

Turkmenistan’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Lack of Domestic Violence Protection for Women and Girls

Submitted by

Progres Foundation

and

The Advocates for Human Rights

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Progres Foundation (“Progres” with one “s” as in the Turkmen language) is a non-profit organization based in the United States that supports various progressive initiatives that contribute to understanding of social realities, shaping a new vision and approaches to sustainable human development in Turkmenistan. There are two flagship informational portals established by Progres Foundation: Saglyk.org and Progres.online. Saglyk.org has been working to improve public health literacy in Turkmenistan over the last 13 years and has become a leading source of COVID-19 information in the Turkmen language. One of the focus areas of Saglyk’s work is to provide the public in Turkmenistan with access to quality sexuality and reproductive health and rights information. Saglyk has been developing public education content and covering domestic violence both as human rights and a public health emergency. Progres.online is an online analytical journal that promotes nuanced understanding of societal trends.

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education, training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 30 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

EXECUTIVE SUMMARY

1. This report addresses Turkmenistan’s compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with respect to domestic violence, including the current legislation to prevent and protect women from it. This report recommends that Turkmenistan adopts a number of key recommendations to better align its practices with its obligations under the Convention. These steps, among other things, include: (1) adopting comprehensive legislation to address gender-based violence (GBV) against women, and especially domestic violence; (2) developing and implementing programs to prevent gender-based violence and discrimination against women; (3) guarantying avenues of protection for victims, (4) fostering a safe environment for civil society organizations working on gender issues; and (5) ensuring accurate data is collected and divulged.

Turkmenistan fails to uphold its obligations under the Convention for the Elimination of All forms of Discrimination Against Women

2. Turkmenistan has ratified multiple treaties relevant to its obligations to prevent domestic violence, as well as its obligations to ensure equal rights to and protect women and girls from violence in Turkmenistan. Turkmenistan acceded to CEDAW on 1 May 1997, and ratified CEDAW’s Optional Protocol on 20 May 2009.¹ Turkmenistan also adopted the Beijing Platform for Action of the IV World Conference on Women on 1 September 1995. In April 2021, Turkmenistan was elected to the Executive Board of the UN entity on Gender Equality and Empowerment of Women (UN Women) for 2022–2024.²

I. Turkmenistan’s legislative framework and definition of discrimination against women (List of Issues, paragraph 4)

3. In its 2023 List of Issues, the CEDAW Committee (The Committee) requested further information about steps taken to amend the definition of discrimination against women, specifically regarding direct and indirect discrimination.³ The Committee also requested further information on steps taken to apply a gender-sensitive, rather than a gender-neutral approach, regarding legislation, policies, and programs.⁴
4. Despite legislative developments aimed at protecting women and girls, women in Turkmenistan lack adequate legal protection from harassment and violence, particularly domestic violence. Current legal provisions include Article 29 of Turkmenistan’s Constitution,

¹ OHCHR. "View the ratification by country or by treaty. Ratification Status for Turkmenistan." Accessed 21 Dec 2023, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=180&Lang=EN

² Turkmen State Publishing Service. Voluntary National Review of Turkmenistan on the progress of implementation of the Global Agenda for Sustainable Development,(2023), at 93, <https://hlpf.un.org/sites/default/files/vnrs/2023/VNR-2023%20Turkmenistan%20Report%20EN.pdf>

³ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the sixth periodic report of Turkmenistan*, UN. Doc. CEDAW/C/TKM/Q/6 (5 June 2023), ¶14

⁴ Ibid.

which ensures equality by punishing violations of equality based on gender.⁵ Additionally, Article 22(2) of the *2015 Law of Turkmenistan on Equality and Equal Opportunities for Men and Women* guarantees and ensures protection from physical or psychological violence in families;⁶ and Article 3.2(8) of the *Family Code of Turkmenistan* prevents any form of violence against any member of the family.⁷ As detailed in paragraphs 6-9, Despite these legal provisions, the various codes and infrastructure lack comprehensive domestic violence legislation, specialized courts, civil protective orders, criminalization of marital rape, and legal frameworks that promote, enforce and monitor gender equality.⁸

5. The National Action Plan on Gender Equality (NAPGE 2015-2020) was designed to examine Turkmenistan's legislation and potentially adopt a law criminalizing gender-based violence. The National Human Rights Action Plan (NHRAP 2016- 2020) included steps to introduce amendments to the Criminal Code. These steps, however, have been delayed and moved to the National Action Plan on Gender Equality for 2021–2025 and the National Plan on Human Rights for 2021-2025, with plans to increase or strengthen legislative measures and state policies. It is important to note that, as of today, the National Action Plan on Gender Equality for 2021-2025 has not been published online, which creates barriers to evaluating its goals and progress.
6. No specific timeline for the law on domestic violence in Turkmenistan has been set. Instead, the Criminal Code criminalizes instances of domestic violence through other offenses, such as degradation, humiliation, cruelty, and the infliction of various types of bodily injury. Law enforcement agencies frequently choose to qualify domestic violence offenses as an "administrative offense." Only if the offense is committed repeatedly against the victim is it considered a criminal offense.⁹
7. As described in the annexed document *Comments by The Advocates for Human Rights on the Criminal Code, Administrative Offenses Code, and Criminal Procedural Code of Turkmenistan*,¹⁰ existing domestic legislation, including these laws, lacks adequate protection for victim-survivors of domestic violence. A specific domestic violence provision is essential, focusing on protection, prosecution, prevention, and partnerships. While the current legislation addresses some forms of violence against a person, the provisions do not adequately address violence relating to low-level injuries, threats of bodily harm, and the use of power and control in relation to domestic violence.¹¹ Firsthand information from a victim recounted violence from

⁵ Constitution of Turkmenistan, 2016 [Gazette of the Mejlis of Turkmenistan, 2016, No. 3, Art. 131], <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/1> .

⁶ *Law of Turkmenistan on Equality and Equal Opportunities for Men and Women* [Gazette of the Mejlis of Turkmenistan, 2015, No. 3, Art. 98], <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/304>

⁷ Family Code of Turkmenistan, 2012 [Gazette of the Mejlis of Turkmenistan, 2012, No. 1, Art. 9], <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/539>

⁸ UN Women, "Turkmenistan", last accessed 12 Dec. 2023, <https://data.unwomen.org/country/turkmenistan>

⁹ Criminal Code of Turkmenistan, 2022, [Gazette of Milli Gengesh of Turkmenistan, 2022, No. 1-2, Art. 11] . <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/560>

¹⁰ Referenced document is annexed to the current submission.

¹¹ Criminal Code of Turkmenistan (2022). See Articles 107 on Intentional Infliction of Harm to Health of Moderate Severity; Article 108 on Intentional Infliction of Harm to Health of Moderate Severity; Article 109 on Intentional

“physical, emotional, and economic to at times sexual violence.” According to this testimony, the victim reported “various injuries: bruises, once a broken finger, wounded lips, and pulled hair;” and there were “[casual death threats] and non-casual threats of dishonor and shame when he felt that I was on the brink of leaving him after another serious argument.” The victim also stated, “in the beginning, this was more about control, jealousy and emotional abuse, which was already something hard to deal with.” Yet Turkmenistan’s current legislation would be inadequate in addressing this conduct or providing adequate protection for the victim.¹²

8. Analysis of Turkmenistan’s Criminal Code revealed the existence of provisions that place victim-survivors at risk. For example, the use of “immorality” in regard to the actions of the victim as a mitigating factor in sentencing reinforces harmful stereotypes of women and poses the risk an abuser will not be held accountable for his violence.¹³ Such provisions open up the law for potential manipulation by the abuser to use against his victim. In addition, provisions about rape and forcing a person to have sexual intercourse fail to address consent, as well as lacking inclusion of other forms of criminal sexual conduct such as contact.¹⁴
9. The Administrative and Criminal Procedure Codes require further reforms to enhance victim safety and offender accountability. The Administrative Code currently contains a provision on warnings¹⁵ that fails to convey a message of zero tolerance for domestic violence the state should be sending. Warnings offer offenders a second, third, or even endless chances to escape punishment instead of promoting accountability. The Criminal Procedure Code includes provisions that restrict the access to justice of individuals enduring domestic violence. For example, Articles 31 and 33 of the Criminal Procedural Code may exclude *ex officio* prosecution in some crimes that may constitute domestic violence and also rely on the cooperation of the victim in order to proceed with prosecution. Article 31 also states that reconciliation of the parties should trigger termination in crimes that may involve instances of domestic violence.¹⁶ Lastly, this legislation lacks adequate socio-economic and safety support for victim survivors.
10. Based on testimonials shared with the authors via the *Progress Online Survey on Domestic Violence*, lack of effective laws and institutional capacity results in infrequent interactions with police and other responders to provide protection from the violence or else in police involvement that comes too late.¹⁷ In several instances, testimonials indicated domestic violence incidents that resulted in the deaths of the victim or her child.¹⁸ In one of the few reported interactions with the police, the police did intervene immediately to stop the witnessed

infliction of grievous bodily harm in a state of passion; and Article 114 on Threat of Murder or Grievous Bodily Harm.

¹² Testimony on file with the authors (2023).

¹³ Criminal Code of Turkmenistan. See Article 56 on circumstances mitigating liability and Article 102 on Murder committed in a state of passion.

¹⁴ Id. See Article 132 on Rape and Article 135 on Forcing a person to have sexual intercourse.

¹⁵ Code of Turkmenistan on Administrative Offenses (2013). [Gazette of the Mejlis of Turkmenistan, 2013, No. 3, Art. 52]. See Article 43 on Warnings.

¹⁶ Criminal Procedure Code of Turkmenistan (2009) [Gazette of the Mejlis of Turkmenistan, 2009, No. 2, Art. 29].

¹⁷ Testimony on file with the authors (2023).

¹⁸ Ibid.

violence but nevertheless hesitated to take the lead on the case. Instead, the responsibility to report the case fell to the victim. The victim stated, “Their actions were not consistent. If anything, they acted more like good citizens than well-trained police officers. If anything, they failed to reassure me I was safe, and I could rely on their protection.” Fearing repercussions from the abuser on reporting the case, the victim fled the scene, and the police let the abuser go after his insistent claims this was “a family matter.”¹⁹

II. Turkmenistan fails to address stereotypes and harmful practices impacting women and girls (List of Issues, paragraph 10)

11. The Committee, in its 2023 List of Issues, requested further information about pressures faced by girls and women to abide by gender stereotypes, such as women’s free choice of dress and appearance,²⁰ the ability to freely travel alone, and the right to drive.²¹ The Committee also requested further information about systems in place to protect women from harassment, violence, intimidation, and coercion by society to comply with the restrictions.²²
12. The State Party mentioned in its response that between 2018 and June 2023, 18 international trainings and seminars were conducted on women’s rights, gender equality, domestic violence against women, during which 28 judges and other judicial officers were trained. Between 2018-2022, 145 internal affairs officers participated in 52 seminars on gender equality held in Turkmenistan and abroad, and 30 representatives of the youth organization participated in 22 seminars on gender equality organized by international organizations.²³
13. The State party also reported that in an effort to diminish the stereotypes, plans were made between police, other law enforcement agencies, the Women’s Union of Turkmenistan and the Youth Organization of Turkmenistan. The plans included meetings and conversations at educational institutions. In the period of 2018-2022, eight training sessions were held in more than 5,000 training groups on topics related to gender-based violence in the internal affairs bodies of Turkmenistan.²⁴
14. Despite funds from the international community for awareness-raising and educational purposes, a lack of active widespread public education, manuals for teachers, doctors, and police training remains persistent in the country, as does the absence of mechanisms to report, investigate, and prevent harmful stereotypes, discrimination, and violence.
15. In the meantime, based on the Progres Foundation 2023 report *Digital Violence as a Mirror to Offline Realities*, gender stereotypes are persistent in social media spaces, often spiking hate speech against women and girls, which was the most common theme especially in the Turkmen

¹⁹ Ibid.

²⁰ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the sixth periodic report of Turkmenistan*, UN. Doc. CEDAW/C/TKM/Q/6 (5 June 2023), ¶10

²¹ Ibid. ¶10

²² Ibid. ¶10

²³ Committee on the Elimination of Discrimination against Women, *Replies of Turkmenistan to the list of issues and questions in relation to its sixth periodic report*, UN. Doc. CEDAW/C/TKM/RQ/6, (27 September 2023), ¶ 12.

²⁴ Ibid. ¶ 12

language (34%) and mostly shared by men (69%).²⁵ Often “such information is spread by those hiding their identity, using online space to spread misogynistic content and fuel negativity and hate without accountability.”²⁶

III. Gender-based violence against women (List of Issues, paragraph 11)

16. The Committee, in its 2023 List of Issues, requested further information about “measures taken to dismantle the patriarchal attitudes that are at the root of gender-based violence against women,” including those that associate the reporting of such violence with “dishonoring” the family.²⁷ The Committee also requested information about steps taken to adopt a comprehensive law and efforts made to criminalize violence against women and girls, specifically violence online.²⁸ Finally, The Committee inquired about efforts to increase gender-based violence reporting, protect victims, and establish a data collection mechanism for these cases.²⁹
17. The State Party, in its response, noted that an assessment of existing practices to prevent and address domestic violence against women was conducted with technical assistance from UNFPA.³⁰ Under the NAPGE (2015-2020), Turkmenistan conducted its first-ever sample survey, *Health and Status of a Woman in the Family in Turkmenistan*, aiming to identify and analyze key aspects of violence against women.³¹ Finally, a roadmap for the implementation of the survey recommendations for 2022-2025 has been developed, which includes improving legislation, developing a law to prevent domestic violence, and building a coordinated support system for victims.³²
18. In its August 2022 report, the State Party also indicated that the Ministry of Labour and Social Protection of Turkmenistan, in cooperation with UNFPA and the NGOs Keyik Okara in Ashgabat and Beyik Eyyam in Lebap velayat, has been piloting specialized services to help women who are victims of domestic violence. Between 2021 and 2022, 129 men and 1,557 women were provided counseling. 39 men and 591 women were provided social and psychological support, 790 women and 27 men were provided legal support, and 1,001 women and 32 men were provided social support. 70 individuals received specialized case handling, while 18 women and 1 man were provided temporary safe housing.³³

²⁵ Progres and Saglyk. Digital Violence as a Mirror to Offline Realities What does the public in Turkmenistan think about the status of women? (2023). https://progres.online/wp-content/uploads/2023/05/Digital_Violence_Full_Report_en.pdf

²⁶ Ibid.

²⁷ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the sixth periodic report of Turkmenistan*, UN. Doc. CEDAW/C/TKM/Q/6 (5 June 2023), ¶11.

²⁸ Ibid. ¶11.

²⁹ Id. 10.

³⁰ Committee on the Elimination of Discrimination against Women, *Replies of Turkmenistan to the list of issues and questions in relation to its sixth periodic report*, UN. Doc. CEDAW/C/TKM/RQ/6, (27 September 2023).

³¹ Ibid.

³² Ibid.

³³ Committee on the Elimination of Discrimination against Women, *Sixth periodic report submitted by Turkmenistan under article 18 of the Convention, due in 2022*, UN. Doc. CEDAW/C/TKM/6 (10 August 2022), ¶47.

19. In Turkmenistan, public pressure remains a significant barrier for women to report and seek help for violence. According to reports, the majority of women (80.1%) only seek assistance when they cannot endure the violence any longer. Further, a substantial number (26.1%) fear that their husband/partner might kill them, and 23.5% seek help due to threats to their children. These statistics indicate that most women seek help after the violence has escalated. Additionally, around 31.2% of women do not want help, and those who do often turn to their families (23.8%) rather than relevant organizations (11.9%).³⁴ This data suggests a need for increased public awareness, training, and trust-building with relevant service providers, as well as specialized training for those service providers on the best practice responses to domestic violence.
20. The same report indicates the number of women who have ever sought help from the police for domestic violence was only 9.8%. The number of women who sought help elsewhere was even lower: courts (5.9%), medical institutions (3.8%), and local elders (3.2%).³⁵ Mistrust of the authorities and their ability to help was among the reasons indicated in gathered testimonials as to why women did not seek help in the police. One individual stated “they don't believe there could be any help received,” while another explained “nobody taught us to go to the police or to a doctor.”³⁶ In some instances, mistrust in institutions was also based on the connections the abuser had with the police or higher-ranking authorities. One testimony reported “...this guy had friends at police, so contacting them wasn't an option.” Another person wrote “...if a person like her boyfriend has connections, it is hard to imagine her getting help she needed, also because she was ethnically Russian, and he was Turkmen, the language and ethnicity gives him a lot of privilege in this case.” In the only case mentioned of interaction with medical staff, the testimonial indicated that the victim did not receive sufficient help, no actions were taken afterwards, and the staff was “very rude.”³⁷
21. One common theme among the testimonies was the perception that women do not report domestic violence due to shame and fear of public judgment, citing “it [the judgment] will spread and it can be shameful then on the whole family.”³⁸ Other individuals shared “I was hiding my injuries from my family. I was really ashamed”; “she didn't go anywhere [for assistance] because of fear, she only shared it with me,” and; “the victim doesn't want anyone to know. They feel ashamed.” Others shared “I wouldn't go because I was ashamed to reveal what was happening,” and “she was just too afraid.”³⁹
22. The report *Health and Status of a Woman in the Family Status in Turkmenistan* has also indicated that only 0.4% seek assistance from women's organizations. The report does not

³⁴ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA. *Health and Status of a Woman in the Family in Turkmenistan. Report on the results of the national sample survey.* (2021, Ashgabat, Turkmenistan) at 31-4.

https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report_health_and_status_of_a_woman_in_the_family_in_turkmenistan.pdf

³⁵ Ibid.

³⁶ Testimony on file with the authors (2023).

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

elaborate on which women’s organizations they refer to, what kind of support these organizations provide and whether they are connected to the only known NGO hotlines, Keyik Okara and Beyik Eyyam. Yet, 0.4% reflects a situation that very few women know of or trust organizations that could provide help.

23. Testimonies collected by the authors show that many individuals emphasized this lack of knowledge about socio-economic and psychological support for victims, including access to and knowledge about available shelters. Testimonies reported: “I have not looked for or heard of any shelters back then. I did not even know this kind of thing existed;” another stated “if there are shelters, they are not advertised well or at all, which means they are not accessible.”⁴⁰ Several others expressed the desire for such safe haven, with one woman stating, “I wish there were shelters where women could stay with her children. Where she could be provided with food and clothing, also a way she could gain her financial freedom;” another opined, “I wish the government provided shelter to women escaping such situations.”⁴¹ There was only one example of a person sharing the contact information of an NGO providing shelter and services for victims.⁴² Although there are organizations that provide help, such support is limited, poorly advertised, and likely poorly equipped and underfinanced. The only shelter known to the Progres Foundation is the one run by Keyik Okara in Ashgabat. The government does not mention the existence of other shelters, which are vital in protecting women from domestic violence, especially when the laws and systems actors’ responses are inadequate.
24. Recent research, including the report *Digital Violence as a Mirror to Offline Realities*, revealed that content promoting violence against women and girls online, including domestic violence, is prevalent.⁴³ According to findings, the absence of informative and educational content to engage the youth and the public in general is likely contributing to increased incidences of hateful speech and domestic violence against women and girls in Turkmenistan.⁴⁴
25. Due to the absence of any other educational resources in Turkmenistan, Progres Foundation’s health portal, Saglyk,⁴⁵ is the only place where Turkmen speakers can learn about domestic violence and its impact, with an emphasis on public health costs for families and society. Saglyk consistently develops content explaining that domestic violence should not be considered only a private family matter. The content provided by Saglyk includes advice from lawyers and doctors, and explains the cycles of violence and types of violence. They also provide a comparison of the level of protection from intimate partner violence in the region and globally. In addition, the Saglyk team has developed comprehensive content concerning

⁴⁰ Ibid.

⁴¹ Ibid. The name of the NGO was not indicated.

⁴² Ibid.

⁴³ Progres Foundation and Saglyk. *Digital Violence as a Mirror to Offline Realities* What does the public in Turkmenistan think about the status of women? (2023). https://progres.online/wp-content/uploads/2023/05/Digital_Violence_Full_Report_en.pdf

⁴⁴ Progres Foundation and Saglyk, *Supplementary Report for the Adoption of List of Issues for the CEDAW Pre-session Working Group for the 87th session*, (April 7, 2023).

⁴⁵ See more about the project at <https://www.saglyk.org/english/about-us.html>

women's health, access to abortion, contraception, family planning, as well as child mortality and its causes,⁴⁶ and guidance for journalists on how to report on domestic violence.

26. The attitudes described above in paragraph 14 are reflected in Progres Foundation's report, "*Digital Violence as a Mirror to Offline Realities*."⁴⁷ Comments primarily came from the 2022 August video containing scenes of domestic violence in a public space, a beauty salon. In the video, a man is brutally attacking a woman, who appears to be his wife. The video was first published by independent media⁴⁸ and then went viral, including meme pages. This video was rare as it made it to the public where it generated much discussion among social media users both within and outside of Turkmenistan. Many comments reflected harmful misperceptions that "family matters are private and sacred," and "they should never be up for public discussion." These sentiments were common throughout many of the comments addressed to the page and account. Other comments included: "...you shouldn't have shared this video with the public;" "No need to get into other people's lives and put it on display...." or; "No, at least smooth things out at home, why [do you] need to do this in public." Despite this public reaction, there was counter-response on the importance of sharing this publicly to keep the abuser accountable.⁴⁹
27. Saglyk began the *Dymma!* (Don't be silent!) campaign in 2020 in which anonymous stories are published from readers who are victims or witnesses of various forms of domestic violence (physical, psychological, sexual), harassment, and discrimination against women in public and private spheres. Saglyk received and published 22 stories, which resonated with followers on social media, and the campaign quickly became one of the most-read sections on the Saglyk digital platforms. In the stories involving sexual or physical abuse and violence, women and girls are heavily traumatized, scared, worn out, depressed, and even suicidal because of their experiences.⁵⁰ However, most of them remain silent due to shame, victim-blaming or not having/knowing of a reliable confidant to turn to. In most experiences, a pattern of rejection and blame has risen when women and girls disclose their horrific experiences to partners or in-laws. Only mothers seem to be understanding and supportive of their daughters. "She understood and didn't judge," writes one of the authors of the anonymous stories, and "she took part in helping me return to a normal life without suicidal thoughts and destructive habits."⁵¹ Another person wrote, "After 4 months, I told my mom everything and she immediately got me out of that house (the house of the harassing uncle)."⁵² With the exception of one abusive driver who was reported to the police, perpetrators are not held accountable. Often, victims expressed feeling helpless and a lack of awareness of avenues for legal recourse.⁵³

⁴⁶ Progres Foundation. Supra note 45.

⁴⁷ Progres and Saglyk. Supra note 44.

⁴⁸ See more at <https://turkmen.news/poboi-salon-krasoty/>

⁴⁹ Progres and Saglyk. Supra note 44.

⁵⁰ Data on file with the authors.

⁵¹ Original text "И моя мама [...] поняла и не осудила. Она приняла участие в том, чтобы помочь мне вернуться к нормальной жизни без суицидальных мыслей и деструктивных привычек."

⁵² Original text "Son 4 ay sonra ejeme hemmezady aytdym we ol meni tizden tiz ol jaydan chykardy."

⁵³ Data on file with the authors.

IV. Data collection and analysis (List of Issues, paragraph 11)

28. In its 2023 List of Issues, the Committee inquired about “whether a mechanism has been set up to regularly collect, analyze and publish statistical data on incidents of all forms of gender-based violence against women, disaggregated by sex, age, ethnicity, geographical location and the relationship between the victim and the perpetrator, as well as on the number of complaints received, investigations carried out, prosecutions conducted and convictions won and on the sentences imposed on perpetrators.”⁵⁴
29. In its State Party report, Turkmenistan noted that the Information Centre of the Ministry of Internal Affairs of Turkmenistan collects and analyzes data on instances of all forms of violence, and keeps records of the number of complaints received, investigations completed, and cases of criminal prosecution.⁵⁵
30. The domestic violence survey portion of the NAPGE (2015-2020) and NHRAP (2016- 2020) was continuously delayed and eventually changed to the *Health and Status of a Woman in the Family in Turkmenistan* survey that was eventually conducted in 2020 as part of the implementation of objectives of the first NAPGE for 2015-2020. It was the first survey that shed light on domestic violence statistics in the country.⁵⁶ The government reluctantly acknowledged the existence of domestic violence in Turkmenistan for the first time. Since Turkmenistan became independent 32 years ago, there has been no information or discussion on this issue.
31. The survey report offers constructive language for discussing domestic violence and confirms its harm on the women and girls of Turkmenistan. While it urges the development of a domestic violence law, there has been no public education on the results of the survey and its importance by the government agencies or UNFPA Turkmenistan. According to the report, 12% percent of women in Turkmenistan have experienced physical or sexual violence from an intimate partner at some point.⁵⁷ This percentage is markedly lower than and contradicts the generally recognized rate of one in three women who experience domestic violence globally. This data also overlooks that 59% of the women surveyed justify the violence under certain circumstances.⁵⁸

⁵⁴ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the sixth periodic report of Turkmenistan*, UN. Doc. CEDAW/C/TKM/Q/6 (5 June 2023), ¶ 11.

⁵⁵ Committee on the Elimination of Discrimination against Women, Sixth periodic report submitted by Turkmenistan under article 18 of the Convention, due in 2022, UN. Doc. CEDAW/C/TKM/6 (10 August 2022), ¶113

⁵⁶ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA. *Health and Status of a Woman in the Family in Turkmenistan. Report on the results of the national sample survey*. (2021, Ashgabat, Turkmenistan). https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report_health_and_status_of_a_woman_in_the_family_in_turkmenistan.pdf

⁵⁷ Ibid.

⁵⁸ The State Committee of Turkmenistan for Statistics and UNICEF. 2020. 2019 Turkmenistan Multiple Indicator Cluster Survey. Survey Findings Report. Ashgabat, Turkmenistan: State Committee for Statistics of Turkmenistan and UNICEF.: <https://mics-surveys->

32. The UNFPA survey report does not mention of comprehensive support for women fleeing domestic violence. According to the report, the country counts two hotlines for domestic violence and human trafficking.⁵⁹ However, neither of them publishes data or information on how and where they work, nor the general profile of their callers. Further, to the best of the authors' knowledge, the hotlines have not been mentioned on state media platforms. The absence of public information and outreach creates barriers to access to such services by individuals. Interactions with individuals on social media demonstrate the public is uninformed and distrustful of their services.⁶⁰ UNFPA and the British Embassy, which fund the hotlines, have not responded to Progres Foundation inquiries on information about the programs.⁶¹ The exhibited dynamic exemplifies that there is an urgent need for dialogue and information on domestic violence in Turkmenistan.⁶²
33. As of November 31, 2023, UNFPA, the leading author of the report, has not shared any content from the report on its Instagram or Twitter accounts. Moreover, no campaign or content on domestic violence has been produced by the Ministry of Health, the State Statistics Committee, or the Institute of State, Law and Democracy of Turkmenistan.⁶³
34. Furthermore, although the State claims to collect and analyze disaggregated data on gender-based violence, document complaints, conduct investigations, and prosecute criminal cases, the actual extent of reported and investigated domestic violence cases remains undisclosed to the public.⁶⁴ The lack of transparency extends to the handling of cases, the number of individuals reporting incidents of violence, and the overall efficacy of the implemented measures. Consequently, the substantial gap of data results in our inability to monitor and evaluate the effectiveness of these efforts.
35. Finally, regarding policy implementation to eliminate discrimination against women and girls, the Sustainable Development Goal (SDG) gender equality indicators are the least observed in Turkmenistan, with major gaps in key areas, such as domestic violence. Only 20.6% of indicators needed to monitor the SDGs from a gender perspective were available.⁶⁵

V. Civil society, non-governmental organizations and women human rights defenders (List of Issues, paragraph 14)

36. In its 2023 List of Issues, the Committee requested information about steps taken to “further simplify registration requirements for civil society organizations.” The Committee also

prod.s3.amazonaws.com/MICS6/Europe%20and%20Central%20Asia/Turkmenistan/2019/Survey%20findings/Turkmenistan%202019%20MICS%20SFR_English.pdf

⁵⁹ Institute of State et al. *supra* note 57.

⁶⁰ Data on file with the authors.

⁶¹ *Ibid.*

⁶² Progres Foundation and Saglyk, *Supra* note 45.

⁶³ *Ibid.*

⁶⁴ Data on file with the authors.

⁶⁵ UN Women, *Turkmenistan*, last accessed 12 Dec. 2023, <https://data.unwomen.org/country/turkmenistan>

requested to ensure adequate support, including financial, is provided, especially for the establishment and operation of independent women's human rights organizations.⁶⁶

37. In its replies to the list of issues and questions report, the government indicated that *the 2014 Public Associations Act* guarantees citizens' constitutional rights to form voluntary associations. According to the State Party, citizens can freely create public associations without prior authorization from government bodies, and they have the right to join such associations as long as they adhere to their statutes. The Act allows appeals in court for decisions refusing registration and ensures that refusal to register does not hinder resubmission. The Act also ensures that refusals may be challenged in court. The government further reported that August 2020 amendments further simplified state registration, removing certain restrictions.⁶⁷
38. Despite such developments for civil society,⁶⁸ there has been no visible or tangible progress. Turkmenistan has the least developed civil society sector in Central Asia. As of 2023, there are only 136 registered Public Associations (PA) in Turkmenistan,⁶⁹ with only four new unspecified PAs registered in 2022.⁷⁰ The majority of these registered organizations are government-affiliated organizations⁷¹ working mostly in areas such as culture, promotion of national heritage, sports, youth, social rights, and environment.⁷²
39. Additionally, an absence of economic resources continues to hinder the effectiveness of the existing civil society organizations (CSOs). Many, both inside and outside of the county, have poor organizational capacity and are struggling with funding due to restrictions.⁷³ These governmental restrictions have resulted in a limited number of donors willing to contribute to the organizations. This has also resulted in limited international cooperation options for the organizations.⁷⁴

⁶⁶ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the sixth periodic report of Turkmenistan*, UN. Doc. CEDAW/C/TKM/Q/6 (5 June 2023), ¶14.

⁶⁷ Committee on the Elimination of Discrimination against Women, *Replies of Turkmenistan to the list of issues and questions in relation to its sixth periodic report*, UN. Doc. CEDAW/C/TKM/RQ/6, (27 September 2023), ¶¶ 114-118.

⁶⁸ International Center for Non-Profit Law, "Civic Freedom Monitor » Turkmenistan" (12 Jul. 2018) <https://www.icnl.org/resources/civic-freedom-monitor/turkmenistan>; Bertelsmann Stiftung, "BTI 2022 Country Report — Turkmenistan. Gütersloh: Bertelsmann Stiftung" (2022), last accessed 25 Dec. 2023, <https://bti-project.org/en/reports/country-report/TKM>

⁶⁹ Press Release, OHCHR, *Experts of the Committee on the Elimination of Racial Discrimination Commend Turkmenistan's Cooperation with the United Nations, Ask Questions on Civil Society Organisations Representing Ethnic Minorities and Measures to Prevent Statelessness*, (22 August 2023), <https://www.ohchr.org/en/news/2023/08/experts-committee-elimination-racial-discrimination-commend-turkmenistans-cooperation>

⁷⁰ U.S. Department of State, "2022 Country Reports on Human Rights Practices: Turkmenistan," Accessed Dec. 25, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/turkmenistan/>

⁷¹ United States Agency for International Development Bureau for Europe and EuroAsia, *The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia (2014)*, https://2012-2017.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf

⁷² Ibid.

⁷³ Although this assessment was first elaborated in 2014, the same issues persist to this day, exemplified by the lack of progress in any area. See more online at https://2012-2017.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf 230

⁷⁴ Turkmenistan UNCT. *2021 UN Turkmenistan Annual Results Report (March 2022)*, https://turkmenistan.un.org/sites/default/files/2022-05/UNCT_CountryReport2021_EN_web%20final_1.pdf;

40. Meanwhile, the State controls and restricts access to independent information in all media formats: broadcast, print media and internet.⁷⁵ There is zero coverage of independent CSOs and their work in the national media. In recent years, the government has also intensified crackdown on VPNs and other internet circumvention tools to bypass online censorship and access independent information.⁷⁶
41. Finally, when it comes to gender-based violence against women and domestic violence, there is a lack of will for active awareness-raising campaigns that would include collaboration with the media, capacity building of journalists and NGOs, development of sensitive language, and guidelines for covering and working on gender-based violence and discrimination against women.

Suggested recommendations for the Government of Turkmenistan

42. We respectfully suggest the CEDAW Committee provide the following recommendations to the Government of Turkmenistan:
- Collect and publish comprehensive statistical data on gender-based violence disaggregated by age, sex, and relationship between the victim and the perpetrator regularly, at least annually, including the work of Keyik Okara in Ashgabat.
 - Draft a law addressing gender-based violence and domestic violence in line with CEDAW and other international human rights standards, and with the meaningful participation of civil society on the conception and drafting of the law, in particular those working on women's rights, as a matter of priority. Such a law should include protection measures for victims and their dependents with effective remedies and appropriate enforcement.
 - i. Develop comprehensive tools to estimate the risk of serious harm, escalation of violence and homicide in domestic violence cases, and put in place procedures to minimize this risk.

Turkmenistan UNCT, 2022 UN Turkmenistan Annual Results Report (March 2023), https://turkmenistan.un.org/sites/default/files/2023-05/UN_AnnualReport_2022_EN.pdf

⁷⁵ IPHR & TIHR, Joint Submission for The United Nations Universal Periodic Review (UPR) of Turkmenistan. For the 44th session of the UPR Working Group in November 2023 (March 2023), <https://www.iphronline.org/wp-content/uploads/2023/04/Joint-UPR-report-on-Turkmenistan-March-2023.pdf>

⁷⁶ Mediazona, "Turkmen.news: Turkmenistan blocked access to Cloudflare services, with the help of which two-thirds of websites in the country operated" [Turkmen.news: в Туркменистане заблокировали доступ к сервисам Cloudflare, с помощью которых работали две трети сайтов в стране] (14 July 2022), <https://mediazona.ca/news/2022/07/14/cloudflare>; Хроника Туркменистана [Chronicle of Turkmenistan] "There are again interruptions in access to the Internet and VPN applications in Turkmenistan" [В Туркменистане снова перебои с доступом к интернету и VPN-приложениям] (July 18, 2022), <https://www.hronikatm.com/2022/07/no-internet-and-vpn-access/>; EuroAsiaNet, "Turkmenistan: Net loss," (Aug 1, 2023), <https://eurasianet.org/turkmenistan-net-loss>; International Partnership for Human Rights (IPHR), "Turkmenistan: Increasing internet censorship and ongoing persecution of dissent, despite welcome releases", (15 January 2023), <https://www.iphronline.org/turkmenistan-increasing-internet-censorship-and-ongoing-persecution-of-dissent.html>

- Amend the Criminal Code, Criminal Procedure Code, and Administrative Code in line with the authors' commentary appended to this shadow report on an urgent timeframe.
- Address the stigmatization of women who are victims of gender-based violence, including domestic and sexual violence, which deters them from reporting cases by implementing public-awareness campaigns, with substantive guidance from civil society organizations.
- Allocate and provide human and financial resources to the Ministry of Labor and Social Protection and the Ministry of Health to prioritize the work on deepening gender inequality in Turkmenistan.
- Conduct awareness-raising campaigns to remove stigma and barriers around seeking protection and to prevent discrimination and violence against women, and about the nature of domestic violence and the power dynamics associated with gender. These campaigns must include:
 - i. Task the Ministry of Labour and Social Protection of Population, and the Ministry of Health with educating the public on existing support and complaints mechanisms for gender-based violence and domestic violence.
 - ii. Task the Ministry of Labour and Social Protection of Population, and the Ministry of Health with educating the public on existing support and complaints mechanisms for gender-based violence (GBV) against women and domestic violence.
 - iii. Develop national hotline services by setting up one phone number that is available 24/7 and is free, and publicize its work so the public learns about the available services.
- Establish mandatory training for judges, prosecutors, police, social workers, psychologists, and health-care workers on the dynamics of violence against women and on conducting victim-centered investigation procedures in cases of GBV against women.
- Ensure that assistance and services are specialized and meet the specific needs of women victims of violence, including:
 - i. Support for victims both to prevent and address violence. This includes mental health services, access to long-term counseling, affordable housing, childcare support, more accessible and quality legal assistance, and employment opportunities.
 - ii. Fund stakeholders that provide services and immediate protection to victims.
- Allow victims to file complaints without parental or legal guardian involvement, and ensure access to free legal aid, medical assistance, psychosocial counseling, and rehabilitation.
- Publish national protocols for health care professionals and law enforcement officers that have been developed in collaboration with UNFPA and civil society organizations.

- Allow the creation and registration of nonprofit groups, specifically those working on issues of gender-based violence, both in the capital and velayats, and provide opportunities for collaboration between the State party and civil society organizations.
- Take measures to create an enabling environment for media and journalists to report incidents of domestic violence by involving media in awareness raising campaigns, providing specialized training for journalists reporting on gender-based violence, and by publishing formal guidelines for these journalists.