms and legal procedures for authors of individual communications to seek, in law and in practice, the full implementation of Views;

(b) The lack of information on how the provisions of the Covenant can be invoked before domestic courts and administrative proceedings, and examples of the application of the provisions of the Covenant in court judgments;

(c) The delay of the State party to ensure collaboration with Human Rights Council special procedures mandate holders and grant access to them to conduct country visits. In particular, the Committee is concerned by the denial of access for the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and the Special Rapporteur on contemporary forms of slavery and the UN Working Group on Enforced or Involuntary Disappearances (art. 2).

5. The State party should:

(a) Take all necessary measures including by establishing effective mechanisms to ensure the implementation of the pending Views adopted by the Committee in relation to the State party so as to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant, in accordance with article 2 (3) of the Covenant;

(b) Widely disseminate the Views in order to raise awareness of the rights enshrined in the Covenant among judicial, legislative and administrative authorities, civil society, and the general public, including by translating the Committee's Views into the languages used in the State party and posting them on official websites;

(c) Consider facilitating arrangements for visits of Human Rights Council special procedures mandate holders and grant access to them to conduct country visits promptly.

National human rights institution

6. The Committee welcomes the establishment of the Office of the Ombudsperson and the appointment of the first Ombudsperson in 2017 as well as the capacity assessment of the Office of the Ombudsperson carried out by the Asia-Pacific Forum of National Human Rights Institutions, OHCHR and UNDP in 2022. However, the Committee is concerned about the lack of progress in ensuring the full independence and impartiality of the Office of the Ombudsperson. The Committee regrets not having received detailed information on the access that civil society representatives and potential complainants have to the Office of the Ombudsperson and the follow up of complaints submitted. The Committee also regrets the lack of information on the participation of civil society representatives in ensuring the independence and impartiality of the Office of the Ombudsperson. The Committee is concerned about the limited capacity of the Office of the Ombudsperson to consider individual complaints and the absence of legally prescribed means to ensure reparation for victims of violations of human rights. Furthermore, the Committee is concerned about the limits on the Office of the Ombudsperson in carrying out monitoring visits to places of detention (art. 2).

7. **The State party should continue its efforts to ensure that the Office of the Ombudsperson fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and:**

(a) **Provide the Office of the Ombudsperson with sufficient human and financial resources to carry out its mandate effectively and independently;**

(b) **Consider revising national legislation to ensure the availability of legally prescribed means for the reparation of human rights violations;**

(c) **Consider revising the national legislation to allow staff of the Office of the Ombudsperson to participate in monitoring visits to places of detention;**

(d) **Ensure broad cooperation of the Office of the Ombudsperson with civil society and international organizations and its engagement in reporting to UN Human Rights Mechanisms.**

Anti-corruption measures

8. While the Committee welcomes the establishment of the Interdepartmental Commission on Combating Corruption in Turkmenistan in 2020, the Committee is concerned about the independence and effectiveness of this Commission. The Committee notes the information regarding anti-corruption reforms and other measures undertaken by the State party, but remains concerned with reports on the increase in corruption cases, including among high-level officials, judges and in the penitentiary service. Furthermore, the Committee is concerned about the use of criminal convictions resulting from the fight against corruption as a tool against political opponents. It also regrets the lack of detailed information on the investigations, prosecutions and convictions in corruption cases, especially against high-level public officials. In addition, the Committee is concerned about reports of inadequate measures to address cases involving conflicts of interest in public procurement (arts. 2 and 14).

9. **The State party should step up measures to prevent and eliminate corruption and impunity. It should allocate sufficient human and financial resources and strengthen the operational and structural independence of law enforcement officials and prosecutors dealing with corruption cases in order to enable effective investigation of complex and high-level corruption cases. The State party should promptly, independently and thoroughly investigate all cases of corruption and ensure those responsible for corruption are prosecuted and, if found guilty, sanctioned in accordance with the gravity of the offence. It should provide effective training to law enforcement officials, prosecutors and judges on detecting, investigating and prosecuting corruption.**

State of emergency and COVID-19 response

10. While welcoming the adoption of the National Plan for Preparedness of Turkmenistan to Counteract the Pandemic to Acute Infectious Diseases and the Plan of operational socio-economic measures to counter the coronavirus pandemic, the Committee is concerned about disproportionate restrictions on fundamental rights and freedoms imposed by the State party, particularly on the freedom of movement. In addition, the Committee is concerned that the State party failed to inform the Secretary-General about the derogations from articles 12 and 21 of the Covenant, as required under article 4 of the Covenant. Furthermore, it regrets the lack of detailed information about mechanisms that may have been established for the oversight of the measures and restrictions (arts. 4, 12, and 21).

11. **The State party should ensure that the national legal framework on emergencies is fully compatible with the provisions of the Covenant and the Committee's General Comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency. The State party should guarantee that any measures introduced to protect the population in a state of emergency, including a pandemic, are temporary, limited to the extent strictly required by the exigencies of the situation in accordance with the principle of proportionality, and subject to judicial review.**

Non-discrimination

12. The Committee welcomes the new provisions of the Criminal Code, in particular, on criminal responsibility for the violation of equality under article 145 (Violation of equality of citizens). However, the Committee remains concerned about the lack of progress on establishing a framework to prohibit direct and indirect discrimination in the public and private sectors and on all the grounds prohibited under the Covenant, combat stereotypes of all kinds, and raise awareness regarding equality. It also regrets the lack of detailed information on the number of complaints of discrimination, investigations, prosecutions and convictions. In addition, the Committee regrets the lack of information on remedies that are available to victims of discrimination on the basis of gender, race, ethnic origin, political belief or any other prohibited ground (arts. 2, 20 and 26).

13. **In line with the Committee's previous recommendations,⁵ the State party should:**

(a) Consider enacting comprehensive anti-discrimination legislation that provides full and effective protection against discrimination on prohibited grounds for discrimination, including sexual orientation and gender identity, and provides for effective remedies in cases of violation;

(b) Ensure that accessible and independent complaints mechanisms are in place, including through the Office of the Ombudsperson and that all reports of discrimination are thoroughly investigated and that perpetrators are prosecuted, and, if convicted, punished with commensurate sanctions, and that victims are provided with effective remedies, in accordance with article 2 (3) of the Covenant;

(c) Adopt concrete measures, including by providing training and awareness-raising programmes for civil servants, law enforcement bodies and the judiciary, including public prosecution, to prevent acts of discrimination.

Discrimination on the grounds of sexual orientation and gender identity

14. The Committee regrets the lack of information on measures taken by the State party to address the discriminatory treatment of LGBT persons, including violent homophobic and transphobic acts against LGBT persons and awareness-raising campaigns to combat stereotypes and measures to combat. Furthermore, in line with the Committee's previous recommendations,⁶ the Committee remains concerned that consensual same-sex relations between adult males continue to be criminalized under article 135 of the Criminal Code. It is further concerned about reports of police brutality motivated by the sexual orientation and gender identity of the victims, and the resulting fear of these victims to file complaints or even reveal their sexual orientation (arts. 2, 7, 9, 17 and 26).

15. **In line with the Committee's previous recommendations,⁷ the State party should:**

(a) Repeal article 135 of the Criminal Code with a view to bringing its legislation in compliance with the Covenant;

(b) Take measures to effectively combat all forms of social stigmatization, harassment, hate speech, discrimination or violence against persons based on their sexual orientation or gender identity, including by providing training for law enforcement personnel, prosecutors and the judiciary, and by conducting awareness-raising activities promoting sensitivity and respect for diversity among the general public.

Gender equality

16. The Committee welcomes the adoption of the National Action Plan on Gender Equality in Turkmenistan for 2021-2025 and notes the measures taken by the State party to increase the representation of women in political life, particularly in the national parliament. However, the Committee remains concerned about the under-representation of women in decision-making positions, including in the judiciary, the legislative and the executive

⁵ CCPR/C/TKM/CO/2, para. 6.

⁶ CCPR/C/TKM/CO/2, para. 8.

⁷ CCPR/C/TKM/CO/2, para. 9.

bodies, especially in high-level positions. The Committee welcomes the National Survey on the Health and Status of Women in the Family in Turkmenistan but is concerned about the absence of information on concrete measures taken by the State party to implement its results, particularly through legislative and political reforms aimed at promoting gender equality. Furthermore, the Committee is concerned about the persistence of patriarchal stereotypes concerning the role of women and men in the family and in society and gender-based discrimination of women (arts. 3 and 25–26).

17. The State party should strengthen measures to ensure the full and equal participation of women in political and public life, including in executive, judicial and legislative bodies at the national, regional and local levels, particularly in decision-making positions. It should raise public awareness regarding the principle of equality between women and men, and the need to eliminate gender stereotypes, and encourage media outlets to promote positive images of women as active participants in public and political life.

Violence against women and domestic violence

18. While welcoming the State party's efforts to provide specialised support services for women victims of domestic violence in collaboration with the United Nations Population Fund, the voluntary organization Keyik Okara, and the Beyik Eyyam business association, the Committee regrets the lack of detailed information on the number of complaints of gender-based violence, investigations, prosecutions and convictions. It is also concerned about the high number of reported cases of domestic violence and the lack of state-supported shelters for victims of domestic violence in all regions (arts. 2, 3, 7, 23 and 26).

19. The State party should:

(a) Take effective measures to prevent, investigate, prosecute and, if found guilty, adequately punish perpetrators of domestic violence;

(b) Expand and strengthen support services and protection for women and girls who have experienced domestic violence through the provision of shelters, psycho-social counselling, and other support services in line with global best practices;

(c) Increase awareness among women and girls, including in rural areas, about the legal remedies available to ensure the protection of their rights.

Counter-terrorism measures

20. While noting the State party's information on the absence of terrorism and extremism-related cases in the national courts over the reporting period, the Committee remains concerned at the overly broad and vague definitions contained in the national counter-terrorism legislation. In particular, the Committee is concerned about the reported arbitrary use of counter-terrorism measures as a basis to restrict the legitimate exercise of the rights and freedoms guaranteed under the Covenant, including the freedom of religion, expression, association, and from arbitrary detention, and the lack of sufficient safeguards in this regard. Furthermore, the Committee is concerned about reports of the growing number of convictions for so-called "Islamic extremism". In addition, it regrets the State party's failure to provide detailed information about the Ovadan Depe Prison, including the number of persons imprisoned and their health condition. While noting the information provided by the State party delegation, the Committee remains concerned by numerous reports of travel restrictions placed on individuals holding opposition views and their families (arts. 2, 4, 7, 9, 12, 14 and 15).

21. The State party should:

(a) Clarify and narrow the broad definitions contained in national counter-terrorism legislation, including by adding a requirement of violence to the definition of terrorism and extremism, and ensuring their conformity with the principles of legal certainty, predictability and proportionality;

(b) Provide effective safeguards, including judicial oversight, for any limitations on human rights imposed for the purpose of national security and ensure

that such limitations serve legitimate aims, are necessary and proportionate in line with the Covenant;

(c) Refrain from imposing travel bans on persons holding opposition views, and on their families, and guarantee full respect for their freedom of expression and right to leave the country.

Right to life

22. The Committee notes the information provided by the State party on the national legislation governing the use of force and firearms by law enforcement officers. However, it is concerned about the absence of provisions in the national legislation that clearly define conditions under which the use of force and firearms is deemed lawful. Furthermore, the Committee is also concerned about the lack of information regarding the Internal Affairs Agencies Act of 2011, which governs the use of force and firearms by law enforcement officials, and its compatibility with the fundamental principles of legality, necessity, proportionality, and accountability (art. 6).

23. The State party should take all necessary measures to prevent the excessive use of force during law enforcement operations, including by:

(a) Considering revising national legislation and operational procedures governing the use of force and firearms by law enforcement officials and bring it into conformity with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Human Rights Guidance on the Use of Less-Lethal Weapons in Law Enforcement;

(b) Establishing an independent oversight mechanism to ensure that all reports of excessive use of force by law enforcement officers are investigated promptly, effectively and impartially, and provide redress and compensation for victims of such violations; and

(c) Providing regular training to law enforcement officials on the use of force and ensuring that the principles of necessity and proportionality are strictly adhered to in practice.

Secret detention and enforced disappearances

24. While welcoming the release of four individuals pardoned by the President in December 2022, namely Pygambergeldy Allaberdyev, Sergey Babaniyazov, Khursanay Ismatullayeva and Dmitriy Medvedev, the Committee is deeply concerned about the reports of the ongoing practice of secret detention and enforced disappearances of persons, the failure to investigate such cases, and the allegations of enforced disappearances, including of Annageldy Akmuradov, Mamour Atayev, Esen Buriev, Isa Grataev, Bazar Gurbanov, Konstantin Shikhmuradov, Rustem Djumaev, Saparmurat Mukhammedov, Batyr Sardzhaev, Orazmammed Yklymov, and Ovezmurat Yazmuradov. The Committee is also concerned about the ongoing practice of holding closed trials without defence lawyers (arts. 2, 6, 7, 9, 14 and 16).

25. In line with the Committee's previous recommendations,⁸ the State party should:

(a) End the practice of secret detention and enforced disappearances;

(b) Revise the legal framework to ensure that all forms of enforced disappearance are clearly prohibited in criminal law;

(c) Step up efforts to ensure the timely, thorough and independent investigation of all reported cases of enforced disappearances and ensure that perpetrators are prosecuted and, if convicted, punished with commensurate sanctions, and that victims of enforced disappearances are provided with effective remedies.

⁸ CCPR/C/TKM/CO/2, para. 17.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

26. The Committee welcomes the revision of the definition of torture in the newly adopted Criminal Code of 2022. The Committee also welcomes the information about the installation of video surveillance and audio-visual equipment in several police stations, remand centres and places of detention with the aim of preventing torture and ill-treatment of detained persons. However, while noting the information about monitoring visits conducted to the places of detention by the Central Supervisory Commission and the Ombudsperson, the Committee remains concerned about the lack of effective, independent and impartial oversight and monitoring of places of detention. Furthermore, it is also concerned about the high level of impunity that exists in cases of torture and ill-treatment of persons deprived of their liberty and the lack of effective investigations of cases of torture and ill-treatment. In particular, the Committee remains deeply concerned about numerous allegations of torture, inhumane treatment, degrading detention conditions, and the denial of medical assistance at the maximum-security prison of Ovadan Depe. In addition, the Committee regrets the failure of the State party to implement the Committee's View (CCPR/C/122/D/2252/2013) on torture and death in custody of Ogulsapar Muradova (arts. 2, 6, 7 and 14).

27. **The State party should:**

(a) **Ensure that all allegations of torture and ill-treatment are promptly, impartially, thoroughly and effectively investigated, that perpetrators are prosecuted and, if convicted, punished with commensurate sanctions and that victims are provided with effective remedies, in accordance with article 2 (3) of the Covenant;**

(b) **Conduct independent and impartial monitoring visits to places of detention, including the maximum-security prison of Ovadan Depe, eventually involving the participation of civil society and international organizations;**

(c) **Provide training to judges, prosecutors, lawyers, security officers and law enforcement officials on the Covenant and other international human rights standards, including on the UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);**

(d) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish an independent institution, such as a national preventive mechanism, mandated with conducting visits and monitoring places of deprivation of liberty.**

Liberty and security of person

28. While taking note of the information provided by the delegation, the Committee is concerned that the Office of the Ombudsperson staff has no mandate to independently conduct or participate in monitoring visits to places of detention. The Committee is also concerned about widespread allegations that fundamental legal safeguards are not afforded, in practice, to all persons deprived of liberty, particularly regarding confidential access to a lawyer. It is equally concerned about numerous reports of detainees being prevented from contacting their family members. Furthermore, the Committee regrets the lack of information about the complaints received and investigations and prosecutions conducted into allegations of the right to safeguard familial communication and to appear before the court within 48 hours after arrest (arts. 9, 14, 17 and 23).

29. **The State party should ensure that all legal safeguards are guaranteed in practice to all persons deprived of their liberty from the outset of their detention, including by ensuring detainees the rights to promptly contact a family member or any other person of their choice, to have prompt and confidential access to a qualified and independent lawyer or, when needed, to free legal aid.**

Treatment of persons deprived of their liberty

30. While noting the information provided by the State party about the repairs and construction of penitentiary facilities, the Committee remains concerned about the absence of an independent and impartial mechanism for monitoring conditions in places of detention and the lack of civil society participation in monitoring visits. The Committee notes the information provided by the State party about the high COVID-19 vaccination rate in the penitentiary facilities, but is concerned about the spread of infectious diseases such as COVID-19 and tuberculosis in many penitentiary facilities, the lack of proper medical treatment, and delays or negligence transferring detainees to hospitals, which has led to deaths among detainees. In addition, the Committee is concerned about arbitrary restrictions on detainees on contacting their relatives during the pandemic (arts. 7 and 10).

31. The State party should promptly intensify its efforts to improve the conditions of detention and ensure adequate access to health care for persons held in all places of deprivation of liberty, in particular in places of detention where outbreaks of infectious diseases, such as tuberculosis, have been identified.

Elimination of slavery, servitude and trafficking in persons

32. The Committee welcomes the information about the ILO supervisory body visit to the State party planned for March 2023 and the State party's intention to ratify the Labour Inspection Convention, 1947 (No. 81). In addition, the Committee welcomes the ratification of the Employment Policy Convention, 1964 (No. 122) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) during the reporting period. However, the Committee remains concerned about the widespread use of forced labour of civil servants during the cotton harvest (mainly women), under threat of penalties such as loss of wages or salary cuts, termination of employment, and other sanctions. The Committee is concerned that individuals employed in the cotton industry are responsible for paying for their own transportation, lodging, and food. Moreover, it is concerned about extremely low wages, insufficient for workers to be able to afford medical care (arts. 2, 7–8, 24 and 26).

33. In line with the Committee's previous recommendations,⁹ the State party should intensify its efforts to eliminate forced labour, including by increasing labour inspections and establishing an effective complaint mechanism, particularly in the cotton sector and involving women and child labour. It also should improve the working and living conditions in the cotton industry, including through targeted measures to protect women and children.

Right to freedom of movement

34. The Committee reiterates its concern about the compulsory residence registration system (*propiska*),¹⁰ which prevents individuals from moving freely and settling in their own country. The Committee notes the explanation provided by the State party delegation concerning the reasons for imposing visa requirements for citizens of Turkmenistan to work in Turkiye, but remains concerned about the incompatibility of the requirements with the Covenant. The Committee is seriously concerned about the arbitrary travel bans imposed on human rights defenders, journalists, lawyers and students (arts. 9, 12, 17 and 19).

35. The Committee reiterates its previous recommendation that the State party should bring its compulsory residence registration system (*propiska*) into full compliance with the Covenant. It should also promptly stop the widespread practice of arbitrary travel bans imposed on human rights defenders, journalists, lawyers and students and abolish the exit visa system.

Access to justice, independence of the judiciary and fair trial

36. The Committee welcomes the adoption of the national policy framework for 2017-2021 aimed at improving the administration of justice and ensuring judicial independence. However, the Committee remains concerned about reports of the lack of independence of the judiciary, in particular since the President retains the sole power to appoint judges. It is also

⁹ CCPR/C/TKM/CO/2, para. 27.

¹⁰ CCPR/C/TKM/CO/2, para. 28.

concerned about numerous reports that politically motivated criminal trials occur behind “closed doors”, with restricted access to the whereabouts and treatment of detainees and the status of their trials. In addition, the Committee is concerned about the absence of a publicly available database of court decisions. It is also concerned about the lack of training on the Covenant and other international human rights standards provided to judges, prosecutors and lawyers. While welcoming the increase in legal aid counsel provided in criminal cases, the Committee remains concerned about the quality of service of legal aid counsel and the general shortage of lawyers in the country (art. 14).

37. **The State party should:**

(a) **Ensure that the procedures for the selection, appointment, promotion and removal of judges are in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary;**

(b) **Ensure that any restrictions or limitations on fair trial guarantees, including the use of closed trials, are fully compliant with its obligations under the Covenant; and**

(c) **Intensify efforts to address the shortage of lawyers in the country and improve the quality of state legal aid.**

Right to privacy

38. The Committee reiterates its concern about the lack of a clear legal framework regulating surveillance activities, including by the intelligence services.¹¹ It regrets the absence of effective investigation of allegations of human rights violations, including in relation to surveillance by law enforcement officials, and the failure of the State party to provide redress to victims (art. 17).

39. **Reiterating its previous recommendations,¹² the Committee urges the State party to:**

(a) **Ensure that all forms of surveillance and acts related to the right to privacy, including online surveillance conducted for State security reasons, are regulated by appropriate laws that fully comply with the Covenant, specifically Article 17;**

(b) **Guarantee independent and impartial judicial review of surveillance;**

(c) **Conduct effective investigations into all allegations of human rights violations, including those resulting from surveillance by law enforcement agencies, and provide appropriate redress to victims.**

Right to freedom of conscience and religious belief

40. The Committee remains concerned about restrictions, both in law and practice, imposed on some religious communities, including Jehovah’s Witnesses, who are denied legal recognition and refused registration or re-registration by the State party. It is also concerned about reports of so-called preventive measures against Jehovah’s Witnesses who were either summoned by law enforcement officials or interrogated at their places of work. The Committee notes the information provided by the State party delegation indicating that the number of criminal prosecutions under article 219 (Draft evasion) of the Criminal Code had decreased tenfold during the reporting period. However, the Committee regrets the lack of recognition of the right to conscientious objection to compulsory military service and the lack of provision of alternatives to military service, as previously communicated in the Views adopted by the Committee (arts. 2, 14, 18 and 26).

41. **The State party should guarantee the effective exercise of freedom of religion and belief and refrain from any action that may restrict it beyond the narrowly construed restrictions permitted under article 18 of the Covenant. It should also ensure that the registration of religious organizations is based on clear and objective criteria that are compatible with the State party’s obligations under the Covenant. The State party**

¹¹ CCPR/CTKM/CO/2, para. 36.

¹² CCPR/CTKM/CO/2, para. 37.

should also adopt the legislation necessary to recognize the right to conscientious objection to compulsory military service and ensure that alternative service is not punitive or discriminatory in nature or duration in comparison with military service.

Freedom of expression

42. The Committee appreciates the State party delegation's information indicating that the pardon of Nurgeldy Khalykov, Murat Dushemov and Mansur Mingelov is being considered. However, the Committee is concerned about the lack of concrete measures taken by the State party to implement the constitutional provisions guaranteeing the freedom of opinion, thought, and expression and comply with the Committee's recommendation to promote an environment conducive to the establishment and operation of independent and free media.¹³ It is also deeply concerned about the absence of uncensored and unhindered access to various sources of information, including disproportionate limitations on online content and social networks. The Committee is deeply concerned about reports of the widespread practice of persecution of civil society representatives and their relatives who peacefully exercise their freedom of expression both in Turkmenistan and abroad (arts. 19 and 20).

43. **The State party should promptly:**

(a) **Fully implement the constitutional provisions guaranteeing freedom of opinion, thought, and expression, including by creating an environment that enables the establishment and operation of independent and free media;**

(b) **Ensure uncensored and unhindered access to various sources of information, including the Internet and foreign media, in line with article 19 of the Covenant as interpreted in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expressions;**

(c) **Refrain from the persecution, intimidation, harassment, or imprisonment of civil society representatives and their relatives who peacefully exercise, among other rights, their freedoms of expression in Turkmenistan and abroad;**

(d) **Release Nurgeldy Khalykov, Murat Dushemov and Mansur Mingelov from detention.**

Right of peaceful assembly

44. The Committee appreciates the State party's information about the intention to bring the Act on the Organization and Conduct of Assemblies, Rallies, Demonstrations and Other Mass Events into conformity with the Covenant. However, the Committee regrets the lack of detailed information about measures taken to implement the recommendations made by the Committee in 2017¹⁴ in order to ensure that any restrictions on freedom of assembly comply with the strict requirements of article 21 of the Covenant. While noting the information provided by the State party delegation, the Committee remains concerned about the allegations of forced participation in state-sponsored mass gatherings. Furthermore, the Committee is deeply concerned about undue restrictions and persecution of residents living abroad for organizing spontaneous demonstrations and peaceful protests on issues of concern to them in their home country. (arts. 9, 19 and 21).

45. **The State party should promptly:**

(a) **Consider bringing the Act on the Organization and Conduct of Assemblies, Rallies, Demonstrations and Other Mass Events into conformity with article 21 of the Covenant and in the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly;**

(b) **Ensure prompt, thorough and impartial investigations of all allegations of violence and intimidation of peaceful protesters and their relatives and that those responsible for the violence and intimidation are prosecuted and, if convicted, punished with commensurate sanctions;**

¹³ CCPR/C/TKM/CO/2, para. 43.

¹⁴ CCPR/C/TKM/CO/2, para. 45.

(c) **Provide training on General Comment No. 37 (2020) on the right of peaceful assembly to civil servants, local authorities, law enforcement officers, prosecutors, and judges to raise their understanding of the principles that should guide the imposition of any type of restrictions on peaceful assemblies.**

Freedom of association

46. The Committee reiterates its concerns about the 2014 Voluntary Association Act, which imposes unreasonable and burdensome registration requirements for associations. Furthermore, the Committee remains concerned about the failure to permit religious organizations and foreign civil society organizations to get official registration. While noting the information provided by the State party, it is concerned about the apparent lack of registered civil society organizations (CSOs) working on human rights issues (arts. 19, 22 and 25).

47. **The State party should consider revising the provisions of the 2014 Voluntary Association Act to bring it into full compliance with the provisions of articles 19, 22 and 25 of the Covenant. It should ensure that the legislation governing CSOs is not used to control, interfere or infringe the rights of CSOs.**

Participation in public affairs

48. The Committee welcomes the State party's information on plans to ensure the right to vote for individuals serving a prison sentence. While welcoming the constitutional amendments and legislative framework providing for a multiparty system and the rights of citizens to participate in the electoral process, the Committee is concerned about the nominal pluralism of the political environment and the absence of alternative media depriving voters of the ability to make informed choices. In addition, the Committee is concerned about the lack of independence and transparency of the Central Election Commission since the President retains the sole power to appoint, discipline, and remove its members (arts. 2, 10 and 25).

49. **The State party should promptly:**

(a) **Foster a culture of political pluralism and guarantee the freedom to engage in pluralistic political debate, including by ensuring media pluralism;**

(b) **Ensure that the procedures for the selection, appointment and removal of the Central Election Commission members are in compliance with the Covenant and relevant international standards;**

(c) **Consider revising the national legal framework in light of the Committee's general comment No. 25 (1996), to ensure prisoners' right to vote.**

D. Dissemination and follow-up

50. **The State party should widely disseminate the Covenant, its two Optional Protocols, its third periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

51. **In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 24 March 2026, information on the implementation of the recommendations made by the Committee in paragraphs 7 (National human rights institution), 21 (Counter-terrorism measures) and 25 (Secret detention and enforced disappearances) above.**

52. **In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its fourth periodic**

report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.