

**NGO Joint Parallel Report on the Government of Turkmenistan's
Fifth Report on the Implementation of the
International Convention Against Torture, and other Cruel,
Inhuman, or Degrading Treatment or Punishment**

*Submitted to the
UN Committee Against Torture
for consideration in the formulation of the
List of Issues during the 82nd Pre-Sessional Working Group*

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PURPOSE OF THIS PARALLEL REPORT

(1) The purpose of this parallel report is to assist the Committee against Torture in the formulation of the List of Issues during the 82nd Pre-Sessional Working Group (7 Apr. 2025 – 2 May 2025), leading to the discussion of the Government of Turkmenistan’s Fifth Periodic Report on the implementation of the Convention Against Torture, and other Cruel, Inhuman, or Degrading Treatment or Punishment (“CAT” or “Covenant”). Turkmenistan acceded to the Covenant on 25 June 1999.¹

(2) Unfortunately, gender inequality is widespread in Turkmenistan. Sexual and reproductive healthcare, specifically resources, data and information, are inadequate or lacking altogether. This is exacerbated by state-controlled media and its failure to disseminate scientific knowledge and evidence-based information. Sexual and reproductive health information is desperately needed for women to have an opportunity to reach their full potential, particularly to ensure health, economic security and legal protections.

(3) This report recommends that change should originate in school curriculums and be reinforced by removing regulations and restrictions that deny women and girls their right to bodily autonomy. Further, we propose that adequate reporting processes for discriminatory virginity testing must be created and utilized, and meaningful family planning initiatives must be implemented. Turkmenistan’s third periodic report, submitted in November 2023, does not reference abortion care, comprehensive sexuality education, virginity testing or family planning.² However, we do recognize and commend the attention brought to gender-based violence within and outside the family in the state report.³

¹ International Covenant against Torture, and other Cruel, Inhuman, or Degrading Treatment or Punishment, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=180&Lang=EN [last accessed 27 Jan. 2025].

² CESCR, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023*, E/C.12/TKM/3, 28 Nov. 2023.

³ *Ibid.* at para. 135-36.

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(5) Science for Democracy is a Brussels-based NGO that promotes the right to science as a structural component of liberal democracies through dialogue between the scientific community and decision-makers all over the world.⁴

(6) The International Human Rights Center of Loyola Law School, Los Angeles is committed to achieving the full exercise of human rights by all persons and seeks to maximize the use of international and regional political, judicial, and quasi-judicial bodies through litigation, advocacy, and capacity-building.⁵ Loyola Law School, Los Angeles is the school of law of Loyola Marymount University, a Jesuit university.

(7) Progres Foundation is a non-governmental organization based in the United States. Progres Foundation works to support various progressive, educational initiatives that benefit the public in Turkmenistan. Saglyk.org has been working to improve public health literacy in Turkmenistan over the last 14 years. Progres.online is an online analytical journal that promotes better, nuanced understanding of the societal trends in Turkmenistan by providing quality research and policy analysis. Progres.online is a journal by and of Progres Foundation³ Saglyk.org, an informational portal, provides the public in Turkmenistan with access to quality sexuality and reproductive health and rights information.⁷

BACKGROUND

(8) Science-based best practices and structural changes in sexual and reproductive health systems in Turkmenistan are urgently needed.⁸ Due to the lack of public health data and comprehensive information on sexual and reproductive health issues, gender health inequalities are deeply entrenched in Turkmenistan.⁹

(9) The government of Turkmenistan heavily restricts access to information through a highly censored Internet and no freedom of media.¹⁰ For example, the government removes negative information and criticism of the country and its policies from the Internet and intentionally makes the Internet speed very slow.¹¹ The government warns opponents to not speak with outside foreign journalists about the human rights problems within its borders.¹² Journalists often face threats of physical harm, arrest, and prosecution.¹³ The state media is the main resource for information in Turkmenistan and, even more troubling, the government recently announced a plan to build a sovereign Internet that will be disconnected from the global Internet.¹⁴

(10) The government oversees and directly controls almost all print media in the State, including books.¹⁵ It also blocks

⁴ <https://sciencefordemocracy.org/> [last accessed 17 Apr. 2024].

⁵ <https://www.lls.edu/academics/centers/internationalhumanrightscenter/> [last accessed 17 April 2023].

⁶ <https://progres.online/about-us/> [last accessed 17 Apr. 2024].

⁷ <https://saglyk.org/english/about-us.html> [last accessed 23 Apr. 2024].

⁸ Aynabat Yaylymova, *Women's health in Turkmenistan: 'Silence strips us of agency. This must change.'* The Guardian, 31 Jan. 2023, <https://www.theguardian.com/global-development/2023/jan/31/turkmenistan-womens-health-change-saglyk> [last accessed 4 Apr. 2024].

⁹ *Ibid.*

¹⁰ Human Rights Watch, *Turkmenistan Events of 2024*, last updated 2024, <https://www.hrw.org/world-report/2025/country-chapters/turkmenistan> [last accessed 16 Feb. 2025].

¹¹ Progres, *The State Directed Internet Blockade Continued in Turkmenistan in 2023*, 13 Feb. 2024, <https://progres.online/reports/internet-freedom/the-state-directed-internet-blockade-continued-in-turkmenistan-in-2023/> [last accessed 24 Sept. 2024].

¹² U.S. Bureau of Democracy, Human Rights, and Labor, *2023 Country Report on Human Rights Practices: Turkmenistan*, p. 12, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/turkmenistan/> [last accessed 10 Feb. 2025].

¹³ *Ibid.*

¹⁴ Progres, *The State Directed Internet Blockade Continued in Turkmenistan in 2023*, *supra* note 11.

¹⁵ U.S. Bureau of Democracy, Human Rights, and Labor, *2023 Country Report on Human Rights Practices: Turkmenistan*, *supra* note 12.

access to websites, finding more than 122,000 domains to be blocked, and virtual private network connections.¹⁶ The government actively surveillances the activities of activists and their relatives, with authorities harassing, detaining, or arresting political activists, in addition to the detention and interrogation of family members of activists.¹⁷ The State has yet to prove the election processes are free and fair, with elections conducted via secret ballots and no alternative candidates being available.¹⁸

(11) With information suppression rampant in Turkmenistan, knowledge and scientific information about health is scarce and often inaccessible, especially on matters the government finds controversial. For example, throughout the Coronavirus pandemic, data and information about how to stay safe was unavailable to the public.¹⁹

(12) Regrettably, information concerning women's healthcare is also largely absent in Turkmenistan. The government's failure to provide fundamental and essential knowledge has dire outcomes for women and girls. A recent study found that nearly 60% of women in Turkmenistan feel unable to make autonomous decisions on issues like healthcare, contraception, and giving consent to sex.²⁰ According to the latest United Nations Population Fund (UNFPA) figures, only 50% of Turkmen women who are married or in a relationship are using a modern form of contraception.²¹ And across all women aged 15-49, 8% have an unmet need for family planning.²²

(13) Turkmen women's lives are significantly impacted by patriarchal social norms. These discriminatory social standards are contributing to the government's failure to provide sexual and reproductive health information. Turkmenistan has recently imposed additional discriminatory restrictions on women.²³ Reports suggest that many women are not allowed to obtain driver's licenses and bans are being enforced to prevent hair coloring, cosmetic use, manicures, and tight-fitting clothing.²⁴

(14) These restrictions are extremely problematic, yet these day-to-day choices are not all that is at stake in Turkmenistan. In fact, women's physical and mental well-being are at risk simply from being born female. The findings of "The Health and Status of a Woman in the Family Survey"²⁵ in 2022 revealed that 16% of women in the country have experienced some form of abuse by an intimate partner, and 12% have been exposed to physical or sexual violence.²⁶ The 2019 Turkmenistan Multiple Indicator Cluster Survey found that a majority of women (58%) accept and justify intimate partner violence.²⁷ Over 40% of women experience extreme social control including bans on

¹⁶ *Ibid.* at p. 9-10.

¹⁷ *Ibid.*

¹⁸ *Ibid.* at p. 20.

¹⁹ Hashim Talib Hashim, Ahed El Abed El Rassoul, John Bchara, Attaullah Ahmadi, Don Eliseo Lucero-Prisno, III, *COVID-19 Denial in Turkmenistan Veiling the Real Situation*, Arch Public Health, 4 Jan. 2022, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8724746/>

²⁰ UNFPA, *Empowering women and young people in Turkmenistan Ensure reproductive rights for all*, 2021, p. 21, https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/united_nations_population_fund_in_turkmenistan_2021-2025_web_0.pdf [last accessed 18 Apr. 2024].

²¹ UNFPA, *World Population Dashboard Turkmenistan*, <https://www.unfpa.org/data/world-population/TM> [last accessed 16 Feb. 2025].

²² *Ibid.* at p. 12.

²³ https://www.state.gov/wp-content/uploads/2024/04/528267_TURKMENISTAN-2023-HUMAN-RIGHTS-REPORT.pdf p 26-28

²⁴ Farangis Najibullah and RFE/RL's Turkmen Service, *Beauty Ban: Turkmenistan Puts Severe Restrictions on Women's Appearance, Ability to Travel*, Radio Free Europe/Radio Liberty, 4 May 2022, <https://www.rferl.org/a/turkmenistan-restrictions-women-appearance-travel/31834476.html> [last accessed 3 Feb. 2025].

²⁵ Economic Commission for Europe: Conference of European Statisticians, *Gender Statistics in Turkmenistan in the light of Survey on the Health and Status of a Woman in the Family*, 18 Apr. 2023, https://unece.org/sites/default/files/2023-04/E3_WP17_Yamatov_EN.pdf [last accessed 18 Apr. 2024]. This is the first-ever research to measure the prevalence of violence against women in families. For many years, the country did not have methodologically sound and comparable data on violence against women making the phenomenon invisible and difficult to address leaving thousands of women vulnerable and unprotected against violence including physical, sexual, psychological and economic.

²⁶ *Ibid.* at p. 1.

²⁷ note 26, MICS 2019 data in Turkmenistan does not include men, yet other countries do include men in the survey. Thus, it is unclear what men think about domestic violence (DV) and how many would justify it. Considering that 60% of women do

women working outside of the home, restrictions women leaving the house, and their access to public space.²⁸ The survey also demonstrated that women subjected to husband/partner violence are more likely than women without experience of such violence to face problems with reproductive health. Among women who experienced physical and/or sexual violence by their husband/partner, 33.5% resorted to an abortion, 26% had a miscarriage, and 6.3% gave birth to stillborn children.²⁹

(15) In an effort to promote gender equality and remedy these concerns, Turkmenistan developed two National Action Plans on Gender Equality in Turkmenistan (NAPGE) between 2015-2020 and 2021-2025.³⁰ The commitments include addressing gender-based violence against women, collecting data and statistics, and reproductive health and rights.³¹

(16) Despite these commitments, since President Serdar Berdimukhamedov's appointment in March 2022, Turkmenistan's government has further restricted women's equal rights,³² including women's rights to reproductive and sexual health.³³ In April 2022, the government made public a law restricting abortion access from 12 weeks to just five weeks, long before many women even know they are pregnant.³⁴

(17) The following sections explain how Turkmenistan is failing to fulfill its duties and obligations under the Covenant (specifically Articles 1, 2.1, and 4) because of inadequate comprehensive sexuality education, virginity testing in schools, and failing to provide meaningful contraceptive and family planning services and information.

TURKMENISTAN FAILS TO FULFILL ITS INTERNATIONAL OBLIGATIONS UNDER THE COVENANT CONCERNING TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT

1) The criminalization of abortion enables an environment of torture for women and girls' bodily autonomy

(18) The law in Turkmenistan restricts abortion access after only five weeks, a point in pregnancy before most women even realize they are pregnant.³⁵

(19) This prohibition of abortion affects women and their reproductive health decisions and obstructs the enjoyment of their human rights. Criminalizing abortion violates the right against torture based on discrimination

justify DV, it is likely that even more men justice DV. Therefore, the data provided may not be reflective of the true situation in Turkmenistan.

²⁸ UNFPA Health and Status of a Woman in the Family in Turkmenistan, [https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report health and status of a woman in the family in turkmenistan.pdf](https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report%20health%20and%20status%20of%20a%20woman%20in%20the%20family%20in%20turkmenistan.pdf) p 15-16

²⁹ See Figure 1, note 26 at p. 9.

³⁰ note 26 at p. 2. NAPGE for 2021-2025 has not been published online yet.

³¹ *Ibid.* at p. 2-3.

³² Other restrictive laws include: imposing a virtual ban on abortion care, enforcing a ban on a range of beauty services, forbidding women from sitting in the front seat of private cars, and prohibiting male taxi drivers from offering rides to women. See International Planned Parenthood Federation, *Turkmenistan ramps up policing of women's bodies*, 12 May 2022, <https://europe.ippf.org/news/turkmenistan-ramps-policing-womens-bodies> [last accessed 18 Apr. 2024]; Serdar Aitakov, *Turkmenistan: Car and Beauty Bans Further Erode Women's Rights*, Institute for War & Peace Reporting, 9 May 2022, <https://iwpr.net/global-voices/turkmenistan-car-and-beauty-bans-further-erode-womens-rights> [last accessed 18 Apr. 2024].

³³ International Planned Parenthood Federation, *Turkmenistan ramps up policing of women's bodies*, 12 May 2022, <https://europe.ippf.org/news/turkmenistan-ramps-policing-womens-bodies> [last accessed 18 Apr. 2024].

³⁴ Aynabat Yaylymova, *Turkmenistan cut our abortion rights overnight. Our 'allies' did nothing*, Open Democracy, 4 May 2022, <https://www.opendemocracy.net/en/5050/turkmenistan-abortion-rights-five-weeks-un-eu/> [last accessed 18 Apr. 2024].

³⁵ Amnesty International, *Turkmenistan 2023*, <https://www.amnesty.org/en/location/europe-and-central-asia/eastern-europe-and-central-asia/turkmenistan/report-turkmenistan/> [last accessed 17 Feb. 2025].

which such pain and suffering being inflicted via acquiescence of public officials (art. 1), the right to legislative action prevented against such torture (art. 2.1).³⁶

(20) The law in Turkmenistan is vague in its reach, leaving women vulnerable to prosecution if they self-manage their abortions. The law limits legal abortion for social or medical reasons up to 22 weeks, thus getting an abortion after five weeks for these reasons requires women to provide evidence to a medical committee for seeking an abortion and must obtain approval, a difficult hurdle for most women to overcome. After 22 weeks gestation, abortion may be permitted for medical reasons but requires a council of doctors to approve the procedure.³⁷ However, a Turkmen doctor quoted by RadioFree Europe/Radio Liberty, has said “authorities don’t even take into consideration the exemptions that the law allows.”³⁸ Doctors have been warned by the Health Ministry and law enforcement about the possibility of their licenses being taken away if they perform abortions, encouraging them to deny doctor’s appointments to people seeking pregnancy termination.³⁹

(21) Article 1 of the covenant protects against torture, meaning “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person ... for any reason based on discrimination of any kind, when such pain or suffering is ... [at the] acquiescence of a public official.”⁴⁰ Restrictions on abortions may put women’s health and lives at risk or may otherwise cause severe physical or mental pain and suffering.⁴¹ This Committee has found complete bans to constitute prima facie torture, as it may cause preventable maternal death.⁴² The most recent statistics on maternal mortality rates in Turkmenistan are from the World Health Organization in 2020, which states 5 out of 100,000, with discrepancies being found when compared to Turkmenistan reports which report 2.4 per 100,000.⁴³ However, there are currently no updated statistics since the adoption of the 5 week abortion law enforcement began in 2022.⁴⁴

(22) Article 2.1 of the Covenant recognizes that “[e]ach State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”.⁴⁵ By criminalizing doctors and discouraging from performing abortions through warnings of license voiding, the State is not taking effective measures to prevent these acts of torture. The change in law from 12 weeks to 5 weeks regarding the criminalization of abortion has led to increases of illegal abortions, bribery, and dangerous methods.⁴⁶ The denial of abortion services often leads to maternal mortality and morbidity and this Committee has recognized the role that unsafe abortion plays in contributing to these medical conditions.⁴⁷ Additionally, the criminal code allows for doctors’ who perform abortion outside of legal grounds for up to two years of correctional labor or two years of

³⁶ Covenant on Torture (CAT), Art. 1, Art. 2.1.

³⁷ *Turkmenistan Law on Public Health*, 2015, <https://abortion-policies.srhr.org/documents/countries/03-Turkmenistan-Law-on-Public-Health-2015.pdf#page=9> [last accessed 27 Nov. 2024]; *Turkmenistan Penal Code*, 1997, <https://abortion-policies.srhr.org/documents/countries/02-Turkmenistan-Criminal-Code-2013.pdf> [last accessed 27 Nov. 2024].

³⁸ Najibullah, Farangis, *Turkmenistan’s Crackdown On Abortion Puts Lives At Risk, Doctors Warn*, 2024, RFE/RL’s Turkmen Service, <https://www.rferl.org/a/turkmenistan-crackdown-on-abortion-putting-lives-at-risk/33093207.html>. [last accessed, 17 Feb. 2025].

³⁹ *Ibid.*

⁴⁰ CAT, Art. 1.

⁴¹ *Reproductive Rights Violations as Torture or Ill-Treatment*, Center for Reproductive Rights, https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/Reproductive_Rights_Violations_As_Torture.pdf. [last accessed 17 Feb. 2025].

⁴² *Ibid.*

⁴³ *Maternal Mortality in Turkmenistan: Data, Challenges, and Questions*, Progres, 2024, <https://progres.online/society/maternal-mortality-in-turkmenistan-data-challenges-and-questions/#:~:text=To%20reduce%20maternal%20mortality%2C%20the,the%20prevalence%20of%20HIV/AIDS>.

⁴⁴ *The authorities of Turkmenistan warn doctors about the possible deprivation of diplomas for abortions*, Radio Azatlyk, 2024, <https://rus.azatlyk.com/a/vlasti-turkmenistana-preduprezhdayut-vrachey-o-vozmozhnom-lishenii-diplomov-za-provedenie-abortov/33086156.html>.

⁴⁵ CAT, Art. 2.1.

⁴⁶ RFE/RL’s Turkmen’s Services, *Turkmenistan’s Crackdown on Abortion*.

⁴⁷ *Reproductive Rights Violations as Torture or Ill-Treatment*, Center for Reproductive Rights.

prison if done with no license.⁴⁸ With 1.6 million women of reproductive age, Turkmenistan only provides 95 reproductive health offices and 76 licensed gynecologists in the whole country.⁴⁹

(23) The CAT committee have found that, “denial of access to and restrictions on abortion where it is otherwise legal may constitute a violation of CAT.” In Turkmenistan, doctors are being forced to deny women abortions, including women seeking an abortion within the 5-week period.⁵⁰ A quote by one anonymous doctor in Turkmenistan has found, "Due to the inability to have an abortion, girls sit for hours in water with potassium permanganate, that is, potassium permanganate, to provoke a miscarriage. It's very dangerous for human health. In addition, they take large doses of drugs that cause menstruation, which is also harmful to health."⁵¹

(24) General Comment 2 imposes obligations on States parties to "prohibit, prevent, and redress torture and ill-treatment in all contexts of custody or control, for example, ... hospitals, schools," when it comes to satisfying article 2.1 of the convention.⁵² Costs for clandestine abortions are higher than the average monthly salary, leaving women with less economic and education opportunities trapped in unsafe relationships.⁵³ This is especially problematic given the high rates of domestic violence in Turkmenistan.⁵⁴

(25) Cases of domestic violence are underreported in Turkmenistan, with cultural pressure to maintain honor to their families.⁵⁵ One in six were found to have experienced violence from a partner, current or past, with less than 12% reporting to the police.⁵⁶ While Turkmenistan has made efforts to criminalize domestic violence with new laws, they have yet to produce any outcomes due to underreporting, unawareness of rights, and/or increased fear of violence. As the Committee has stated in General Comment 2, States are held responsible for failure to provide due diligence in terms of prevention of violence committed by private actors.⁵⁷

II) Comprehensive sexuality education is necessary for gender empowerment and the enjoyment of rights under the Covenant

(26) Under Article 1 of the Covenant, the acquiescence of the government allowing discriminatory based torture is especially seen through lack of seen through lack of school-based comprehensive sexuality education (CSE), which is an “essential component” of a quality education and is central to guaranteeing sexual and reproductive health, which are at risk under current abortion laws.⁵⁹ In Turkmenistan, there have a sharp increase of teenage pregnancies, with the health and lives of these girls at risk due to their lack of options.⁵⁸ Young people must have the tools and information necessary to make “healthy and respectful” decisions concerning relationships, sex, and reproduction.⁶⁰ CSE does not exist within the schools in Turkmenistan. Education on reproductive health and rights in Turkmenistan, alongside gender equality and life skills education is covered as part of the Basics of Life Skills mandatory subject for grades 7-10 in secondary schools. However, the education is abstinence-focused and does not cover contraception,

⁴⁸ RFE/RL's Turkmen's Services, *Turkmenistan's Crackdown on Abortion*.

⁴⁹ *Imbid*.

⁵⁰ Ismailov, Vagit, *Doctors in Turkmenistan Ordered Not To Perform Abortions*, Times Central Asia, 2024, <https://timesca.com/doctors-in-turkmenistan-ordered-not-to-perform-abortions/>.

⁵¹ Radio Azatlyk, *The authorities of Turkmenistan warn doctors about the possible deprivation of diplomas for abortions*.

⁵² Committee Against Torture, *Convention against Torture: General comment 2*, section IV, para. 15, UN, 2008, <https://docs.un.org/en/CAT/C/GC/2>, [last accessed: 20 Feb. 25].

⁵³ World Health Organization, *Abortion*, 25 Nov. 2021, <https://www.who.int/news-room/fact-sheets/detail/abortion> [last accessed 18 Apr. 2024]; Eirliani Abdul Rahman, *Abortion bans trap victims in a cycle of domestic violence*, Harvard Public Health, 22 July 2022, <https://harvardpublichealth.org/equity/how-abortion-bans-trap-victims/> [last accessed 18 Apr. 2024].

⁵⁴ Economic Commission for Europe: Conference of European Statisticians, *Gender Statistics in Turkmenistan in the light of Survey on the Health and Status of a Woman in the Family*, *supra* note 26 at p. 1.

⁵⁵ Nurmagambetova, Mia Tarp, *Turkmenistan remains unsafe for women*, Global Voices, 2023, <https://globalvoices.org/2023/12/05/turkmenistan-remains-unsafe-for-women/#:~:text=One%20in%20every%20six%20women,family%E2%80%9D%20by%20reporting%20their%20abuse.>

⁵⁶ *Imbid*.

⁵⁷ CAT Committee, *General Comment 2*, section IV, para. 18.

⁵⁸ Radio Azatlyk, *The authorities of Turkmenistan warn doctors about the possible deprivation of diplomas for abortions*.

sexuality education or gender-based violence. Therefore, reaching out to every adolescent in Turkmenistan to teach them about contraception and sexuality is not realistic.

(27) In addition, the website of the Ministry of Education does not provide curriculum information and programs for schools, hence it is not clear what is in the government's plan when it comes to sexuality education. education on reproductive health and rights in Turkmenistan, alongside gender equality and life skills education is covered as part of the Basics of Life Skills mandatory subject for grades 7-10 in secondary schools. However, the education is abstinence-focused and does not cover contraception, sexuality education or gender-based violence. Therefore, reaching out to every adolescent in Turkmenistan to teach them about contraception and sexuality is not realistic. In addition, the website of the Ministry of Education does not provide curriculum information and programs for schools, hence it is not clear what is in the government's plan when it comes to sexuality education.

(28) The messaging pushed in state media is to have eight-child families while accurate, age-appropriate discussions on sexuality and sexual behavior are nonexistent.⁵⁹ The deprivation of science-backed information and the spread of dangerous gender norms and standards that are offered in place of CSE contributes to the discriminatory pain and suffering intentionally inflicted through acquiescence of public officials, a violation of article 1 of the convention.⁶⁰

(29) General Comment 2 of the Convention mentions that, "[a]s new methods of prevention (e.g., ... new approaches to public education or the protection of minors) are discovered, tested and found effective, article 2 provides authority to build upon the remaining articles and to expand the scope of measures required to prevent torture."⁶¹ Research clearly shows that CSE contributes to delayed and decreased frequency of sexual intercourse, lower numbers of sexual partners, and higher rates of condom and contraception use.⁶² In addition, the benefits may also include gender equitable attitudes, confidence, and a reduction in gender-based and intimate partner violence and discrimination.⁶³

(30) Further, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO), CSE is "five times more likely to be successful in preventing unintended pregnancy and sexually transmitted infections when it pays explicit attention to the topics of gender and power."⁶⁴ Therefore, while biological components of reproduction are necessary to discuss, gender equality, consent and toxic masculinity must be included in the curriculum as well. This is especially relevant in Turkmenistan where 34% of women cannot say no to sexual intercourse with their partner or husband.⁶⁵

(31) Over 40% of Turkmen women experience social control, with almost 21% being restricted from working or studying outside their home. UNFPA's 2022 report revealed that, in 2019, only 31% of women aged 15-49 had comprehensive knowledge about HIV transmission and 4.8% of children were already married or in union.⁶⁶ Between 2015-2019 there were a total of 205,000 unintended pregnancies, and 83% of those unintended pregnancies ended in abortion.⁶⁷ These concerning issues may be remedied (among other measures) through CSE.⁶⁸ This is life-saving and life-altering information that the government must ensure the Turkmen youth are receiving.

(32) General Comment 2 points out: "The Committee emphasizes that the obligation to take effective preventive

⁵⁹ Aynabat Yaylymova, *Women's health in Turkmenistan: 'Silence strips us of agency. This must change,'* *supra* note 8.

⁶⁰ CAT, Art. 1.

⁶¹ Committee Against Torture, *General comment 2*, section III, para. 14.

⁶² UNESCO, UNAIDS, UNFPA, UNICEF, UN WOMEN, WHO, *International technical guidance on sexuality education: an evidence-informed approach*, *supra* note 48 at p. 28-29.

⁶³ *Ibid.*

⁶⁴ UNESCO, *Comprehensive sexuality education: For healthy, informed and empowered learners*, last updated 16 Nov. 2023, <https://www.unesco.org/en/health-education/cse> [last accessed 18 Apr. 2024].

⁶⁵ UNFPA, *Empowering women and young people in Turkmenistan Ensure reproductive rights for all*, *supra* note 21 at p. 36.

⁶⁶ UNFPA, *Empowering women and young people in Turkmenistan Ensure reproductive rights for all*, *supra* note 21 at p. 32 & 35.

⁶⁷ Guttmacher, *Country Profile: Turkmenistan*, <https://www.guttmacher.org/regions/asia/turkmenistan> [last accessed 18 Apr. 2024].

⁶⁸ UNESCO, *The journey towards comprehensive sexuality education: Global status report*, 2021, p. 11, https://cdn.who.int/media/docs/default-source/hrp/379607.pdf?sfvrsn=5b6761dc_7&download=true [last accessed 18 Apr. 2024].

measures transcends the items enumerated specifically in the Convention or the demands of this general comment. For example, it is important that the general population be educated on the history, scope, and necessity of the non-derogable prohibition of torture and ill-treatment, as well as that law enforcement and other personnel receive education on recognizing and preventing torture and ill-treatment.”⁶⁹ There are other projects that the government in Turkmenistan conducts in collaboration with UN organizations, such as three UNFPA-supported Peer Education Youth Centres, launched under the MoE and Youth Organisation in Ashgabat and Mary cities, that promote adolescent reproductive health and gender equality. The Y-PEER education and Yashlyk also works with traditional sensitive issues, such as HIV/STIs, unwanted pregnancy, contraceptives, and gender-based violence.

(33) It is important to note that there are only a few Peer Education Youth (PEY) centers, and most are inaccessible or unknown to most of the public. Data about the PEY activities is not shared with the public, making it difficult to assess the validity and its impact. Similar to the government-backed subject Basics of Life Skills, UNFPA Turkmenistan tends to provide information in a similar fashion: mostly using the language of “reproductive health” and not “sexual education” in its content and materials. This implies that the government of Turkmenistan with the support of UNFPA view any sexual activity in the context of “reproduction” for the purpose of growing families, and not outside of marriage. This narrow view of sexual activity is problematic given the young population in Turkmenistan does not receive CSE programs neither from the government nor from UNFPA and its affiliated centers for youth.⁷⁰

(34) While we commend Turkmenistan for developing “new methods of teaching gender equality in mainstream schools” there cannot be gender equality without CSE being taught in the mainstream schools as well.⁷¹

However, without CSE, and specifically “the integration of a gender perspective throughout CSE,” girls are left without essential knowledge about their bodies and their sexual and reproductive choices.⁷² Additionally, all young people will not have the exposure to “building awareness of the centrality and diversity of gender in people’s lives; examining gender norms shaped by cultural, social and biological differences and similarities; and encouraging the creation of respectful and equitable relationships based on empathy and understanding.”⁷³

(35) The committee’s comment 2 has expressly stated, “the contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes.”⁷⁴ As expressed above, Turkmenistan has put women and girls at risk of all three of these factors with the 5 week abortion ban, the reality that doctors are being forced to deny abortion at any stage, the subsequent lack of safe choices for these women and girls, the relevance of domestic violence in homes, and the lack of education contributing to all of these factors. In the 2009 review of El Salvador’s completely restrictive abortion laws, the Committee requested that they take measures by, “providing the required medical treatment, by strengthening family planning programmes and by offering better access to information and reproductive health services, including for adolescents.”⁷⁵ We urge the Committee to consider the situation in Turkmenistan similarly.

III) Autonomous decision-making includes access to family planning and contraceptives

(36) Under Article 1 of the Covenant, torture is “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person [...] based on discrimination of any kind, when such pain or suffering

⁶⁹ CAT, *General Comment No. 2*, section VI at para. 25.

⁷⁰ Progres, *Adolescent pregnancy in Turkmenistan: little attention, big consequences*, March 2024, <https://progres.online/society/adolescent-pregnancy-in-turkmenistan-little-attention-big-consequences/> [last accessed 27 Nov. 2024].

⁷¹ CESCR, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023*, *supra* note 2 at para. 105.

⁷² UNESCO, UNAIDS, UNFPA, UNICEF, UN WOMEN, WHO, *International technical guidance on sexuality education: an evidence-informed approach*, *supra* note 48 at p. 16-17.

⁷³ *Ibid.*

⁷⁴ CAT Committee, *General comment 2*, section V, para. 22

⁷⁵ *Ibid.*

is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”⁷⁶ Further, Article 2(1) instructs that States must take action against torture occurring within their jurisdiction.⁷⁷ By limiting family planning education (including sexual health and sexual safety education), and restricting contraceptive access, the State Party has engaged in torture by acquiescing with and failing to take action against discriminatory laws, policies, and practices that target women, causing them severe pain and suffering by eliminating their freedom to become anything other than subservient wives or mothers, and forcing them to give birth.

(37) The Special Rapporteur on Torture stated that gender-specific forms of violence against women constitute as torture, as they are inherently discriminatory. Specifically in terms of reproductive rights, discrimination is based in sex and gender biases.⁷⁸ Traditional gender roles encouraged by the State, the biological capacity to be pregnant, and a lack of reproductive resources, including family planning, coalesce to deprive women of their autonomy, causing severe mental distress in a manner that amounts to torture.⁷⁹

(38) Under Article 1, “[t]he protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment.”⁸⁰ This Committee has specifically warned that as a marginalized population, women and girls are at risk of “deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes.”⁸¹

(39) Turkmenistan must increase its scientifically-based family planning, contraceptive, and reproductive rights education and access to uphold their obligations under Articles 1 and 2(1) of the Covenant. For instance, in this committee’s Concluding Observations on El Salvador, the State was encouraged to “organize widespread awareness-raising campaigns and training courses on violence against women and girls for officials in direct contact with the victims (law enforcement officers, judges, lawyers, social workers, etc.) as well as for the public at large” in order to combat the discriminatory violence against women occurring in violation of the covenant.⁸² Similarly, Turkmenistan must engage in a widespread introduction of science-based family planning, sexual health, and reproductive rights education that amount to torture in order to prevent violations of the Covenant. Currently, patriarchal and religious sexual health education is provided to women instructing that, for instance, claims “good girls” do not use tampons.⁸³

(40) Family planning and sexual health education must include information about the availability of emergency medicines, such as a wide range of contraceptive methods, such as condoms, emergency contraception, and abortion access.⁸⁴ Turkmenistan currently has the world’s lowest gestational limit for abortion on request at five weeks, far before most people know they’re pregnant. The law allows abortion on medical and social grounds up to 22 weeks, but only upon the medical advisory commission’s approval.⁸⁵ In this Committee’s concluding observations on Kenya, the Covenant requires “the State party evaluate the effects of its restrictive legislation on

⁷⁶ CAT, Article 1.

⁷⁷ CAT, Article 2(1).

⁷⁸ Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment—Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, para. 68, U.N. Doc. A/HRC/7/3 (Jan. 15, 2008)

⁷⁹ *Id.*

⁸⁰ Committee Against Torture, *General Comment No 2: Implementation of article 2 by States parties*, UN Doc CAT/C/GC/2 (24 January 2008) para 21.

⁸¹ *Ibid.* para. 22

⁸² Committee Against Torture, *Concluding Observations on El Salvador*, UN Doc CAT/C/SLV/CO/2 (14 December 2009) para 21.

⁸³ LGBT Organization Labrys (Kyrgyzstan) and Sexual Rights Initiative, *NGO Parallel Report to the Committee Against Torture*, (2008) para 11.

⁸⁴ *Ibid.* at para. 13.

⁸⁵ Center for Reproductive Rights, ‘CEDAW Committee Calls on Turkmenistan to Improve Abortion Law’ (Center for Reproductive Rights, no date) <https://reproductiverights.org/cedaw-committee-turkmenistan-abortion-law/> accessed 3 March 2025.

abortion on women's health with a view to regulating this area with sufficient clarity.”⁸⁶ Women must be able to have full autonomy over their bodies and reproductive systems not dependent on government approval in order for Turkmenistan to fulfill its obligations under the Covenant.

(41) In this Committee's concluding observations on Ireland, they concluded the State's policy to permit abortions only where women's lives were at risk, based on medical discretion, “leads to uncertainty facing women and their medical doctors, who are also at risk of criminal investigation or punishment if their advice or treatment is deemed illegal.”⁸⁷ This Committee was adamant that Ireland establish clear statutory guidelines for qualifications for legal abortion in order for the State Party to be compliant with the Covenant.⁸⁸ Turkmenistan must also enact clear, non-arbitrary guidelines for abortion that do not attempt to criminalize abortions and provide women autonomy in family planning matters.

(42) Contraceptive access in Turkmenistan goes hand in hand with abortion access and reproductive health education. The contraceptive prevalence among married women ages 15-49 is only 50%.⁸⁹ Another 27%, or about 190,000 women, are defined as having an unmet need for modern contraception, meaning they would like to delay or avoid childbearing but do not have means or access to contraception.⁹⁰ The reasons are different for each woman and range from a lack of information about services to a lack of support from their parents, husband, or communities, as well as a lack of ability to decide or purchase contraceptives by themselves.⁹¹ In Turkmenistan's conservative society, most women are not able to independently decide on these fundamental issues that greatly affect their lives and health.⁹² Adolescent girls are a population particularly affected by access to family planning, with 88% of adolescent women aged 15-19 who want to avoid a pregnancy having an unmet need for contraception.⁹³

(43) In this Committee's concluding observations on Peru, CAT affirmed that the denial of access to emergency contraception is a form of torture or ill-treatment, particularly expressing concern about the lack of access to oral emergency contraception to victims of rape.⁹⁴ Many victims of rape need emergency contraception in order to avoid childbearing as a result of the assault. Similarly, 27% women in Turkmenistan with a need to avoid childbearing are denied access to contraceptives.⁹⁵ The government's acquiescence with this amounts to torture under the Covenant.

(44) According to Article 4 of the Covenant, Turkmenistan must ensure “all acts of torture are offences under its criminal law.”⁹⁶ However, the systemic lack of autonomy and reproductive rights available to women, which amount to torture, are in fact encouraged by the government, in violation of Articles 1, 2(1), and 4. The values of virginity and repressed female sexuality are promulgated by the government in their aggressive censoring of the

⁸⁶ Committee Against Torture, *Concluding Observations on Kenya*, UN Doc CAT/C/KEN/CO/2 (2013) para 27.

⁸⁷ Committee Against Torture, *Concluding Observations on Ireland*, UN Doc CAT/C/IRL/CO/1 (2011) para 26.

⁸⁸ *Id.*

⁸⁹ The World Bank, *Contraceptive prevalence, any method (% of married women ages 15-49) - Turkmenistan*, <https://data.worldbank.org/indicator/SP.DYN.CONU.ZS?locations=TM> [last accessed 15 Apr. 2024]; International Planned Parenthood Federation, *Turkmenistan ramps up policing of women's bodies*, *supra* note 33; Saglyk, *TÜRKMENISTANDA AÝALLARYŇ 50% NÄHILI ÝAGDAYÝDA*, <https://saglyk.org/makalalar/sagdyn-durmus/zenan-saglygy/1763-turkmenistanda-ayallaryn-50-nahili-yagdayda.html> [last accessed 18 Apr. 2024].

⁹⁰ Guttmacher, *Country Profile: Turkmenistan*, *supra* note 58.

⁹¹ Radio Free Europe Radio Liberty, *Turkmenistan's Ban On Abortion Paving The Way For Bribery*, 18 Sept. 2022, <https://www.rferl.org/a/turkmenistan-abortion-ban-bribery-restrictions/32039527.html>, [last accessed 18 Apr. 2024].

⁹² *Ibid.*

⁹³ Guttmacher, *Country Profile: Turkmenistan*, *supra* note 58.

⁹⁴ Committee Against Torture, *Concluding Observations on Peru*, UN Doc CAT/C/PER/CO/5-6 (2013).

⁹⁵ UNFPA, *Empowering women and young people in Turkmenistan Ensure reproductive rights for all*, 2021,, https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/united_nations_population_fund_in_turkmenistan_2021-2025_web_0.pdf [last accessed 18 Apr. 2024].

⁹⁶ CAT, Article 4.

Internet, including nearly every website that would provide credible contraceptive education.⁹⁷ The government also does not provide science-based reproductive information in schools, only offers limited public health data, and incentivizes women having more children.⁹⁸ This all combines to produce a patriarchal culture that significantly diminishes a woman's chances at leading an autonomous life. When information about reproductive rights and contraceptives are so severely limited to women, and they are encouraged by government programs to give birth more often, the result is a traumatic and severely painful experience that amounts to torture. Further, access to information is essential for autonomous family planning.⁹⁹ Turkmenistan is obliged to ensure that adolescents have full access to appropriate information on sexual and reproductive health, including family planning, abortion, contraceptives, the dangers of early pregnancy and the prevention and treatment of sexually transmitted diseases.¹⁰⁰ This Committee has previously raised the concern of "the systematic censorship of the Internet," as "such measures prevent victims of torture from seeking redress and filing complaints."¹⁰¹ The state owns or controls all media and the internet is aggressively censored and restricted.¹⁰² This Committee should be alarmed that women in Turkmenistan cannot inform themselves on basic sexual health and reproductive information, much less seek redress and file complaints of the torture inflicted on them by the government. Articles 1, 2(1) and 4 cannot be upheld amidst such a restricted flow of crucial health information for women and girls.

(45) One of Turkmenistan's institutionalized practices affecting reproductive and sexual health is encouraging women to have more children to make up for its shrinking population.¹⁰³ In 2012, the Turkmen Initiative for Human Rights (TIHR) provided a report to CEDAW highlighting some of the government's policies encouraging women to give birth.¹⁰⁴ Specifically, in 2008 all women who gave birth to and raised eight and more children were awarded with the honorary title of "Ene Mahri" ("Mother's Kindness"). They were entitled to an amount of \$351 USD and several benefits, but only if the eighth child reached the first year of life and all the other children remained alive.¹⁰⁵ Many women refuse to have more than two children because they simply cannot feed more mouths.¹⁰⁶ The maternity monthly allowance is not more than \$16 USD, which is insufficient, especially following the recent increase of food prices.¹⁰⁷ As of 2024, the average fertility rate is 2.7 live births per woman.¹⁰⁸

(46) Since 2022, the government made amendments to the Code of Turkmenistan on social protection of the population to increase the financial incentive for women to have more children.¹⁰⁹ Under the law, the payment for

⁹⁷ Pjotr Sauer, "'They Want to Control Every Woman': The Fight for Health Rights in Turkmenistan" (*The Guardian*, 31 January 2023) <https://www.theguardian.com/global-development/2023/jan/31/turkmenistan-womens-health-change-saglyk> accessed 3 March 2025.

⁹⁸ *Id.*

⁹⁹ CESCR, *General Comment No. 22*, *supra* note 46 at para. 18.

¹⁰⁰ *Ibid.* at para. 44.

¹⁰¹ Committee Against Torture, *Concluding Observations on Iran*, UN Doc CAT/C/IRN/CO/1 (2013) para 12.

¹⁰² *Supra* note 57.

¹⁰³ CIA, *World Factbook: Turkmenistan*, 9 Apr. 2024, <https://www.cia.gov/the-world-factbook/countries/turkmenistan/>, [last accessed 15 Apr. 2024]; Carolyn O'Hara, Foreign Policy, *In Turkmenistan, having 8 kids will earn you \$250*, <https://foreignpolicy.com/2008/03/06/in-turkmenistan-having-8-kids-will-earn-you-250/>, [last accessed 15 Apr. 2024]; Radio Free Europe Radio Liberty, *Turkmenistan's Ban On Abortion Paving The Way For Bribery*, *supra* note 84.

¹⁰⁴ Turkmen Initiative for Human Rights (TIHR), "Submission to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) 53rd Session, Geneva, 1-19 October 2012", <https://iphronline.org/articles/turkmenistan-ngos-submit-joint-report-for-women-s-rights-review/>, [last accessed Apr. 10, 2024].

¹⁰⁵ TIHR, "Chronicles of Turkmenistan": "Large families are uncommon in today's Turkmenistan", 25 Mar. 2008, <http://archive.chrono-tm.org/en/?id=1054>, [last accessed 15 Apr. 2024].

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ World Health Organization, *Policy Country Profile 2018: Turkmenistan* (World Health Organization, 2018) https://platform.who.int/docs/default-source/mca-documents/policy-documents/policy-survey-2018/country-profiles/policy-country-profile-2018-turkmenistan.pdf?sfvrsn=ed28e9d7_1 accessed 3 March 2025.

¹⁰⁹ Turkmenportal, *Türkmenistanda köp çagaly maşgalalara goldaw bermek bilen bagly täze kanunlar güýje girdi*, 1 Jan. 2022, <https://turkmenportal.com/tm/blog/42956/turkmenistanda-kop-chagaly-mashgalalara-goldaw-bermek-bilen-bagly-taze-kanunlar-guyje-girdi>, [last accessed 15 Apr. 2024].

pregnancy and childbirth increased from the previous 2008 law described above. Three times more will be paid for the first child, and for the eighth child they will pay twelve times more than the payment under the 2008 law.¹¹⁰ The monthly childcare allowance is also being increased by around 30%.¹¹¹ Mothers who have received the honorary title of "Mother's kindness" will receive a 30% increase in their pensions, reduced child care allowances, and disability and social welfare benefits.¹¹² In addition, mothers with many children can retire 2 years earlier (i.e. at 52).¹¹³

(47) This Committee has stated that under Article 2, State Parties "are obligated to eliminate any legal or other obstacles that impede the eradication of torture and ill-treatment; and to take positive effective measures to ensure that such conduct and any recurrences thereof are effectively prevented." Rather than working towards the elimination of preferential financial treatment of women with more children, Turkmenistan has reinforced the program, a clear obstacle impeding the eradication of the government's pro-natalist messages. These messages directly reinforce the idea that women are meant only to give birth, a socially determined gender role that violates the Covenant.¹¹⁴ This manifests in restrictions on abortions, reproductive health, contraceptives, and comprehensive, science-based information for family planning.

(48) To comply with their obligations under Article 1, 2(1), and 4 of the Covenant, Turkmenistan must prevent "acts that put the health of women and girls at grave risk, by providing the required medical treatment, by strengthening family planning programmes and by offering better access to information and reproductive health services, including for adolescents."¹¹⁵ While the maternal mortality rate as of 2020 was down to 5 in 100,000, the stillbirth mortality rate as of 2021 was 9.5 in 1000.¹¹⁶ Stillbirths can also present significant health risks for women, as "[w]omen with stillbirth [are] 14 times more likely than women who had live births to go into shock or experience sepsis (a blood infection); 13 times more likely to have acute kidney failure; and 10 times more likely to suffer severe cardiac complications, including heart attacks."¹¹⁷ Through facilitation of programs that encourage women to have more children, the government subjects more women to the possibility of sepsis, kidney failure, severe cardiac complications, and even death.

(49) In the report "Improving Reproductive Health Services and Access to Family Planning in Turkmenistan," the study highlighted how a childbirth spacing policy could contribute to the reduction in Turkmenistan's maternal and child mortality.¹¹⁸ According to the United Nations Population Fund, family planning is central to ensuring women's health and reducing maternal and child mortality.¹¹⁹ The current family planning program in Turkmenistan only covers 4.3% of women.¹²⁰ According to the National Reproductive Health Center of Turkmenistan, there are 1.5 million women of fertile age in Turkmenistan and nearly 16 percent are registered as

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ Committee Against Torture, *General Comment No 2: Implementation of Article 2 by States Parties*, UN Doc CAT/C/GC/2 (24 January 2008) para 22; "Both men and women and boys and girls may be subject to violations of the Convention on the basis of their actual or perceived non-conformity with socially determined gender roles."

¹¹⁵ Committee Against Torture, *Concluding Observations of the Committee Against Torture: El Salvador*, UN Doc CAT/C/SLV/CO/2 (9 December 2009) para 23.

¹¹⁶ *Supra*, note 108.

¹¹⁷ Krista Conger, 'Stillbirth Linked to More Childbirth Complications for Mom, Stanford Study Finds' (*Scope Blog*, 15 July 2019) <https://scopeblog.stanford.edu/2019/07/15/stillbirth-linked-to-more-childbirth-complications-for-mom-stanford-study-finds/> accessed 3 March 2025.

¹¹⁸ UNFPA Asia and Pacific Division, *Improving Reproductive Health Services and Access to Family Planning in Turkmenistan*, EUR/00/5022249, 2000, <https://iris.who.int/bitstream/handle/10665/108290/E68637.pdf?sessionid=A09F9BA05B5FB2FF2B1FF99E66A4FA46?sequence=1>, [last accessed Apr. 10, 2024].

¹¹⁹ UNFPA Turkmenistan, *Family Planning*, <https://turkmenistan.unfpa.org/en/node/9691>, [last accessed Apr. 10, 2024].

¹²⁰ UNFPA, *Investment Case on Ending Unmet Need for Family Planning in Turkmenistan*, 2021, p. 9, https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/investment_case_on_ending_unmet_need_for_family_planning_in_turkmenistan_0.pdf [last accessed 20 Oct. 2024].

most at risk women.¹²¹ “Identifying women in need and equipping them with modern methods of contraception in a timely manner through the newly established mechanism will help us significantly improve maternal and child health in our country,” said Ms. Akjemal Durdyeva, Director of the Center.¹²² At-risk women may be eligible to receive free contraceptives in the State, but this is only effective if women know about the programs, and most do not.¹²³ Target vulnerable groups can qualify for free-of-charge contraceptive commodities, yet free-of-charge *services* are only available for women who have certain medical conditions that put them at risk of death or deteriorating health because of pregnancy.¹²⁴ All other women within the target groups pay for services, but at a reduced price, not including travel costs and other costs such as lost wages or childcare.¹²⁵

IV) Virginity testing in schools violates girls’ right to physical and mental health, disregards consent, and invades privacy

(51) Article 1 emphasizes that torture occurs when severe pain and suffering is inflicted on a person based on discrimination of any kind.¹²⁶ Turkmenistan has made various efforts to arbitrarily and discriminatorily enforce “moral standards” upon exclusively women and girls, including those that undermine their bodily autonomy in privacy in a manner that amounts to torture. For example, Turkmenistan authorities have forced girls and women to undergo “virginity tests” conducted by doctors and school personnel at homes or schools.¹²⁷ Turkmenistan must act more purposefully to provide proof of the eradication of virginity testing to uphold their Article 2 obligations to “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction,” and their Article 4 obligations to “ensure that all acts of torture are offences under its criminal law.”¹²⁸

(52) A virginity test is a “two-finger” or per vaginal examination of the female genitalia meant to determine whether a girl or woman has had vaginal intercourse. This is based on the incorrect belief that a torn hymen means the person has engaged in sexual intercourse.¹²⁹ In Turkmenistan, anyone who fails the test is typically reported to the police. Recently, in February 2024, the provincial government of Balkan ordered all female high school students to undergo

¹²¹ United Nations Turkmenistan, *Increasing Women’s Access to Reproductive Health*, 7 Nov. 2017, <https://turkmenistan.un.org/en/418-increasing-womens-access-reproductive-health#:~:text=Nearly%20half%20of%20women%20of,means%20or%20access%20to%20contraception>, [last accessed 15 Apr. 2024].

¹²² United Nations Turkmenistan, *Increasing Women’s Access to Reproductive Health*, 7 Nov. 2017, <https://turkmenistan.un.org/en/418-increasing-womens-access-reproductive-health#:~:text=Nearly%20half%20of%20women%20of,means%20or%20access%20to%20contraception>, [last accessed 15 Apr. 2024].

¹²³ UNFPA, *Empowering women and young people in Turkmenistan Ensure reproductive rights for all*, *supra* note 21 at p. 12.

¹²⁴ UNFPA, *Investment Case on Ending Unmet Need for Family Planning in Turkmenistan*, *supra* note 91 at p. 4. Target vulnerable groups include women with chronic diseases, women with disabilities that are the result of chronic diseases, women in vulnerable life situations, women between 15-19 years of age, sexually active and needing contraception. Women with chronic diseases and women with disabilities that are the result of chronic diseases must obtain certification by a doctor.

¹²⁵ *Ibid.*

¹²⁶ CAT, Article 1.

¹²⁷ International Partnership for Human Rights (IPHR) and Turkmen Initiative for Human Rights (THR), *Submission on Turkmenistan to the Committee on Economic, Social, and Cultural Rights*, Oct 2018, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=gmqpVjlkVZfCteOsbUBadm5wVr4OtmIdGernJyJjly1AkQfc4y2LTXI.9D9/Me/OjP1SN+pphRzEpkFo0oTHPUg== [last accessed 15 Apr. 2024].

¹²⁸ CAT, Articles 2, 4.

¹²⁹ World Health Organization, United Nations Human Rights Office of the High Commissioner, UN Women, *Eliminating Virginity Testing: An Interagency Statement*, 2018, p. <https://iris.who.int/bitstream/handle/10665/275451/WHO-RHR-18.15-eng.pdf?sequence=1> [last accessed 15 Apr. 2024]; Abeer Ahmed Zayed, Reham Nafad Elbendary, and Asmaa Mohammad Moawad, *Questioned Virginity Has No Definite Reply*, National Library of Medicine, 12 Apr. 2022, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9192407/> [last accessed 16 Apr. 2024].

mandatory virginity tests to evaluate their morality and serve as a preventative measure for teenage pregnancies.¹³⁰ Many, if not all, of these virginity tests were conducted without the consent of the girls or the parents.¹³¹ While these tests have subjected boys to mere searches for pornography on their cell phones, girls are instructed to undergo invasive virginity tests in the school nurse's office.¹³² Turkmenistan denies that mandatory or forced virginity testing occurs within the State, as reflected in a recent CEDAW session in February 2024, yet the CEDAW Committee acknowledged that alternative reports claimed the practice was still persisting.¹³³ Further, it has been reported that virginity testing is in fact a purposeful effort by the government, "carried out in connection with the fact that the number of school-age girls engaged in prostitution has recently increased."¹³⁴ Turkmenistan should take measures to prove this practice has in fact ceased by setting up a complaint mechanism for the public.

(53) In this Committee's concluding observations on El Salvador, concern was expressed regarding "reports of humiliating body inspections of women visiting places of detention, in particular at the fact that such inspections may be carried out by unqualified persons, including personnel without medical training."¹³⁵ Even personnel with medical training engage in violations of the Covenant via "inspections of women's private parts [...] [as they can] constitute cruel or degrading treatment."¹³⁶ The concluding observations emphasized that States Parties should take measure to ensure inspections are only performed when absolutely necessary, by trained medical female professionals, "taking every care to preserve the dignity of the woman being examined."¹³⁷

(54) Further, in this Committee's Concluding Observations on Egypt, alarm was expressed at the continued "reports of vaginal examinations, sometimes performed without consent, conducted to prove sexual acts such as extramarital relations and acts of prostitution."¹³⁸ Like Egypt, Turkmenistan's virginity tests are performed non-consensually to determine whether a woman or girl has had vaginal intercourse; the State Party must similarly "enforce the prohibition against 'virginity tests'" in order to maintain compliance with the Covenant.¹³⁹

(55) Turkmenistan's use of invasive virginity testing and failure to eradicate it is a violation of Articles 1, 2(1), and 4 because it is enforced solely upon girls and women. According to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the torture framework must take into account the "impact of entrenched discrimination, patriarchal, heteronormative and discriminatory power structures and socialized gender stereotypes" promulgated by the State.¹⁴⁰ Turkmenistan has enacted various patriarchal laws and policies to exert control over women's bodies including, but not limited to, the practice of virginity testing, a ban of abortion care, and a ban on certain beauty services.¹⁴¹ In Turkmenistan's reply to this Committee's List of Issues prior to its 2016 Concluding Observations, the State Party informed the Committee that women and girls are instructed at higher and specialized secondary education establishments and general education schools of the importance of "[t]he sanctity of

¹³⁰ Radio Free Europe/Radio Liberty, 'Restrictive Measures A New Normal': Turkmen Region Imposes Unofficial Nighttime Curfew, 11 Feb. 2024, <https://www.rferl.org/a/turkmenistan-province-nighttime-curfew/32818231.html> [last accessed 14 Apr. 2024].

¹³¹ Radio Free Europe/Radio Liberty, *Turkmenistan Conducting Virginity Tests To 'Evaluate Teenagers' Morality'*, 11 Feb. 2024, <https://www.rferl.org/a/turkmenistan-virginity-tests-morality-security-services/32814240.html> [last accessed 14 Apr. 2024].

¹³² RFE/RL, 'Turkmenistan's Security Services Use Virginity Tests to Enforce Morality' (Radio Free Europe/Radio Liberty, 11 February 2023) <https://www.rferl.org/a/turkmenistan-virginity-tests-morality-security-services/32814240.html> accessed 3 March 2025.

¹³³ CEDAW, *Summary Record of the 2038th Meeting*, 2 Feb. 2024, CEDAW/C/SR.2038.

¹³⁴ Azathabar, 'In Dashoguz, schoolchildren's mobile phones are checked for pornography, and girls are checked for virginity' (*Azathabar*, 6 February 2018) <https://rus.azathabar.com/a/29021912.html> accessed 3 March 2025.

¹³⁵ Committee Against Torture, *Concluding Observations on El Salvador*, UN Doc CAT/C/SLV/CO/2 (9 December 2009) para 22.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ Committee Against Torture, *Concluding Observations on Egypt*, UN Doc CAT/C/EGY/CO/5 (30 November 2011) para 42.

¹³⁹ *Id.*

¹⁴⁰ Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, UN Doc A/HRC/31/57 (4 January 2016) para 5.

¹⁴¹ International Planned Parenthood Federation, *Turkmenistan ramps up policing of women's bodies*, *supra* note 33.

the family [beginning] with marriage”.¹⁴² This is troublesome, as women should not be instructed to only aspire to marriage and family life. Turkmenistan perpetuates patriarchal social norms where women are valued only as mothers, and seen as symbols of purity and modesty.¹⁴³ This amounts to a failure to comply with the Covenant, because the State’s discriminatory “laws, policies or practices perpetuate harmful gender stereotypes in a manner that enables or authorizes, explicitly or implicitly, prohibited acts to be performed with impunity.”¹⁴⁴

(56) The enforcement of women’s purity and modesty further extends to the education they are given about their own bodies -- women are kept in the dark about sexual health and reproductive education.¹⁴⁵ The internet speed in Turkmenistan is the slowest in the world, and citizens attempting to access censored content, including credible public health information in the Turkmen language, are arrested.¹⁴⁶ There is currently only one accessible website in Turkmen providing women comprehensive content on sexual and reproductive health.¹⁴⁷ Further, this information is restricted from being compiled into books and published within the country. In fact, the State only publishes about 300 books in Turkmen per year, and reliable reproductive health publications are excluded.¹⁴⁸ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment specifically stated that “[a]ccess to information about reproductive health is imperative to a woman’s ability to exercise reproductive autonomy, and the rights to health and to physical integrity.”¹⁴⁹ Turkmenistan precludes women’s access to this information by preventing women and girls from engaging with science-based reproductive health education that would grant them opportunities for bodily autonomy, which are guaranteed by the Covenant.

(57) There is no scientific evidence to show that the state of the hymen accurately relays whether a person is already engaged in sexual intercourse.¹⁵⁰ Second, performing a virginity test may cause damage to the genitalia, bleeding, or an infection.¹⁵¹ Sadly, the implications for virginity testing in Turkmenistan are beyond physical health issues. The stigmatization of failing a virginity test in Turkmenistan’s society “can lead to social ostracization, mental health issues, and even instances of honor killing.”¹⁵² Thus, the State has continued to uphold arbitrarily discriminatory practices that subject women and girls to torture.

(58) In Turkmenistan’s reply to CEDAW’s inquiry to the virginity tests, Turkmenistan reported no information

¹⁴² Committee Against Torture, *List of Issues and Recommendations in Relation to the Second Periodic Report of Turkmenistan*, UN Doc CAT/C/TKM/Q/2/Add.1 (6 May 2014) para 71.

¹⁴³ *Id.*

¹⁴⁴ *Ibid* note 140, para 10.

¹⁴⁵ Inna Frolova, ‘The Scourge of Clandestine Abortions in Turkmenistan’ (*Asianews*, 13 December 2022) <https://www.asianews.it/news-en/The-scurge-of-clandestine-abortions-in-Turkmenistan-59645.html> accessed 3 March 2025.

¹⁴⁶ Ellie Marsh, ‘New Study Finds Internet Censorship in Turkmenistan Reaches Over 122,000 Domains’ (*Global Voices*, 12 April 2023) <https://globalvoices.org/2023/04/12/new-study-finds-internet-censorship-in-turkmenistan-reaches-over-122000-domains/> accessed 3 March 2025; Pjotr Sauer, “They Want to Control Every Woman”: The Fight for Health Rights in Turkmenistan’ (*The Guardian*, 31 January 2023) <https://www.theguardian.com/global-development/2023/jan/31/turkmenistan-womens-health-change-saglyk> accessed 3 March 2025.

¹⁴⁷ Pjotr Sauer, “They Want to Control Every Woman”: The Fight for Health Rights in Turkmenistan’ (*The Guardian*, 31 January 2023) <https://www.theguardian.com/global-development/2023/jan/31/turkmenistan-womens-health-change-saglyk> accessed 3 March 2025.

¹⁴⁸ Katherine Zaleski, ‘Reversing the Tide on the Taboo in Turkmenistan’ (*Health Journalism, Internews*, 23 February 2023) <https://healthjournalism.internews.org/article/reversing-the-tide-on-the-taboo-in-turkmenistan/> accessed 3 March 2025.

¹⁴⁹ Human Rights Council, *Report of the Special Rapporteur on the right to health*, UN Doc A/HRC/22/53 (24 December 2012) para 47.

¹⁵⁰ World Health Organization, United Nations Human Rights Office of the High Commissioner, UN Women, *Eliminating Virginity Testing: An Interagency Statement*, *supra* note 114 at p. 10; Abeer Ahmed Zayed, Reham Nafad Elbendary, and Asmaa Mohammad Moawad, *Questioned Virginity Has No Definite Reply*, National Library of Medicine, 12 Apr. 2022, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9192407/> [last accessed 16 Apr. 2024].

¹⁵¹ *Ibid.*

¹⁵² Wybe News, *Outrage over Forced “Virginity Testing” of High School Girls in Turkmenistan*, 7 Apr. 2024, <https://wybenews.com/outrage-over-forced-virginity-testing-of-high-school-girls-in-turkmenistan/> [last accessed 16 Apr. 2024].

“regarding the forcing of women and girls to undergo gynecological examinations to determine their virginity.¹⁵³ Turkmenistan also did not hold any recorded complaints or appeals on this matter.¹⁵⁴ CEDAW and the Committee on the Rights of the Child (CRC), in their Joint General Recommendation 31, state that virginity testing is a harmful practice that is based on stereotypes.¹⁵⁵ In Turkmenistan’s State Party Report prior to this Committee’s 2016 Concluding Observations, no information was reported regarding the State practice of virginity testing.¹⁵⁶

(59) The World Health Organization, UN Human Rights Office of the High Commissioner, and UN Women released a statement in 2018 calling for the elimination of virginity testing as it has no scientific purpose or merit and is a violation of human rights.¹⁵⁷

RECOMMENDATIONS

(60) We respectfully recommend this Honorable Committee include at least one of the following questions in the List of Issues it will prepare for Turkmenistan.

- 1. Please explain what steps Turkmenistan intends to take to repeal the law criminalizing abortion and amending the law to include exceptions for rape and incest.*
- 2. Please explain what reporting processes are in place for victims of virginity testing in schools that are confidential and not tied to the police.*
- 3. Please explain what steps Turkmenistan intends to take to ensure safe abortions are accessible to all women and girls throughout the country.*
- 4. Please explain what steps Turkmenistan intends to take to lower the rates of unintended pregnancies in its jurisdiction.*
- 5. Please provide up-to-date data on maternal mortality rates.*
- 6. Please explain what steps Turkmenistan intends to take to lower the rates of teenage pregnancies in its jurisdiction.*
- 7. Please explain what steps Turkmenistan intends to take to disseminate knowledge about sexual and reproductive health and rights to women and girls.*
- 8. Please explain how the government's relevant ministries and agencies responded and reacted to international and regional news and claims regarding the State Party's lack of abortion, contraceptive resources, and sexual and reproductive health education, and the prevalence of virginity testing.*
- 9. Please explain what steps Turkmenistan intends to take to increase contraception use.*
- 10. Please provide up-to-date data on the number of girls who have undergone virginity testing and what the government did with the data and results from the testing.*

¹⁵³ CEDAW, *Replies of Turkmenistan to the list of issues and questions in relation to its sixth periodic report*, CEDAW/C/TKM/RQ/6, 1 Nov. 2023.

¹⁵⁴ *Ibid.*

¹⁵⁵ CEDAW & CRC, *Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31-CRC/C/GC/18, 4 Nov. 2024, para. 8.

¹⁵⁶ Committee Against Torture, *Second Periodic Report of Turkmenistan to the Committee Against Torture*, UN Doc CAT/C/TKM/2 (10 December 2013).

¹⁵⁷ World Health Organization, United Nations Human Rights Office of the High Commissioner, UN Women, *Eliminating Virginity Testing: An Interagency Statement*, *supra* note 114.