

Danish
Health & Human Rights
Working Group

**Submission to the United Nations Committee Against
Torture for the April 2025 review of Turkmenistan during
the 82nd session (07 Apr 2025 - 02 May 2025)**

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students at University of Copenhagen with support of DIGNITY - Danish
Institute against Torture

January 2024

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Table of contents

Introduction.....	3
Theme 1. Conditions in Prisons	3
1.1 Overcrowding in Turkmenistan’s prisons	3
1.1.2 Questions to the State party	4
1.2 Lack of Adequate Healthcare and Medical Supplies	4
1.2.1 Medical examination and separation of infected and non-infected prisoners	4
1.2.2 Questions to the State party	5
1.2.3 Access to healthcare	5
1.2.4 Questions to the State party	7
Theme 2. Treatment in Prisons	7
2.1 Access to Outdoor Areas.....	7
2.1.1 Lack of access to outdoor areas in prisons	7
2.1.2 Questions to the State party	8
2.2 Solitary Confinement	8
2.2.1 Use of solitary confinement in prisons	8
2.2.2 Questions to the State party	9
Theme 3. The Ombudsperson and independent monitoring.....	9
3.1 The Ombudsperson Office in Turkmenistan, the monitoring mandate.....	9
3.1.1 Independent and unhindered monitoring.....	10
3.1.2 Questions to the State party	11
3.2 Access for Independent International Organizations	12
3.2.1 Questions to the State party	12
Appendix 1.....	13

Introduction

Turkmenistan ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) in 1999. On 07/12/2020, the State party submitted its third periodic report and on 04/09/2024 replied to the List of Issues (LOI). The State party has not ratified the Optional Protocol to the Convention against Torture (OPCAT) on 14/12/2024 and has not yet established a National Preventive Mechanism (NPM).

The purpose of this report is to assist members of the Committee against Torture (the Committee) in the examination of the State party report and reply to the LOI, including the dialogue with the State party. The report is based on documents from previous and current treaty body reviews of the State party as well as on open-source information and consultations with local and international stakeholders. The report does not address all topics in the State party report but rather selected topics of particular relevance to the health aspects of torture. It examines both conditions and treatment in prisons, the role of the Ombudsperson, and barriers to independent monitoring.

Theme 1. Conditions in Prisons

1.1 Overcrowding in Turkmenistan's prisons

Overcrowding can be defined as any occupancy rate exceeding 100¹. Furthermore, overcrowding can be considered based on the space per prisoner in the prison cells². Turkmenistan states in their State party report that occupancy rates are regulated under the legal framework, but it does not include details about the number of prisoners in specific prisons or the designed capacity of those facilities³. Additionally, they do not mention whether they acknowledge overcrowding in the Turkmen prisons, nor if they plan to reduce the occupancy rates. The overcrowding in Turkmen prisons⁴ can have severe health consequences including issues with hygiene, sleep, violence, abuse, and spread of disease⁵. A report from Turkmen Initiative for Human Rights (TIHR) and Turkmenistan's Independent Lawyers Association (TILA)⁶ provides the capacity and actual number of inmates of each prison in Turkmenistan which indicates almost three times as many prisoners as there is capacity for (Appendix 1).

¹The occupancy rate for a prison is the number of prisoners relative to the official capacity (design capacity) of that prison, multiplied by 100 from the European Union, 'Prison occupancy statistics', Eurostat, 2024, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Prison_occupancy_statistics

²Council of Europe: Committee for the Prevention of Torture, 'Living space per prisoner in prison establishments: CPT standards', CPT/Inf (2015) 44, 2015, <https://www.refworld.org/policy/legalguidance/coecpt/2015/en/109385>

³Turkmenistan, 'Third periodic report submitted by Turkmenistan under article 19 of the Convention, due in 2020 (CAT/C/TKM/3)' (Geneva: United Nations, 2020), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FTKM%2F3&Lang=en.

⁴Turkmen Initiative for Human Rights (TIHR) en International Partnership for Human Rights (IPHR), 'Current Key human rights concerns in Turkmenistan', 2017, <https://iphronline.org/wp-content/uploads/2017/04/TIHR-and-IPHR-briefing-paper-for-EU-Turkmenistan-HR-dialogue-2017.pdf>

⁵Dignity, 'Prison overcrowding fact sheet', 2019, <https://dignity.dk/wp-content/uploads/prison-overcrowding-factsheet-english.pdf>; Penal Reform International, 'Prison overcrowding: Key facts', n.d., <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/>

⁶Turkmen Initiative for Human Rights (TIHR) en Turkmenistan's Independent Lawyers Association (TILA), 'Turkmenistan's penitentiary facilities', december 2017, <https://en.hronikatm.com/2018/01/turkmenistans-penitentiary-facilities-report-by-tihr-and-tila>

Considering the described health consequences, this can lead to ill-treatment of the prisoners which may amount to a violation of art. 16 in the Convention⁷.

According to the World Population Review, Turkmenistan has the fourth highest incarceration rate in the world of 576 per 100.000 inhabitants⁸. This puts pressure on the already overcrowded prisons, worsening the associated health consequences. In the State party's response to the LOI⁹, Turkmenistan provides examples of recent renovations and facility expansions¹⁰. The response does not provide quantitative data on the prison population¹¹. The State party defines minimum living space per incarcerated person under the law but does not clearly clarify prison conditions¹². Akmuhammed Bayhanov, a former political prisoner in Turkmenistan who served part of his sentence in the Ovadan Depe prison, reports living in a cell of 12 people, which at best gives each prisoner 3,25m² in the cells in the Ovadan Depe prison¹³. These conditions may further deteriorate the prisoner's health, amounting to a potential violation of art. 16 of the Convention by not taking necessary measures to ensure better conditions¹⁴.

1.1.2 Questions to the State party

1. Considering the reported overcrowding in Turkmenistan's prisons that has persisted since the Committee's 2017 recommendations and is maintained by the fourth highest incarceration rate in the world, would the State party kindly clarify the specific measures planned to reduce this overcrowding, thereby decreasing the risk of ill-treatment?

1.2 Lack of Adequate Healthcare and Medical Supplies

1.2.1 Medical examination and separation of infected and non-infected prisoners

An initial medical examination within the first 24 hours is a crucial step in examining the prisoners, including but not limited to identifying healthcare needs and separating prisoners with infectious diseases from non-infected prisoners¹⁵, as set forth in the Nelson Mandela Rule 30. In the State party response to the LOI, Turkmenistan states improved conditions in prisons

⁷CAT called for the State party to reduce overcrowding in the Concluding Remarks from 2017 and asked for data on the overcrowding rates and the steps taken to reduce overcrowding in the List of Issues (LOI) (CAT, 2017; CAT, 2024).

⁸World Prison Brief, 'World Prison Population List', 14th edition, 2021, https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_14th_edition.pdf

⁹CAT requested data on the overcrowding rates and the steps taken to reduce overcrowding in the LOI (CAT, 2024).

¹⁰Turkmenistan, 'Replies of Turkmenistan to the list of issues in relation to the third periodic report. (CAT/C/TKM/RQ/3)' (Geneva: United Nations, 2024), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FTKM%2FRQ%2F3&Lang=en.

¹¹CAT requested information about the length of detention and alternatives to detention in order to reduce the prison population in the LOI (CAT, 2024).

¹²Turkmenistan, 'Third periodic report submitted by Turkmenistan under article 19 of the Convention, due in 2020 (CAT/C/TKM/3)'.

¹³Crude Accountability, 'TURKMENISTAN'S PRISON SYSTEM - Satellite Images Show What the Turkmen Government Will Not', October 2023, https://crudeaccountability.org/wp-content/uploads/Turkmenistan_Prison_System.pdf

¹⁴CAT recommends that the State party ensures adequate space for each prisoner in The Concluding Remarks (CAT, 2017).

¹⁵Convention against Torture Initiative (CTI), 'THE INITIAL MEDICAL ASSESSMENT OF DETAINEES UPON ADMISSION TOOL', 2021, <https://cti2024.org/wp-content/uploads/2021/12/CTI-Tool-10-Medical-Assessment-2021-ENG-FINAL.pdf>.

regarding communicable diseases, but they do not comment on the separation of prisoners¹⁶. TIHR and TILA¹⁷ stated that prisoners diagnosed with tuberculosis (TB) were not isolated in an appropriate time frame, increasing the spread of TB. They also provided examples of prisoners with active TB only being referred to the MR/B-15 hospital¹⁸ when they were close to death or by bribing the staff.

The State party report mentions the prisoner's right to medical examination, but it is not clearly defined to be within 24 hours, nor by an independent doctor¹⁹. According to the report from TIHR and TILA, the Law on Healthcare from 2015 states that an independent medical expert will perform examinations of prisoners²⁰. Geldy Kyarizov was a political prisoner who was found guilty of "negligence" and "abuse of power" and sentenced to six years in prison. His testimony focuses on his time in the Ovadan Depe Prison from 2006-2007²¹. The testimony states that when doctors did come to see the prisoners, they were not allowed to enter the cells, reducing the quality of the assessment. Furthermore, a Prove They Are Alive Campaign from 2019 lists 121 cases of disappearances in Turkmenistan with one key commonality being that none of these individuals have been seen by an external medical expert²². Failure to conduct a medical assessment by an independent doctor within 24 hours of a prisoner's arrival may constitute a violation of art. 16 of the Convention as it delays relevant treatment, potentially leading to ill-treatment of the prisoners²³.

1.2.2 Questions to the State party

1. Considering the Law on Healthcare from 2015 and the included requirement of independence for the medical professionals performing medical examinations of prisoners, could the State party please clarify the measures taken to ensure this independence?
2. Could the State party please explain the measures taken to ensure that medical examinations of prisoners are done in a timely manner, in order to minimize the risk of acquiring an infectious disease while in custody?

1.2.3 Access to healthcare

Prisoners must be treated with humanity and dignity, which entails ensuring that their place of detention does not hinder their access to healthcare under conditions equivalent to those

¹⁶Turkmenistan, 'Replies of Turkmenistan to the list of issues in relation to the third periodic report. (CAT/C/TKM/RQ/3)', 2024.

¹⁷Turkmen Initiative for Human Rights (TIHR) en Turkmenistan's Independent Lawyers Association (TILA), 'Turkmenistan's penitentiary facilities', december 2017, <https://en.hronikatm.com/2018/01/turkmenistans-penitentiary-facilities-report-by-tihr-and-tila>

¹⁸MR/B-15 Central Prison Special Hospital, Mary; designed for 550 people: 200 for ordinary patients and tuberculosis block for 350 prisoners which consists of 4 buildings fenced with barbed wire: <https://acca.media/en/5246/turkmenistan-237-people-died-in-prisons-due-to-pneumonia-exclusive/>

¹⁹Turkmenistan, 'Third periodic report submitted by Turkmenistan under article 19 of the Convention, due in 2020 (CAT/C/TKM/3)'.

²⁰Turkmen Initiative for Human Rights (TIHR) en Turkmenistan's Independent Lawyers Association (TILA), 'Turkmenistan's penitentiary facilities'.

²¹Prove They Are Alive!, 'Five months in Ovadan Depe: Testimonies about inhumane conditions in Turkmenistan's most notorious prison', 2017, https://provetheyarealive.org/wp-content/uploads/2017/06/Five_Months_in_Ovan_Depe.pdf.

²²Prove They Are Alive!, List of the Disappeared in Turkmenistan's Prisons, 2019, https://provetheyarealive.org/wp-content/uploads/2019/09/List-of-the-Disappeared-in-Turkmen-Prisons_Sept-2019_ENG.pdf

²³CAT recommended that the State party ensures the prisoners' right to a medical exam within the first 24 hours of their arrival at the prison by an independent doctor (CAT, 2017).

available to patients in the broader community²⁴. Turkmenistan stated that medical care is delivered in full accordance with the national health legislation and that prisoners are provided with sufficient medicines²⁵. Mansur Mingelov, a human rights activist from the Baloch minority, revealed human rights violations including torture and ill-treatment against his ethnic group, and in 2012 he was sentenced to 22 years in prison²⁶. Even though Mr. Mingelov had an X-ray indicating pulmonary tuberculosis, he was moved to penal colony LB-K/11 in 2018 without treatment, where his infection allegedly progressed. While also developing osteomyelitis, he was admitted to the sanitary unit of the penal colony where there was a lack of adequate medical services and supplies. According the Working Group on Arbitrary Detention and the Special Rapporteur on torture, Mr. Mingelov was eventually transferred to the MR-B/15 prison hospital and is currently being refused an official diagnosis that would secure him his immediate release²⁷. This reported treatment of Mr. Mingelov may constitute ill-treatment related to art. 16 of the Convention.

Inadequate access to healthcare under conditions equivalent to those available outside prisons is related to a lack of medical staff that could provide adequate healthcare to the prison hospitals²⁸. This is also a result of the lack of facilities as the central prison hospital is overcrowded by 230%²⁹. This can lead to inadequate care which might lead to ill-treatment indicating a violation of art. 16 of the Convention³⁰. In addition, medicine for diabetics is reported as not available, and there is a shortage of more common drugs such as antibiotics and nitroglycerin³¹. The report by TIHR and TILA³² found a shortage of medications which increased the risk of spread of disease. Further, they identified corruption in the healthcare system, as prisoners had to pay for medication that should have been free, and they were often required to bribe staff to get the medication. Shortage of medicine or corruption within the system may violate art. 16 of the Convention if it leads to inadequate medical treatment, worsens a prisoner's condition, or endangers their life³³.

²⁴C.V. Doosselaere, 'Lack of access to adequate medical treatment for prisoners can be considered cruel, inhuman or degrading treatment or torture', Human Rights Law Centre, 2013, <https://www.hrlc.org.au/human-rights-case-summaries/lack-of-access-to-adequate-medical-treatment-for-prisoners-can-be-considered-cruel-inhuman-or-degrading-treatment-or-torture>.

²⁵Turkmenistan, 'Third periodic report submitted by Turkmenistan under article 19 of the Convention, due in 2020 (CAT/C/TKM/3)'.

²⁶Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 'Ref.: AL TKM 1/2024', PALAIS DES NATIONS, 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29370>

²⁷Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 'Ref.: AL TKM 1/2024', PALAIS DES NATIONS, 2024

²⁸Crude Accountability 2023 'TURKMENISTAN'S PRISON SYSTEM - Satellite Images Show What the Turkmen Government Will Not' https://crudeaccountability.org/wp-content/uploads/Turkmenistan_Prison_System.pdf

²⁹Turkmen Initiative for Human Rights (TIHR) & Turkmenistan's Independent Lawyers Association (TILA), 2010 'Turkmenistan's penitentiary facilities': https://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201010/20101025_8-7penitentiary_en.pdf

³⁰In the List of Issues, CAT asked for data concerning healthcare staff, but the State party's Response does not provide the requested data (CAT, 2024; Turkmenistan, 2024).

³¹Prove They Are Alive! 2014, 'Five months in Ovdan Depe: Testimonies about inhumane conditions in Turkmenistan's most notorious prison'. https://provetheyarealive.org/wp-content/uploads/2017/06/Five_Months_in_Ovan_Depe.pdf

³²Turkmen Initiative for Human Rights (TIHR) en Turkmenistan's Independent Lawyers Association (TILA), 2010 'Turkmenistan's penitentiary facilities': https://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201010/20101025_8-7penitentiary_en.pdf

³³CAT recommended that the State party ensure adequate healthcare for prisoners, including access to medicine (CAT, 2017).

1.2.4 Questions to the State party

1. Could the State party kindly share planned measures to ensure consistent availability of essential medicines, such as those for diabetes and infectious diseases?
2. Could the State party please provide information on measures taken to address the alleged corruption in the prison healthcare system, including situations in which prisoners reportedly have to pay for medical treatment?
3. Given the reported shortage of healthcare staff in the prisons, how does the State party plan to resolve this issue, thereby potentially increasing the level of the medical care for prisoners?
4. Could the State party please share concrete information about the diagnosis of Mr. Mingelov who was sentenced to 22 years in prison in 2012 and has reportedly been experiencing continuing health issues related to tuberculosis, specifying why his diagnosis has not resulted in his release under the legal authority granted by The Presidential Decree number 202 from 2017?

Theme 2. Treatment in Prisons

2.1 Access to Outdoor Areas

2.1.1 Lack of access to outdoor areas in prisons

According to the State party report³⁴, Turkmenistan declared that the Ombudsperson visited certain detention centres to investigate their activities. Even though Turkmenistan stated that detainees have access to written materials for educational entertainment, they did not disclose any information concerning adequate access to outdoor areas at correctional institutions. During inspections in the course of 2019, the Ombudsperson witnessed considerable shortcomings with respect to the necessary infrastructure for exercise and sent a relevant recommendation for improvements. However, henceforth Turkmenistan did not describe the steps taken in that direction, mentioning only in the State party's response to the LOI³⁵ that the construction of a sports field at the institution LB-E/11 is underway.

Akmuhammed Bayhanov validated the irregular character of the provision of adequate access to outdoor air³⁶. Based on his testimony, there are times when detainees have access to outdoor air daily, while other times months pass without any access. The “Novemberists”³⁷ were completely prohibited from accessing open-air spaces. Such behaviours that could reflect

³⁴Turkmenistan, ‘Third periodic report submitted by Turkmenistan under article 19 of the Convention, due in 2020 (CAT/TKM/3)’; Turkmen Initiative for Human Rights (TIHR) & Turkmenistan’s Independent Lawyers Association (TILA), ‘Turkmenistan’s penitentiary facilities’, 2010: : https://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201010/20101025_8-7penitentiary_en.pdf.

³⁵Turkmenistan, ‘Replies of Turkmenistan to the list of issues in relation to the third periodic report. (CAT/TKM/RQ/3)’, 2024.

³⁶Crude Accountability, 2023 ‘TURKMENISTAN’S PRISON SYSTEM - Satellite Images Show What the Turkmen Government Will Not.’: https://crudeaccountability.org/wp-content/uploads/Turkmenistan_Prison_System.pdf

³⁷In November 2002, a group of individuals allegedly attempted to overthrow the Turkmen government in a coup attempt. Those arrested, charged, imprisoned, and in many cases disappeared, are known as the Novemberists.

intentional discriminatory acts as a means of retaliation might not align with the Nelson Mandela Rule 23³⁸ and may constitute ill-treatment according to art. 16 of the Convention.

2.1.2 Questions to the State party

1. What facilities, policies, and programs have been developed by the State party following the Ombudsperson's recommendations to support regular access to outdoor areas in prisons?
2. Could the State party please provide information on how it ensures that access to outdoor areas applies equally to all prisoners, including vulnerable groups?
3. What initiatives have been taken by the State party to secure the investigation of alleged cases of detainees who lack regular, equitable access to outdoor areas in prisons?

2.2 Solitary Confinement

2.2.1 Use of solitary confinement in prisons

In the LOI³⁹, the Committee requests information on any measures taken by Turkmenistan to establish an absolute maximum limit for the duration of solitary confinement at 15 days, in line with international standards. Despite this, Turkmenistan's response to the LOI does not provide additional information or clarifications regarding the use of solitary confinement.

Solitary confinement is reported to be used as a tool of repression in Turkmenistan's prisons, particularly against political prisoners⁴⁰. Notably, the Ovadan Depe and Akdash prisons are notorious for the use of solitary confinement as a means of torture of political prisoners and alleged coup conspirators ("Novemberists"). Solitary confinement as a punitive tool in these prisons involves small, unlit, poorly ventilated, and inadequately heated cells⁴¹. Bayhanov's testimonies have provided insights into a particular form of solitary confinement named "kartser"⁴². The "kartser" is a round, 3-meter-tall cell resembling a well, at the bottom of which a prisoner is placed as a punishment and means of torture. Prisoners in these conditions endure near-total darkness, with only a tiny window at the top allowing minimal light to filter in. Bayhanov reports dehumanising conditions in the "kartser", including no access to water and basic hygiene, starvation, and prohibition of communication, resulting in severe physical and psychological torture, with some inmates receiving life sentences in solitary confinement⁴³.

³⁸United Nations General Assembly (UNGA), 'United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (A/RES/70/175)', 2015, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

³⁹United Nations Committee Against Torture (CAT), 'List of issues in relation to the third periodic report of Turkmenistan (CAT/C/TKM/Q/3)' (Geneva: United Nations, 2024), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2F%2FTKM%2FQ%2F3&Lang=en.

⁴⁰Crude Accountability, 'TURKMENISTAN'S PRISON SYSTEM - Satellite Images Show What the Turkmen Government Will Not'. October 2023. https://crudeaccountability.org/wp-content/uploads/Turkmenistan_Prison_System.pdf; Prove They Are Alive! and Crude Accountability, 'The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan'. September 2014, <https://provetheyarealive.org/wp-content/uploads/2014/09/FInal-O-D-Report-September-2014-compressed.pdf>.

⁴¹Crude Accountability, 'TURKMENISTAN'S PRISON SYSTEM - Satellite Images Show What the Turkmen Government Will Not'. October 2023. https://crudeaccountability.org/wp-content/uploads/Turkmenistan_Prison_System.pdf; Prove They Are Alive! and Crude Accountability, 'The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan'. September 2014, <https://provetheyarealive.org/wp-content/uploads/2014/09/FInal-O-D-Report-September-2014-compressed.pdf>.

⁴²Crude Accountability, 'TURKMENISTAN'S PRISON SYSTEM - Satellite Images Show What the Turkmen Government Will Not'. October 2023, https://crudeaccountability.org/wp-content/uploads/Turkmenistan_Prison_System.pdf.

⁴³Crude Accountability; Prove They Are Alive! en Crude Accountability, 'The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan'. September 2014. <https://provetheyarealive.org/wp-content/uploads/2014/09/FInal-O-D-Report-September-2014-compressed.pdf>.

These conditions may amount to violations of art. 2, 11 and 16 of the Convention, due to their severe physical and psychological strain.

2.2.2 Questions to the State party

1. What measures are being taken by the State party to address reports of systemic abuse and extreme deprivation of hygiene, nutrition, and ventilation in solitary confinement cells, particularly in the Ovadan Depe and Akdash prisons?
2. How does the State party account for the routine use of solitary confinement as a punitive measure, and what mechanisms are in place to ensure this practice does not amount to torture or ill-treatment?
3. Has the State party taken any measures to establish a maximum duration for solitary confinement in line with international standards, such as the 15-day limit recommended by the Nelson Mandela Rules?
4. Given the allegations of torture via the use of kartser for solitary confinement in prisons, could the State party please provide details on this method of confinement and explain how it is used?
5. As per the Committee's request, could the State party please provide information on which prisons contain a kartser and how the use thereof is regulated and documented?

Theme 3. The Ombudsperson and independent monitoring

3.1 The Ombudsperson Office in Turkmenistan, the monitoring mandate

In 2016, the Committee recommended establishing a National Human Rights Institution (NHRI) with a mandate to independently monitor detention facilities, leading to creation of the Ombudsperson⁴⁴. The Ombudsperson, instated into the national constitution in 2016⁴⁵, is the authorized representative of human rights in Turkmenistan, cf. Artikel 1⁴⁶ of the Ombudsman Act⁴⁷. The Ombudsperson Office has the principal function of monitoring “civil and political human rights, including the rights of citizens enshrined in the Constitution of Turkmenistan”⁴⁸. To be elected, the Ombudsperson is suggested to the Mejlis (i.e., representative body exercising legislative power in Turkmenistan⁴⁹) by the President of Turkmenistan with two other candidates; a secret vote settles the nomination.⁵⁰ Yazdursun Gurbannazarova has held the

⁴⁴United Nations Committee Against Torture (CAT), ‘Concluding observations on the second periodic report of Turkmenistan (CAT/C/TKM/CO/2)’ (Geneva: United Nations, 2017), https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CAT%2FC%2FTKM%2FCO%2F2&Lang=en; United Nations Development Programme (UNDP), ‘National Action Plan on Human Rights in Turkmenistan for 2021-2025’, 2021, <https://www.undp.org/turkmenistan/publications/national-action-plan-human-rights-turkmenistan-2021-2025>.

⁴⁵On the 23rd of November of 2016, the Turkmen government legally instated the Ombudsman institution into the national constitution (Law of Turkmenistan 2016) which was followed by the creation of the Ombudsman office set in motion on the 20th of March 2017.

⁴⁶According to the Article 1 of the *About the Ombudsman* act, the role of the Ombudsman is “providing guarantees of the state protection of rights and freedoms of man and citizen, their observance and respect with public authorities, local government bodies and their officials” (Law of Turkmenistan 2016)

⁴⁷Law of Turkmenistan, ‘About the Ombudsman’ of November 23, 2016 No. 476-V’, Cis-legislation.com, 2016, <https://cis-legislation.com/document.fwx?rgn=91490>.

⁴⁸Ombudsman, ‘Report of the Commissioner for Human Rights in Turkmenistan - Ombudsman on his activities and the human rights situation in the country in 2023’, 2023, <https://tdh.gov.tm/ru/post/41214/doklad-upolnomochennogo-predstavatelya-po-pravam-cheloveka-v-turkmenistane-ombudsmena-o-ego-deyatelnosti-i-o-situacii-v-oblasti-prav-cheloveka-v-strane-v-2023-godu>.

⁴⁹About mejlis. <https://mejlis.gov.tm/mejlis-history?lang=en>.

⁵⁰Law of Turkmenistan, ‘About the Ombudsman’ of November 23, 2016 No. 476-V’.

position since its creation⁵¹. The Ombudsperson has a function of monitoring and investigating “complaints against decisions or actions of state authorities”⁵². For this report, we have focused on the Ombudsman’s task of monitoring.

In the third cycle of the Universal Periodic Report (UPR) in 2018, Turkmenistan received and accepted 16 recommendations to ratify the OPCAT and establish a NPM⁵³. The government has not yet adopted these recommendations and established an effective NPM⁵⁴. Since then, the Ombudsperson Office has released an annual report on the monitoring of human rights in Turkmenistan⁵⁵. However, these reports must first be submitted to the President of Turkmenistan and then to the Mejlis before being published on the Ombudsperson website and shared with the public⁵⁶. This process raises concerns about the possible censorship applied to these reports before its public release, thus disputing the independent reporting of the current situation of human rights in the country. In line with the Committee’s 2017 recommendations, ratification of the OPCAT is highly recommended to ensure the functional independence of the national preventive mechanisms as well as the independence of their personnel, cf. art. 18 of the OPCAT.

3.1.1 Independent and unhindered monitoring

Allegations about the lack of the ability of the Ombudsperson to monitor detention facilities independently without interference persist⁵⁷. An National Human Rights Institution (NHRI), in this case the Ombudsperson as mentioned above, is mandated to uphold and ensure respect for all human rights, democratic principles, and the rule of law at all times and without exception. It is expected to operate with the highest standards of vigilance and independence⁵⁸. In the National Human Rights Action Plan (NHRAP)⁵⁹, the Ombudsperson Office plays a vital

⁵¹ Turkmenportal, ‘The Report of the Ombudsman of Turkmenistan for 2023 has been published | Society, Turkmenistan, an Internet portal on cultural, business and entertainment life in Turkmenistan’, 2024, <https://turkmenportal.com/en/blog/79936/the-report-of-the-ombudsman-of-turkmenistan-for-2023-has-been-published>.

⁵² Law of Turkmenistan, ‘About the Ombudsman’ of November 23, 2016 No. 476-V’.

⁵³ According to the Optional Protocol to the Convention (OPCAT) art. 17 one or several independent national preventive mechanisms (NPM) must be designated or established for the prevention of torture at a national level, at least one year after ratification. Article 18 entails the guarantee of the functional independence of the NPM, and art. 19 grants the NPM minimum power to visit detention facilities and make recommendations to the authorities.

⁵⁴ Human Rights Watch, ‘Submission to the Universal Periodic Review of Turkmenistan.’, 2023, <https://www.hrw.org/news/2023/04/05/submission-universal-periodic-review-turkmenistan>.

⁵⁵ The most recent report is the “Report of the Commissioner for Human Rights in Turkmenistan - Ombudsman on his activities and the human rights situation in the country in 2023” (Ombudsman, 2023)

⁵⁶ Ibid

⁵⁷ United Nations Human Rights Committee, ‘Third periodic report submitted by Turkmenistan under article 40 of the Covenant, due in 2020’, 2020, <https://documents.un.org/doc/undoc/gen/g20/156/96/pdf/g2015696.pdf>; United Nations, ‘National Human Rights Institutions - History, Principles, Roles and Responsibilities’, 2010, https://www.ohchr.org/sites/default/files/Documents/Publications/PTS-4Rev1-NHRI_en.pdf; GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI), ‘GANHRI Sub-Committee on Accreditation Report -Second Session SCA 2024’, 2024, https://ganhri.org/wp-content/uploads/2024/11/SCA-Report-2nd-Session-2024_EN.pdf.

⁵⁸ GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI), ‘GANHRI Sub-Committee on Accreditation Report -Second Session SCA 2024’, 2024, https://ganhri.org/wp-content/uploads/2024/11/SCA-Report-2nd-Session-2024_EN.pdf.

⁵⁹ The National Human Rights Action Plan (NHRAP) for Turkmenistan (2021-2025) aims to strengthen the protection of human rights and includes 16 key objectives. Central to the plan are enhancing the investigative and monitoring functions of the prosecutor’s office to ensure fair and transparent prosecutions, improving law enforcement practices, and protecting human rights in detention facilities to prevent torture and inhumane treatment. Additionally, the NHRAP seeks to elevate legal standards through collaboration with international bodies and by promoting legal awareness and a culture of human rights across public institutions (UNDP 2021).

role in ensuring human rights protection, especially in terms of torture⁶⁰. Furthermore, a report from the IPHR⁶¹ states that the Ombudsperson Office lacks impartial monitoring of cases of torture and ill-treatment also caused by the absence of ratification of OPCAT hitherto. This lack of unrestricted access to detention facilities and the power to make recommendations limits its potential as a NHRI and arguably the compliance with art. 2.1 of the Convention.

In fact, based on the latest Ombudsperson's reports, all prisons comply with correct standards for human rights protection as well as sanitation measures. Yet, in the UPR 2023 report⁶², the Ombudsperson Office is criticized for a lack of independent and impartial judgement and monitoring of places of detention. Reports by civil organizations⁶³ denounce poor prison conditions, torture, and overall living conditions of the Ovadan Depe prison, violating both national and international law standards. These key points are yet to be tackled or mentioned in the hitherto Ombudsperson reports which implies that previous recommendations to ratify OPCAT have not been thoroughly implemented. Additionally, in October 2024, the Global Alliance of National Human Rights Institutions (GANHRI) accredited a "B" to the Turkmen Ombudsperson Office due to its only partial compliance with the Paris Principles, with specific references to the Paris Principles A.1, A.2, and A.3⁶⁴ ⁶⁵. Therefore, as of December 2024, UPR's recommendations to ratify OPCAT have yet to be implemented.

3.1.2 Questions to the State party

1. Given the recommendation from the Committee in 2017 to ratify the OPCAT, could the State party please provide information on what it is currently doing to comply with this recommendation?
2. Could the State party please provide information on the measures taken to implement consistent, independent monitoring, as recommended by the Committee in 2017?
3. Given the review and approval process of the Ombudsperson's reports, could the State party please provide information on how it ensures the independence of the Ombudsperson, in line with art. 2.1 of the Convention?
4. Given the allegations of torture and poor conditions in facilities like Ovadan Depe prison, could the State party please explain why such issues remain unaddressed in the Ombudsperson's reports?

⁶⁰ International Partnership for Human Rights (IPHR), 'Turkmenistan: Human rights groups highlight urgent issues for EU engagement', 2024, <https://iphronline.org/articles/turkmenistan-human-rights-groups-highlight-urgent-issues-for-eu-engagement/>.

⁶¹ International Partnership for Human Rights (IPHR), 'Turkmenistan: Human rights groups highlight urgent issues for EU engagement', 2024, <https://iphronline.org/articles/turkmenistan-human-rights-groups-highlight-urgent-issues-for-eu-engagement/>.

⁶² United Nations Human Rights Committee, 'Communication No. 2406/2014 : Human Rights Committee, 137th session, 27 February-24 March 2023 : draft recommendation / proposed by the Working Group', 2023, <https://digitalibrary.un.org/record/4008532>.

⁶³ Prove They Are Alive! 2014 'The Ovadan Depe: Medieval Torture in Modern Turkmenistan': <https://provetheyarealive.org/wp-content/uploads/2014/09/FInal-O-D-Report-September-2014-compressed.pdf>; Crude Accountability, 2023 'TURKMENISTAN'S PRISON SYSTEM - Satellite Images Show What the Turkmen Government Will Not.' https://crudeaccountability.org/wp-content/uploads/Turkmenistan_Prison_System.pdf ;

⁶⁴ Elessa, Yolande. GANHRI Sub-Committee on Accreditation Report – Second Session SCA 2024. November 19, 2024. https://ganhri.org/wp-content/uploads/2024/11/SCA-Report-2nd-Session-2024_EN.pdf.

⁶⁵ A. Competence and responsibilities ; 1. A national institution shall be vested with competence to protect and promote human rights. 2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence. 3. A national institution shall, inter alia, have the following responsibilities: (a)-(g): https://www.humanrights.dk/files/media/dokumenter/about_us/The%20Paris%20Principles.pdf

3.2 Access for Independent International Organizations

During the review of 2017, the Committee⁶⁶ has urged Turkmenistan to allow independent international organizations, such as the International Committee of the Red Cross (ICRC) to conduct unannounced monitoring of detention facilities. While Turkmenistan's State party report refers to annual plans with the ICRC for prison reform, it provides little detail on whether unannounced visits are permitted⁶⁷. The NHRAP includes objectives for improved detention conditions, but it does not specify provisions for regular, unannounced monitoring⁶⁸. According to the report and recommendations on of the Sub-Committee on Accreditation (SCA) in 2024, the Ombudsperson's Office needs to fulfill its mandate to develop, formalize, and maintain working relationships with a wide range of civil society organizations, referring to the Paris Principles C(f) and (g)⁶⁹ 70. International human rights monitors continue to be denied access and civil society faces challenges in conducting on-the-ground human rights monitoring⁷¹. Given the absence of updates on ICRC collaboration in Turkmenistan's response to the LOI, updates on their collaboration with the ICRC are requested.

3.2.1 Questions to the State party

1. Will the State party permit the ICRC to access detention facilities for independent monitoring?
2. How does the State party plan to address challenges faced by NGOs and civil society organizations in monitoring detention conditions, to ensure their effective participation in accountability processes?

⁶⁶ United Nations Committee Against Torture (CAT), 'Concluding observations on the second periodic report of Turkmenistan (CAT/C/TKM/CO/2)'.

⁶⁷ United Nations Human Rights Committee, 'Third periodic report submitted by Turkmenistan under article 40 of the Covenant, due in 2020'.

⁶⁸ United Nations Development Programme (UNDP), 'National Action Plan on Human Rights in Turkmenistan for 2021-2025', 202.

⁶⁹ GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI), 'GANHRI Sub-Committee on Accreditation Report -Second Session SCA 2024'.

⁷⁰ C. Methods of operation; (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the protection and promotion of human rights (in particular, ombudsmen, mediators and similar institutions); (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to protecting and promoting human rights, to economic and social.
https://www.humanrights.dk/files/media/dokumenter/about_us/The%20Paris%20Principles.pdf

⁷¹ Human Rights Watch, 'Turkmenistan: Human Rights Watch Submission to the United Nations Committee against Torture', 2011, <https://www.hrw.org/news/2011/04/30/turkmenistan-human-rights-watch-submission-united-nations-committee-against-torture>; International Partnership for Human Rights (IPHR) en Turkmen Initiative for Human Rights (TIHR), 'JOINT SUBMISSION FOR THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW (UPR) OF TURKMENISTAN For the 44th session session of the UPR Working Group in November 2023', 2023, <https://www.iphronline.org/wp-content/uploads/2023/09/Updated-UPR-TM-submission-August-2023.pdf>; International Partnership for Human Rights (IPHR) en Turkmen Initiative for Human Rights (TIHR), 'REVIEW OF TURKMENISTAN UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) Submission to the United Nations Human Rights Committee ahead of its review of Turkmenistan's third periodic report under the ICCPR at its 137th session', 2023, <https://www.iphronline.org/wp-content/uploads/2023/02/TIHR-IPHR-submission-to-the-HR-Committee-January-2023.pdf>; Turkmen Initiative for Human Rights (TIHR) en Turkmenistan's Independent Lawyers Association (TILA), 'Turkmenistan's penitentiary facilities'.

Appendix 1

Table with occupancy rates of Turkmen prisons (TILA & TIHR, 2017).

Facility name	Alternative name	Type	Estimated capacity	Number of inmates	Occupancy rate (%)
AG-D/1		pre-trial detention facility	320	735	230%
BL-D/5		pre-trial detention facility	200	560	280%
DZ-D/7		pre-trial detention facility	260	670	258%
MR-D/14		pre-trial detention facility	250	740	296%
LB-D/9		pre-trial detention facility	220	730	332%
AH-T/2	Ovadan Depe	Prison – penitentiary regime	460	1600	348%
AH-K/3	Ovadan Depe	Correctional facility	600	1900	317%
AH-K/6	the city of Tejen	Correctional facility	850	2400	282%
BL-K/4		Correctional facility	700	1300	186%
DZ-K/8	Dashoguz (female colony)	Correctional facility	1000	1800	180%
LB-K/10	Turkmenabadd	Correctional facility	450	1240	276%
LB-K/11	the city of Seidi	Correctional facility	700	2300	329%
LB-K/12	the city of Seidi	Correctional facility	2100	4300	205%
MR-B/15		Central hospital	400	920	230%
MR-K/16	Bairamali	Correctional facility	1100	3300	300%

MR-K/17	the city of Mary	Correctional facility	200	765	383%
MR-K/18	Bairamali	Correctional facility	800	2700	338%
BL-H	penal battalion	Military penitentiary unit	900	1270	141%
Total			11510	29230	254%