



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
3 June 2025

Original: English

Concluding observations on the third periodic report of Turkmenistan*

1. The Committee considered the third periodic of Turkmenistan¹ at its 2192nd and 2195th meetings, held on 23 and 24 April 2025,² and adopted the present concluding observations at its 2205th meeting, held on 1 May 2025.

A. Introduction

2. The Committee welcomes the timely submission of the third periodic report of the State Party and expresses its appreciation to the State Party for its written replies³ to the list of issues,⁴ along with the supplementary information provided during the consideration of the periodic report.

3. The Committee also welcomes the constructive dialogue conducted with the delegation of the State Party and the responses provided to the questions and concerns raised by the Committee during the review.

B. Positive aspects

4. The Committee welcomes the following legislative measures taken by the State Party in areas relevant to the Convention:

- (a) The adoption, on 23 November 2016, of the Ombudsman Act;
- (b) The amendment of the Penalties Enforcement Code, in 2017, regarding the rights of the Ombudsman's Office;
- (c) The entry into force, on 1 January 2023, of a revised version of the Criminal Code, with a definition of torture in article 201;
- (d) The adoption of the Psychiatric Care Act, on 23 November 2016;
- (e) The work undertaken by the State Party to draft a bill on the prevention of family and domestic violence against women;
- (f) The adoption of a new version of the Courts Act, on 12 April 2025.

5. The Committee also welcomes the State Party's initiatives to amend its policies, programmes and administrative measures to give effect to the Convention, including:

- (a) The adoption of the National Action Plan for the Elimination of Statelessness (2019–2024), in January 2019;

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/TKM/3.

² See CAT/C/SR.2192 and CAT/C/SR.2195.

³ CAT/C/TKM/RQ/3.

⁴ CAT/C/TKM/Q/3.



- (b) The adoption of the National Plan of Action to Combat Trafficking in Persons (2025–2029), approved by presidential decree on 10 January 2025;
- (c) The adoption of the National Strategy to Prevent Violent Extremism and Counter Terrorism (2020–2024), approved by presidential decree on 6 December 2019;
- (d) The adoption of the second National Plan of Action on Human Rights (2021–2025), approved by presidential decree on 16 April 2021;
- (e) The adoption of the second National Plan of Action for Gender Equality (2021–2025), approved by presidential decree on 4 December 2020;
- (f) The establishment of a road map for the prevention of domestic violence (2022–2025);
- (g) The adoption of the National Plan of Action on Children’s Rights (2023–2028), approved by presidential decree on 21 June 2023;
- (h) The adoption of a national anti-corruption action plan for the period 2025–2029, approved by presidential decree on 19 December 2024;
- (i) The adoption of the framework for the development of the judicial system of Turkmenistan for the period 2022–2028, in July 2022;
- (j) The establishment, by a presidential decree adopted in June 2024, of two new departments within the Ombudsman’s Office, one for the protection of women’s and children’s rights, and the other for the protection of human rights in the private sector;
- (k) The installation of video surveillance and audiovisual equipment in several places of detention, which can contribute to preventing torture and ill-treatment;
- (l) The establishment of a direct channel of communication between the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law, the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva, and the secretariat of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

6. In its previous concluding observations,⁵ the Committee requested the State Party to provide information on the measures taken in follow-up to the recommendations on the following issues: incommunicado detention, ensuring the protection and release from detention of human rights defenders and journalists and their ability to conduct their work and activities freely in the State Party, and the establishment of a genuinely independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (paras. 10, 12 and 16, respectively). In the light of the information included on these matters in the follow-up report submitted by the State Party on 13 December 2017,⁶ as well as in its third periodic report, and with reference to the letter dated 21 May 2019 from the Committee’s Rapporteur for follow-up to concluding observations,⁷ the Committee regrets not having received sufficient information on the measures taken to implement the recommendations contained in paragraph 10 of the previous concluding observations to assess implementation. The Committee finds that the recommendations contained in paragraph 12 have not been implemented, while the recommendations contained in paragraph 16 have been partially implemented. These issues are addressed in paragraphs 13, 17 and 35 of the present document.

⁵ CAT/C/TKM/CO/2, para. 41.

⁶ CAT/C/TKM/CO/2/Add.1.

⁷ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FTKM%2F34998&Lang=en.

Incorporation of Convention obligations into domestic law

7. The Committee notes the inclusion of article 201, and its definition of torture, in the revised Criminal Code but also notes that the Convention sets out a series of other elements that States Parties are required to address with respect to any conduct that qualifies as torture under the Convention (arts. 1 and 4).

8. **The State Party should ensure that its legislation fully complies with all relevant provisions of the Convention and, to this end, should ensure that:**

(a) **The prohibition of torture is established as absolute and non-derogable in national legislation, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked to justify the use of torture, and necessity is not available as a defence to a charge of torture;**

(b) **A superior officer is criminally liable if he or she knew or should have known that a subordinate had committed or was likely to commit an act of torture and he or she failed to take reasonable and necessary preventive measures and to submit the matter to the competent authorities for investigation and prosecution;**

(c) **An order from a superior officer or public authority may not be invoked as a justification of torture, and there is no exception to this rule under which the accused person can claim that he or she was not aware that the act was an offence;**

(d) **Since the prohibition of torture is absolute, there is no statute of limitations for acts of torture, and no amnesty applies to torture, such that persons who commit or are complicit in such crimes can be effectively investigated, prosecuted and punished;**

(e) **The note at the end of article 201 of the Criminal Code, which states that causing severe pain or physical or mental suffering as a result of the lawful actions of officials is not considered to be torture, is not interpreted or applied so as to prevent conduct from qualifying as torture because it is otherwise a lawful action under domestic law if it is not also a lawful sanction under international law.**

Impunity for acts of torture and ill-treatment

9. While noting the installation of audiovisual equipment in several places of detention across the country, which can contribute to preventing torture and ill-treatment, the Committee remains deeply concerned about numerous allegations of a widespread practice of torture and ill-treatment, including severe beatings of persons deprived of liberty, frequently in order to extract confessions. This includes reports that detainees who are or are perceived to be homosexual have been subjected to severe abuse. The reported abuse is suffered by persons deprived of their liberty during pretrial detention, as well as in penitentiary facilities. The Committee is also gravely concerned about continued reports of the State Party's failure to effectively prosecute perpetrators of and ensure accountability for acts of torture, and regrets that, according to the information provided by the State Party, no cases of torture were recorded or examined by the State Party's courts during the reporting period (arts. 2, 4, 10–14 and 16).

10. **The Committee reiterates its previous recommendation⁸ that the State Party should take immediate and effective measures to prevent acts of torture and ill-treatment throughout the country and that it should also take vigorous steps to eliminate impunity for those who commit such acts. In this connection, the State Party should:**

(a) **Adopt a zero-tolerance approach to torture and ill-treatment and ensure the issuance of a clear and effective public statement from the highest level of government affirming unambiguously that torture and ill-treatment will not be tolerated under any circumstances;**

⁸ CAT/C/TKM/CO/2, para. 8.

(b) **Ensure that all allegations of torture and ill-treatment by public officials, including the police and prison staff, or that otherwise engage the international responsibility of the State Party, are promptly, effectively and impartially investigated by an independent mechanism with no institutional or hierarchical connection to the investigators or the alleged perpetrators;**

(c) **Ensure that all persons under investigation for responsibility for acts of torture or ill-treatment are immediately suspended from their duties and remain suspended throughout the investigation;**

(d) **Prosecute all persons suspected of being responsible for acts of torture and ill-treatment and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims and/or their family members are afforded appropriate redress and compensation in a timely manner;**

(e) **Ensure that defendants and their lawyers can obtain video and audio recordings of interrogations free of charge to the defendant and that they can use such recordings as evidence in court.**

Deaths in custody

11. The Committee remains deeply concerned about reports of deaths in custody due to torture, the State Party's failure to ensure an independent forensic examination of such deaths, and the fact that criminal investigations are not systematically launched into them (arts. 2, 11 and 16).

12. **The State Party should:**

(a) **Adopt measures to ensure that all deaths in custody are investigated promptly and impartially by an independent body, including by means of forensic examinations, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and, where appropriate, prosecute those responsible and apply sanctions commensurate with the seriousness of the offence;**

(b) **Maintain and publish up-to-date data on all deaths in custody in the State Party, disaggregated by place of detention, the age and sex of the victim, and cause of death, and on the outcomes of the investigations and prosecutions of those responsible, and indicate the measures taken to ensure that family members are promptly notified;**

(c) **Take all measures necessary to adopt strategies for the prevention and management of violence and deaths in prison, including self-harm incidents and suicide, by strengthening medical care services in prisons, and provide relevant training to all prison staff.**

Incommunicado detention and enforced disappearances

13. While acknowledging the State Party's participation in dialogues with the European Union and international human rights mechanisms, including the United Nations treaty bodies,⁹ the Committee remains gravely concerned about reports of the continued use of incommunicado detention in Turkmenistan, about numerous and persistent reports of enforced disappearances and about reports of persons continuing to be detained despite the completion of their sentences. It is also gravely concerned about the lack of systematic investigations of and tangible results in cases of enforced disappearances, many of which date back to the events of November 2002, concern persons accused of belonging to certain Islamist groups or involve human rights defenders or journalists. According to information before the Committee, more than 160 cases of enforced disappearances have been documented since 2002 through the "Prove They Are Alive!" campaign, and more than 97 of the cases allegedly concern ongoing disappearances, including cases of individuals

⁹ [CCPR/C/TKM/CO/2](#), paras. 16 and 17; and [CCPR/C/TKM/CO/3](#), paras. 24 and 25.

whose prison sentences are known to have expired but whose status, fate and whereabouts remain unknown (arts. 2, 11–14 and 16).

14. The Committee reiterates its previous recommendations¹⁰ and urges the State Party:

(a) **To take all the measures necessary to bring an end to the practice of incommunicado detention. The State Party should ensure that no person is held incommunicado and that individuals currently detained under such conditions, in particular those whose sentences have expired, are either released or granted unrestricted access to legal counsel and to visits from their family members;**

(b) **To provide the Committee, as a matter of priority, with detailed information on the fate and whereabouts of all individuals reported as having possibly been subjected to disappearance, including all those imprisoned in connection with the events of November 2002;**

(c) **To ensure that all outstanding cases of alleged enforced disappearance are subject to prompt, thorough and impartial investigation. The State Party should ensure that those responsible are brought to justice, that the relatives of disappeared persons are duly informed of the progress and outcomes of such investigations and any ensuing legal proceedings, and that full redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for the families, as appropriate, is provided;**

(d) **To provide transparent and comprehensive information about the fate and whereabouts of disappeared persons to their relatives;**

(e) **To ensure the release of prisoners whose sentences have expired;**

(f) **To consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

Fundamental safeguards

15. The Committee is seriously concerned that persons deprived of their liberty do not in practice enjoy all fundamental legal safeguards against torture from the moment of their apprehension. For example, many people are held in temporary detention centres for more than 48 hours without prompt access to a medical examination by an independent doctor (arts. 2, 11 and 16).

16. The Committee reiterates its previous recommendations¹¹ and urges the State Party to ensure that all persons deprived of their liberty, including remand prisoners, are afforded, by law and in practice, from the very outset of their deprivation of liberty, all fundamental legal safeguards, including the right to be assisted by a lawyer without delay; the right to request and receive an examination, free of charge, by an independent doctor or a doctor of their choice, which is conducted out of hearing and sight of police officers, unless the doctor concerned explicitly requests otherwise; the right to be informed of the reasons for the arrest and the nature of any charges against them, in a language that they understand; the right to be registered at the place of detention; the right to promptly notify a close relative or a third party of their arrest; the right to be brought before a judge without delay; and the right to confidential consultations with lawyers.

Arbitrary arrest, imprisonment and alleged torture and ill-treatment of human rights defenders and journalists

17. The Committee is concerned about the numerous and consistent allegations of serious acts of intimidation, reprisals and threats against human rights defenders, journalists and their relatives, and about the arbitrary arrest and imprisonment of such individuals in relation to their work. The Committee is also concerned about numerous reports that such

¹⁰ CAT/C/TKM/CO/2, para. 10.

¹¹ Ibid., para. 22.

individuals have been subjected to torture and ill-treatment while in detention, and about reports that human rights defenders and journalists outside the country are targeted, in particular by means of preventing Turkmen citizens from renewing their passports abroad, in an effort to force them to return to Turkmenistan, where they would be at risk of persecution for criticizing the Government, as is alleged to have happened in cases such as those of Farhat Meimankulyev, Rovsen Klucev, Dovran Imamov, Serdar Durdylyev, Merdan Mukhamedov and Malikberdi Allamyradov, all of whom were in effect forced to return. The Committee is also seriously concerned about the information received regarding efforts to prevent Gurbansoltan Achilova from travelling to Geneva for an awards ceremony in November 2024 (arts. 2, 11–14 and 16).

18. The Committee reiterates its previous recommendations¹² and urges the State Party:

(a) **To take all measures necessary to ensure that human rights defenders and journalists are able to carry out their legitimate activities in a safe and enabling environment, free from intimidation, threats, acts of reprisal, violence, or any other form of harassment or interference;**

(b) **To ensure the release of all human rights defenders and journalists who have been deprived of their liberty in retaliation for their work, and review their cases to ensure compliance with international human rights standards;**

(c) **To conduct prompt, thorough and impartial investigations into all allegations of the harassment, arbitrary arrest, torture or ill-treatment of or reprisals against human rights defenders and journalists, and the other cases mentioned in the previous paragraph. The State Party should ensure that victims have access to independent legal counsel, that those responsible are prosecuted and, if convicted, punished with appropriate penalties, and that victims receive full redress.**

Risk of imprisonment and ill-treatment when exercising the right to freedom of opinion and expression

19. The Committee is concerned that, despite the Mass Media Act of 22 December 2012 enshrining the freedom of the press, including the right of journalists to seek, receive and disseminate information, there are consistent reports that access to information and the Internet is tightly controlled by the State, journalists face risks of arbitrary imprisonment and ill-treatment when trying to disseminate information through non-State-run media platforms, and users and providers of virtual private networks (VPNs) are often subjected to crackdowns by the State (arts. 2 and 16).

20. The Committee recommends that the State Party:

(a) **Ensure the application in practice of the Mass Media Act of 22 December 2012, such that no person is arbitrarily detained or subjected to torture or ill-treatment for exercising the right to freedom of opinion and expression;**

(b) **Create and promote a civic space, including a virtual one, where the right to freedom of opinion and expression is ensured;**

(c) **Guarantee that civil society organizations, journalists, national human rights institutions, other relevant stakeholders and the population as a whole have timely and unhindered access to the Internet and information.**

Violence and abuse against individuals on the basis of their actual or perceived sexual orientation or gender identity

21. The Committee is concerned about the criminalization of consensual sexual relations between male adults under the offence of sodomy (Criminal Code, art. 133). It is also concerned about reports of violence, including by law enforcement personnel, harassment, hate speech and hate crimes against individuals on the basis of their actual or perceived sexual orientation or gender identity. The Committee is further concerned about reports that

¹² Ibid., para. 12.

people suspected of being homosexual are subjected to medical examinations, including forced anal examinations. The Committee is concerned about the underreporting of such cases, and about the lack of effective investigation and prosecution of such incidents as hate crimes (arts. 2 and 16).

22. The State Party should:

(a) **Repeal article 133 of the Criminal Code with a view to decriminalizing consensual same-sex relations;**

(b) **Take effective measures to prevent violence, harassment, hate speech and hate crimes against persons on the basis of their actual or perceived sexual orientation or gender identity, provide safety and security to them, including in cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention, and ensure that cases are investigated and prosecuted promptly, effectively and impartially, that perpetrators are brought to justice and that victims are provided with redress. The State Party should also collect detailed information and statistics on the number and types of crimes committed on the grounds of actual or perceived sexual orientation or gender identity, the administrative and judicial measures taken to investigate and prosecute such crimes and the sentences imposed;**

(c) **Abolish the practice of forced anal examinations, and ensure that any such examinations are not admitted in court or any other proceedings as evidence;**

(d) **Raise awareness and provide training to law enforcement officers, prosecutors, judges and medical personnel on international human rights standards.**

Violence against women and girls, including domestic and sexual violence

23. While commending the efforts of the State Party concerning women's rights and the training on domestic and gender-based violence provided to officials from diverse government bodies, the Committee is concerned about the prevalence of domestic violence against women, including sexual violence. The Committee is also concerned at reports that police officers in some cases have conducted forced virginity tests on young girls (arts. 2 and 16).

24. The State Party should:

(a) **Finalize and adopt the bill on the prevention of family and domestic violence and ensure that it contains clear definitions of gender-based violence and domestic violence;**

(b) **Adopt the measures necessary to encourage and facilitate the lodging of complaints by victims and to address effectively the barriers that may prevent or discourage women from reporting acts of violence against them or from seeking protection measures;**

(c) **Ensure that all acts of gender-based violence and domestic violence, including those involving actions and omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention, are thoroughly investigated, including, where necessary, through the initiation of ex officio investigations, that the perpetrators are prosecuted and, if convicted, punished appropriately and that the victims or their families receive redress, including adequate compensation and rehabilitation;**

(d) **Take the measures necessary to prevent all forms of violence against women, and increase its efforts to provide mandatory training on gender-based violence for law enforcement officials, social workers, medical personnel, lawyers, prosecutors and judges;**

(e) **Take effective measures to prohibit "virginity testing" in all settings, whether conducted by law enforcement officials, medical personnel or any other actors.**

Abortion

25. The Committee is concerned about the restrictive legal framework governing access to abortion in Turkmenistan, which envisions a right to abortion only during the first five weeks of pregnancy. The Committee notes with particular concern that, after five weeks, the authorities reportedly in practice impose additional barriers beyond those stipulated in law, including threats of professional sanctions against medical personnel involved in abortions, thereby effectively limiting women's access to safe and legal abortion services, which increases the number of clandestine and unsafe abortions, placing women's lives and health at serious risk. It is also concerned about the lack of clarity regarding the grounds and procedures for obtaining an abortion after five weeks, the limited availability of reproductive health services and trained personnel, and the low rate of access to modern contraceptives, which together exacerbate the risks to women's physical and mental health (arts. 2 and 16).

26. **The State Party should ensure that access to safe and legal abortion is guaranteed at least in cases where the pregnancy poses a risk to the life or health of the woman, results from rape or incest, or involves non-viable fetuses. The State Party should also remove barriers that impede access to abortion and post-abortion care, including restrictive time limits, requirements for third-party authorization, and punitive measures against women and medical personnel. The State Party should further ensure that clear statutory guidelines are established for the provision of abortion services, that healthcare providers are not subjected to criminal or administrative sanctions for providing such care, and that women are not compelled to confess or provide information for prosecutorial purposes when seeking post-abortion medical treatment. The State Party should also strengthen access to comprehensive reproductive health services, including family planning and emergency contraception, and provide adequate training to healthcare personnel on the rights of women to be free from torture and ill-treatment in the context of reproductive healthcare.**

Torture and ill-treatment of members of ethnic and religious minorities

27. The Committee is concerned about reports indicating that individuals engaging in religious practices associated with unregistered or unauthorized religious groups, such as members of the Balochi minority, have been subjected to imprisonment. This includes allegations that Muslim men have had their beards forcibly shaved and have been compelled to consume alcohol and pork, which may amount to torture or cruel, inhuman or degrading treatment or punishment when inflicted for discriminatory purposes, on the basis of a person's religion or beliefs. The Committee is also gravely concerned about reports of torture and other abuse directed against members of the Balochi minority, including the beating to death of Allamurat Khudairamov in November 2023, and the ongoing detention of Mansur Mingelov, who has reportedly remained imprisoned since 2012 in retaliation for protesting against the torture to which he and other Balochi people had been subjected (arts. 1 and 16).

28. **The State Party should;**

(a) **Prevent, investigate and remedy any acts of torture or other cruel, inhuman or degrading treatment or punishment that are motivated by, or result in, discrimination on the grounds of religion or belief, including acts of violence, harassment or intimidation targeting individuals or communities because of their religion or belief, or the way in which they practise their religion;**

(b) **Ensure that no person is subjected to torture or ill-treatment for exercising, or refusing to exercise, his or her right to freedom of religion or belief, including the right to adopt, change or renounce a religion or belief, and the right not to be coerced into any religious practice or observance;**

(c) **Ensure that no person is subjected to torture or ill-treatment for exercising the right to freedom of religion or belief in the manner in which he or she wishes to do so;**

(d) Release Mansur Mingelov from detention.**Conditions of detention in prisons**

29. While acknowledging the State Party's efforts to improve and upgrade nine penitentiary institutions across four provinces, the Committee remains deeply concerned about reports of inadequate material and hygiene conditions in places of deprivation of liberty. These include continued severe overcrowding; inadequate bathing and toilet facilities; a lack of access to adequate food, lighting and ventilation; a lack of healthcare; a lack of outdoor activities; and unnecessary restrictions on family visits. The Committee is also concerned about reports that prisoners with diseases such as active and multidrug-resistant tuberculosis are held alongside healthy prisoners, resulting in high infection, morbidity and mortality rates among detainees. It is also concerned about reports that the contracting of HIV in detention centres is common and that the infection frequently remains untreated. The Committee is also concerned about reports that prisoners must pay for access to medication within the prison healthcare system. The Committee is further concerned about numerous and consistent reports of the routine use of solitary confinement for long periods of time and the harsh conditions of such solitary confinement, including the placement of prisoners at the bottom of a round, nearly totally dark, 3-metre-high "kartser". Lastly, the Committee regrets not having received information on the conditions of detention in the prisons of Ovadan Depe and Akdash (arts. 2, 11–14 and 16).

30. **The Committee reiterates the recommendations contained in its previous concluding observations¹³ and urges the State Party:**

(a) **To ensure that solitary confinement is used only in exceptional circumstances, as a measure of last resort and for the shortest time possible. In particular, the State Party should take the steps necessary to establish an absolute maximum duration of solitary confinement not exceeding 15 consecutive days, in line with international standards, including rules 43 (1) (b), 44 and 45 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The State should guarantee the abolition of the use of "kartser". The State should also consider amending article 88 of the Penalties Enforcement Code, which allows for solitary confinement for up to three months;**

(b) **To intensify its efforts to alleviate overcrowding in detention facilities, including through the application of alternative measures to imprisonment as provided for in national legislation, and its efforts to renovate the infrastructure of prisons and other detention facilities;**

(c) **To take effective measures to improve sanitation, quality of food, and the health services and facilities available to prisoners, including by ensuring access for prisoners to all necessary medication free of charge;**

(d) **To ensure the strict separation of detainees suffering from active tuberculosis or other infectious diseases from healthy prisoners in all places of detention, and fully implement, in practice, the National Tuberculosis Prevention and Control Programme, including the directly observed short-course programme. The State Party should also take effective measures to prevent the transmission of HIV in detention facilities by ensuring appropriate medical screening and non-discriminatory access to antiretroviral treatment, and provide all necessary services in accordance with international health guidelines and human rights standards;**

(e) **To observe the standards of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) with regard to female prisoners.**

Conditions in psychiatric institutions and other social care institutions

31. The Committee is concerned about reports that the psychiatric hospitals in the country lack sufficient medical care and have poor sanitary conditions. There are also

¹³ Ibid., para. 24.

concerns that patients are not receiving adequate nutrition, in particular at a psychiatric facility in the city of Mary. The Committee is also seriously concerned about allegations that patients are ill-treated, including by being beaten, intimidated and deprived of food and water (arts. 2, 11 and 16).

32. The Committee recommends that the State Party:

(a) **Increase the number of medical personnel, including psychiatrists and nurses, and the number of psychologists and social workers, in all psychiatric hospitals, provide regular training to all medical and non-medical staff, including security and technical personnel, on methods of non-violent and non-coercive care, and allocate sufficient resources to improve medical care;**

(b) **Ensure independent oversight of psychiatric institutions and social care institutions, and establish effective, independent, confidential and accessible complaint mechanisms to prevent and address human rights violations.**

Cooperation with international mechanisms

33. The Committee is concerned that the State Party has in practice denied visit requests by Human Rights Council special procedure mandate holders, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention, despite the fact the State Party extended a standing invitation to all thematic procedures on 11 May 2018 (arts. 2, 11 and 16).

34. The Committee urges the State Party:

(a) **To strengthen cooperation with United Nations human rights mechanisms by permitting visits as soon as possible by special procedure mandate holders who have requested them, in conformity with the terms of reference for country visits by special procedure mandate holders;**

(b) **To consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

National human rights institution

35. While taking note of the adoption of the Ombudsman Act, the information provided by the State Party on the institution's functions and structure, and the accreditation of the Ombudsman with B status by the Global Alliance of National Human Rights Institutions in October 2024, the Committee is concerned at reports indicating the alleged lack of independence and limited authority of the Office of the Ombudsman and about concerns, including those expressed by the Subcommittee on Accreditation of the Global Alliance, that the Ombudsman has failed to adequately address systematic and serious human rights violations, including concerns raised about torture, enforced disappearances and secret detentions. The Committee is also concerned about the questions raised by the assertions from the Office of the Ombudsman that no claims of abuse were submitted to it, and related questions about the failure to ensure that a fully secure and confidential complaint mechanism is accessible and responsive to all persons deprived of liberty and other victims of abuses and violations of human rights (art. 2).

36. The committee recommends that the State Party:

(a) **In accordance with the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, issued in October 2024, and with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), take all measures necessary to establish a national system that independently, effectively and regularly monitors and inspects all places of detention freely and without prior notice, as provided for in the Ombudsman Act, and that is able to meet and speak in private with detainees;**

(b) **In the light of the OHCHR mandate to support the establishment and strengthening of national human rights institutions, seek the support and advice of OHCHR in the process of strengthening the role of the Ombudsman and**

implementing the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.

Independent complaints mechanism

37. The Committee expresses concern at the information provided by the State Party that no complaints of torture or ill-treatment were received during the reporting period, and that no officials were prosecuted for torture and/or ill-treatment during that period (arts. 2, 11–14 and 16).

38. **The Committee reiterates the recommendations contained in its previous concluding observations¹⁴ and urges the State Party:**

(a) **To take note of the information provided regarding article 8 of the Penalties Enforcement Code, facilitate, in law and in practice, the submission by convicted prisoners of proposals, statements and complaints to all entities provided for under that article, namely, the administration of the penal institution in which they are detained, its supervising body, relevant authorities, the judiciary, prosecutorial bodies, civil society organizations and, where domestic remedies have been exhausted, international human rights organizations. The State Party should provide the Committee with disaggregated information on the number and nature of such submissions and clarify the procedures by which they are made and processed;**

(b) **To take all measures necessary to ensure that individuals deprived of liberty are able to submit complaints to independent bodies without fear of reprisals, and that all complainants are effectively protected, in law and in practice, from any form of intimidation, ill-treatment or retaliation resulting from the lodging of a complaint or the provision of evidence.**

Coerced statements

39. Despite national criminal legislation deeming information obtained through torture to be inadmissible, the Committee is concerned about numerous reports of the widespread continued use of coerced confessions or other statements as evidence in court. The Committee is also concerned about the lack of information on investigations by judges into torture claims and the absence of prosecutions of officials for extracting statements through torture (art. 15).

40. **The Committee reiterates its previous recommendation¹⁵ that the State Party ensure that any confession or other statement made as a result of torture or other forms of coercion is not invoked as evidence in any judicial proceedings, in conformity with article 15 of the Convention. The State Party should ensure that judges are required to investigate promptly and thoroughly any allegations of torture raised by defendants during judicial proceedings. The Committee further urges the State Party to undertake a comprehensive review of convictions that were based on forced confessions, with a view to identifying cases in which such confessions may have been obtained through torture or ill-treatment. In such cases, the State Party should ensure that effective and impartial investigations are carried out without delay, that appropriate remedial action is taken, including retrials, where warranted, and that victims are afforded full redress. The State Party should also provide the Committee with detailed information on any criminal proceedings initiated against officials suspected of having extracted confessions through torture or ill-treatment, including the outcomes of such proceedings and any penalties imposed.**

Non-refoulement

41. The Committee takes note of reports that no new asylum-seekers have been registered in the State Party since 2005. The Committee also regrets that the State Party did not provide the requested information on the number of asylum applications considered by

¹⁴ Ibid., para. 18.

¹⁵ Ibid., para. 28.

its authorities and the outcome of those requests, or on the number of judicial decisions adopted in cases relevant to article 3 of the Convention. The Committee also regrets the absence of information about steps taken by the State Party to respond to the worldwide call by the Office of the United Nations High Commissioner for Refugees for all countries to allow civilians fleeing Afghanistan to have access to their territory and international protection (art. 3).

42. The State Party should ensure that no person is expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. In particular, the State Party should:

(a) **Establish fair and efficient asylum and referral procedures that are accessible at all border points, including at international airports and transit zones;**

(b) **Ensure that asylum-seekers, including detainees, have access to independent, qualified and free legal advice and representation and that their protection needs are duly recognized;**

(c) **Establish a system for collecting and providing the Committee with the following data:**

(i) **The number of asylum applications received;**

(ii) **The number of foreigners who have been expelled or returned and to which countries and the number who were refused entry at the border;**

(iii) **The number of foreigners placed in detention facilities;**

(iv) **The number of individuals whose asylum applications are pending with the authorities;**

(d) **Take all steps necessary to ensure that individuals fleeing Afghanistan are granted access to the State Party's territory and are afforded international protection in accordance with its obligations under the Convention and other relevant international instruments.**

Juvenile detention

43. While commending the adoption of the National Action Plan on Children's Rights (2023–2028) and the State Party's efforts in collaboration with the United Nations Children's Fund (UNICEF) to establish an appropriate juvenile justice system, the Committee is concerned about reports of an increase in the number of girls who are prisoners in detention facilities primarily designed for boys (e.g. the Bayramali juvenile facility), and reports of children being placed in solitary confinement as a punitive measure. The Committee is also concerned about reports that the conditions in juvenile detention centres are as harsh as those in adult prisons. The lack of transparency surrounding these centres and the lack of relevant statistics raise serious concerns about the treatment of young detainees, especially girls (arts. 2, 11–14 and 16).

44. The State Party should:

(a) **Bring its juvenile justice system fully into line with the Convention and other relevant international standards. In particular, the State Party should promote alternatives to detention and ensure that detention is used as a last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules);**

(b) **Take measures to improve living conditions in centres of deprivation of liberty for children and adolescents in terms of sanitation, hygiene, safety and education, and ensure that suitable, culturally diverse socioeducational and rehabilitation programmes are offered; provide the Committee with information concerning existing rehabilitation and reintegration programmes; and ensure that the staff have received appropriate training and that regular inspections are carried out;**

(c) **Amend its legislation to ensure that solitary confinement is not used as a disciplinary measure against children, in accordance with rule 45 (2) of the Nelson Mandela Rules and rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.**

Counter-terrorism

45. While acknowledging the State Party's national security concerns, the Committee is concerned that its anti-terrorism legislation contains an overly broad definition of extremism. The Committee also regrets not having received information on the legal safeguards and remedies available for individuals suspected of terrorism or other security-related offences, both in law and in practice (arts. 2, 11, 12 and 16).

46. **The State Party should:**

(a) **Ensure that the anti-terrorism legislation and other relevant laws are in line with the Convention and international standards, and that anti-terrorism legislation is not used to restrict the rights enshrined in the Convention;**

(b) **Ensure that adequate and effective legal safeguards and fair trial guarantees are in place in practice and that no arbitrary arrest or detention is carried out under the guise of countering terrorism.**

Training

47. Taking note of the information provided by the State Party about providing numerous training programmes on topics related to the prohibition of torture and ill-treatment, the Committee is concerned about the lack of methodologies to assess the effectiveness of these training programmes. Moreover, the Committee regrets that there appears to be no specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised in 2002, or on the Minnesota Protocol on the Investigation of Potentially Unlawful Death. The Committee appreciates that specific training on women in detention has been provided to relevant officials, but regrets that there appears to be no specific training on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). It also regrets not having received information concerning specific training programmes on the use of force by law enforcement personnel or personnel in hospitals or welfare institutions (art. 10).

48. **The State Party should:**

(a) **Develop and apply a methodology for assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the investigation of those acts and the prosecution of the perpetrators;**

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised.**

Comprehensive statistical data

49. The Committee regrets the lack of statistical data on matters relevant to the State Party's obligations under the Convention, including data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment, comprehensive prison occupancy rates, and data on deaths in custody, as well as data on individual cases of alleged enforced disappearance, including the fates and whereabouts of those concerned. This lack of data severely hampers the identification of possible patterns of abuse requiring attention by the State Party (art. 2, 12, 14 and 16).

50. **The Committee urges the State Party, as a matter of priority, to compile, provide the Committee with and disseminate publicly statistical data relevant to the monitoring of the implementation of the Convention, disaggregated by, inter alia, sex, ethnicity, age, crime committed and geographical location, including information on**

complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment, incommunicado detention, deaths in custody, trafficking, domestic sexual and gender-based violence, non-refoulement and other matters addressed in the present concluding observations, and the outcomes of all such complaints and cases, including compensation and redress provided to victims.¹⁶

Follow-up procedure

51. The Committee requests the State Party to provide, by 2 May 2026, information on follow-up to the Committee's recommendations on renouncing any use of torture and ill-treatment, on incommunicado detention, on providing detailed information to the Committee on the fate and whereabouts of all individuals reported as having possibly been subjected to disappearance, and on the effective implementation of the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (see paras. 10 (a), 14 (a) and (b) and 36 (a) above). In that context, the State Party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the concluding observations.

Other issues

52. The Committee reiterates its recommendation that the State Party consider making the declaration under article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction.

53. The Committee invites the State Party to accede to the core United Nations human rights treaties to which it is not yet party, as well as to the optional protocols to the core treaties to which it is not yet party.

54. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

55. The State Party is invited to submit its next periodic report, which will be its fourth, by 2 May 2029. For that purpose, the Committee invites the State Party to accept, by 2 May 2026, the simplified reporting procedure consisting in the transmittal, by the Committee to the State Party, of a list of issues prior to the submission of the report. The State Party's replies to that list of issues would constitute its fourth periodic report under article 19 of the Convention.

¹⁶ CAT/C/TKM/CO/1, para. 25.