



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the initial report of Turkmenistan

Addendum

Information received from Turkmenistan on follow-up to the concluding observations*

[10 January 2014]

Information on the implementation of the concluding observations (CCPR/C/TKM/CO/1)

1. In the period under review, great improvements have been made to the legislative framework in various areas of activity of the State and society, and much is being done to bring national legislation into line with international legal standards.
2. The present phase of the country's development is marked by huge transformations in the political, economic and sociocultural life of the people of Turkmenistan. Today, significant efforts are under way on many fronts to consolidate age-old democratic traditions in Turkmen society and to achieve broad realization of political, economic, social and other human rights.
3. The reforms, which are being directly guided by the Head of State, Gurbanguly Berdimuhamedov, are facilitating the progressive renewal of the entire social and political system and the recognition of the authority of Turkmenistan throughout the international community. The determination of the Turkmen people to continue along the path of development and the firm intention of the State to maintain this course constitute the foundation of Turkmenistan's ongoing, comprehensive development.
4. Legal safeguards are one component of the gradual movement along the path to national progress. Under the direct supervision of the Head of State, Turkmenistan is carrying out a successful reform of the national legal system, as attested to by the

* The present document is being issued without formal editing.



Presidential Decision of 28 November 2007 on measures for the further improvement of legislation, pursuant to which a State Commission was created for that purpose.

5. The Commission focuses in particular on monitoring national legislation and preparing recommendations for the enhancement of existing bills, laws, regulations and national programmes and the development of new ones, taking into account the main provisions of the international conventions ratified by Turkmenistan. As a full Member of the United Nations and a party to the major texts on human rights protection, Turkmenistan takes consistent and concrete measures to implement the Organization's conventions, seeking constantly to harmonize its legislative and regulatory framework with international legal standards. Virtually all laws and regulations are assessed by lawmakers to see whether they are in conformity.

6. By way of illustration, reference is made to the norms of the Penalties Enforcement Code, in which many provisions of international human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, have been incorporated. The adoption, on 25 March 2011, of the new Code, which regulates legal relations in the country's prison system, was a significant event in the social and political life of Turkmenistan. The legislation on the enforcement of penalties is now underpinned by universally recognized principles such as legality, the rule of law, humanism, democracy, the equality of convicted persons before the law, and tailored and individualized penalties enforcement, and all persons deprived of liberty are guaranteed the right to humane treatment and respect for their inherent human dignity.

7. Particular importance is attached in the Penalties Enforcement Code to inspections of places of detention. Pursuant to the Code, the authorities monitor the activities of bodies in their territories that are responsible for the enforcement of penalties. Oversight commissions in the administrative offices of local authorities are involved in the reform of convicted persons and public monitoring of the activities of bodies responsible for the enforcement of penalties and other measures of criminal law, the aim being to improve supervision of respect for the rule of law in prisons and to work with inmates and persons released on parole. Commissions on juvenile affairs attached to the administrations of districts and towns with district status help juvenile delinquents.

8. Pursuant to the Presidential Decision of 31 March 2010 approving the Regulations on oversight commissions to improve supervision of respect for the rule of law in prisons and work with persons released on parole, such bodies, which are attached to the Cabinet of Ministers of Turkmenistan, were set up in the administrative offices of the provinces, in Ashgabat, at district level and in towns with district status in order to work with inmates and with persons released on parole.

9. The next step was the amendment of the Criminal Code. Pursuant to the Act of 4 August 2012 amending the Criminal Code, a new article 182, which defines and criminalizes acts of torture, was added to the Code. In the event of the use of torture, an official of a government body directly performing duties entrusted to that body will now be subject to criminal prosecution and will incur the penalty stipulated for the unlawful act committed. The article reads as follows:

“Article 182. Torture

(1) Torture, that is, the intentional infliction of severe pain or physical or mental suffering on a person for such purposes as obtaining from him or her, or a third person, information or a confession, punishing him or her for an act he or she, or a third person, has committed or is suspected of having committed, or intimidating or coercing him or her, or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or with the consent or acquiescence of, a public official or other person acting in an official capacity, shall

be punishable by deprivation of liberty for a period of from 3 to 8 years with forfeiture of the right to occupy certain offices or engage in certain activities for a period of up to 3 years.

- (2) The acts specified in paragraph (1) of this article, if committed:
- (a) Against women, minors or persons with manifest signs of disability;
 - (b) Against a person whom the perpetrator knows to be in a helpless state, or by abusing the victim's vulnerability;
 - (c) Against two or more persons;
 - (d) By two or more persons not in collusion or by a group of persons in collusion;
 - (e) Against a person or an individual close to him or her in connection with the performance by the former of his or her official or public duties;
 - (f) With the use of a weapon or special equipment (objects, devices, implements, etc.);
 - (g) In conditions of war or threat of war, internal political unrest or any other emergency, or under martial law;

shall be punishable by deprivation of liberty for a period from 5 to 10 years with forfeiture of the right to occupy certain offices or engage in certain activities for a period of up to 3 years.

- (3) If the acts specified in paragraphs (1) and (2) of this article result unintentionally in the death of the victim or other serious consequences, they shall be punishable by deprivation of liberty for a period of from 8 to 15 years with forfeiture of the right to occupy certain offices or engage in certain activities for a period of up to 3 years.

Note

No criminal liability shall be incurred for the infliction of severe pain or physical or mental suffering as a result of lawful acts (justifiable defence of oneself or others, etc.).”

10. Under article 28 of the Constitution, Turkmen citizens have the right to freedom of opinion and expression, and to receive information, with the exception of State or other secrets protected by law.

11. On 22 December 2012, the Turkmen parliament adopted the new Media Act, which governs relations in the field of the media, establishes the procedure for the gathering and preparation of information and its dissemination to the public, and defines the rights, duties and responsibilities of organizations involved in the preparation and dissemination of information, journalists and bodies that regulate their activities.

12. Article 2 of the Act states that, in regulating issues related to the establishment, operation and distribution of media publications, the relevant Turkmen laws must take the Constitution as their basis. If an international agreement of Turkmenistan establishes norms other than those provided for in the Act, the norms of the international treaty will apply.

13. The principles of State policy on the media, set out in article 4 of the Act, are as follows:

- The media in Turkmenistan are free. The State guarantees the freedom of the media to express an opinion. No one may prohibit or prevent the media from disseminating information that is in the public interest, except in accordance with the law;

- Turkmen citizens have the right to use any form of mass media to express their views or faith, and to search, receive and disseminate information;
- Turkmen citizens have the right to receive, through the media, information on the activities of government bodies, voluntary associations and officials;
- The freedom to gather, receive and disseminate information may not be restricted, except as provided for in law where necessary to protect the constitutional order, health, honour and dignity, a citizen's private life or public order;
- The founding, ownership and use of mass media are restricted, except in the cases provided for in the Act;
- Equal legal and economic conditions are established to ensure fair competition among organizations that prepare and disseminate information;
- Government bodies and voluntary associations monitor the situation to guarantee pluralism and fair competition among the mass media and prevent the abuse of dominant positions by organizations involved in the preparation and dissemination of information to the public;
- Information is prepared and disseminated in the media in the State and other languages;
- Legal entities and individuals have the right to demand that the editorial board of a media publication retract published information that does not correspond to reality or harms the honour or dignity of an individual or damages the business reputation of a legal entity;
- The media are entitled to State support for their activities;
- Turkmen citizens enjoy free access to information and materials from foreign media organizations;
- International cooperation in the field of the media is implemented in accordance with the international agreements of Turkmenistan.

14. Ownership of newspapers and magazines published in the country is determined in Presidential Decision No. 12892 of 6 March 2013 on the designation of owners of newspapers and magazines published in Turkmenistan, for the purposes of ensuring the successful continuation of the democratization of Turkmen society, safeguarding the constitutional right of Turkmen citizens to freedom of speech, systematizing the approach to issues related to the establishment, operation and distribution of media publications, familiarizing the international community with the exalted achievements of our homeland and the positive triumphs of the united Turkmen people, and inculcating in the young a sense of patriotism and pride in these lofty accomplishments.

15. Great attention is paid in the country to information policy, while work is under way to establish national information and communication infrastructure, and the legal, institutional, financial and educational framework is being put in place for the development of an information society.

16. Internet services are accessible sources of information for all citizens in the multi-ethnic country of Turkmenistan. Higher and secondary specialized educational institutions and secondary schools have access to global Internet services. Public Internet cafes have been opened in the capital and around the country. The number of users of Internet services has been growing significantly every year. The Communications Act, adopted on 12 March 2010, regulates the concession of Internet services.