

Turkmenistan’s Compliance with the International Covenant on Economic, Social and Cultural Rights

Submitted by

Progres Foundation

and

The Advocates for Human Rights

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

Progres Foundation (“Progres” with one “s” as in the Turkmen language) is a non-profit organization based in the United States that supports various progressive initiatives that contribute to understanding of social realities, shaping a new vision and approaches to sustainable human development in Turkmenistan. There are two flagship informational portals established by Progres Foundation: Saglyk.org and Progres.online. Saglyk.org has been working to improve public health literacy in Turkmenistan over the last 15 years and has become a leading source of COVID-19 information in the Turkmen language. One of the focus areas of Saglyk’s work is to provide the public in Turkmenistan with access to quality sexuality and reproductive health and rights information. Saglyk has been developing public education content and covering domestic violence both as human rights and a public health emergency. Progres.online is an online analytical journal that promotes nuanced understanding of societal trends.

EXECUTIVE SUMMARY

1. In Turkmenistan, gender-based violence (GBV) is visible as there are minimal protections for domestic violence victim-survivors and restrictive access to abortion services. From a legal standpoint, the State has failed to secure women's rights. On the one hand, the Criminal Code does not effectively criminalize and address domestic violence while it has succeeded in implementing regulations on the access to abortion services. Turkmenistan's inability to protect women's fundamental rights to safety and bodily autonomy reinforces cycles of violence and control over women.
2. Turkmenistan's limited response to victim-survivors of domestic violence is a result of persisting legal and societal barriers. Under the existing legal provisions, victim-survivors are left vulnerable to the decisions made by law enforcement and judicial officials, who often opt from punishing their perpetrators. As a result, victim-survivors lose their trust in the governmental authorities and decide not to report their aggressor based on the premise that the intended outcome to obtain justice will not be secured. Often, the outcome for these victim-survivors is that they will be stigmatized as immoral or punished by their aggressor once they reveal their victim status. These fears based on reality discourage victim-survivors from seeking out resources, services, or support that would otherwise give them protection.
3. Turkmenistan's abortion laws are also very restrictive, as there is a five-week window to perform legal abortions without the need to obtain medical advisory approval. Beyond this timeframe, these abortion regulations do not clearly define the criteria that would allow an individual to access abortion services after the five-week pregnancy mark. These ambiguous regulations are problematic, as they leave medical professionals vulnerable to penalties if their judgment does not align with the State's interpretation, which is further reinforced by punitive legislation aimed at deterring them from providing abortion services, especially when performed outside designated state facilities. Additionally, Turkmenistan's restrictive stance on abortion is evident in the insufficient number of reproductive health clinics available to meet the needs of women seeking these services. These restrictive laws, unclear regulations, and insufficient healthcare facilities highlight the significant barriers women encounter when seeking to exercise their reproductive rights.
4. Progres Foundation ("Progres") and The Advocates for Human Rights ("The Advocates") have received direct information about gender-based violence and restrictive reproductive freedom from individuals in Turkmenistan. Progres' allies in Turkmenistan confirm that domestic violence and abortion restrictions are having a negative impact on the well-being of women across the country. Based on the research and our partnerships, it is evident that Turkmenistan's legal system and policies have failed to adequately protect women from violence, with these systems often exacerbating human rights violations.

Turkmenistan fails to uphold its obligations under the International Covenant on Economic, Social, and Cultural Rights

I. Domestic Violence (art. 3)

5. In its 2018 Concluding Observations, the Committee expressed concern that domestic violence remains prevalent in Turkmenistan, and noted that it has not yet been criminalized, remains underreported, and is inadequately investigated, with perpetrators often avoiding punishment.¹ The Committee recommended that Turkmenistan criminalize domestic violence under its penal law, promptly investigate and prosecute offenders, provide effective protection, and rehabilitate and compensate victim-survivors. The Committee also recommended that the government enhance preventive measures, including sensitization of the general public and law enforcement officials on domestic violence.²
6. In its 2023 State Party Report, Turkmenistan noted that since 2019, it has focused on developing an inter-agency response to gender-based violence (GBV) in response to a call to strengthen prevention measures.³ This inter-agency response aimed to assess existing practices used to prevent domestic violence against women.⁴ According to the State, once the assessment was finalized, a series of recommendations were built into a plan for implementation known as the 2022–2025 road map.⁵ Recommendations include: improving its legislative framework, building service coordination, implementing existing prevention measures, and continuing to collect and analyze data.⁶ Additionally, the government reported drafting standard operating procedures for police, health, and social workers, emphasizing human rights and confidentiality with its latest update taking place in 2022.⁷
7. Finally, the 2023 State Report indicated various campaign programs against GBV supported by The United Nations Population Fund (UNFPA), and other public awareness-raising events on preventing GBV.⁸
8. Turkmenistan’s current laws inadequately protect victims-survivors of GBV, including domestic violence.⁹ Despite legislative developments, Turkmenistan lacks comprehensive

¹ Committee on Economic, Social and Cultural Rights, *Concluding Observations on the second periodic report of Turkmenistan* (Oct. 31, 2018), U.N. Doc. E/C.12/TKM/CO/2, ¶¶27-28.

² Committee on Economic, Social and Cultural Rights, *Concluding Observations on the second periodic report of Turkmenistan* (Oct. 31, 2018), U.N. Doc. E/C.12/TKM/CO/2, ¶¶27-28.

³ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023* (Nov. 28, 2023), U.N. Doc. E/C.12/TKM/3, ¶132.

⁴ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023* (Nov. 28, 2023), U.N. Doc. E/C.12/TKM/3, ¶132.

⁵ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023* (Nov. 28, 2023), U.N. Doc. E/C.12/TKM/3, ¶136.

⁶ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023* (Nov. 28, 2023), U.N. Doc. E/C.12/TKM/3, ¶136.

⁷ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023* (Nov. 28, 2023), U.N. Doc. E/C.12/TKM/3, ¶134.

⁸ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023* (Nov. 28, 2023), U.N. Doc. E/C.12/TKM/3, ¶138.

⁹ Criminal Code of Turkmenistan (2022). See Art. 107 on Intentional Infliction of Harm to Health of Moderate Severity; Art. 108 on Intentional Infliction of Harm to Health of Moderate Severity; Art. 109 on

domestic violence laws, specialized courts, and protective orders.¹⁰ The Criminal Code criminalizes instances of domestic violence through other offenses, such as degradation, humiliation, cruelty, and the infliction of various types of bodily injury. Law enforcement agencies frequently choose to qualify domestic violence offenses as an “administrative offense.”¹¹

9. The Administrative Code currently contains a provision on warnings¹² that fails to convey a message of zero tolerance for domestic violence the State ought to communicate. As a result, perpetrators are only scolded or warned, and unless the victim has suffered multiple instances of abuse, these cases are often treated as “administrative offenses” rather than criminal offenses.¹³ In addition, legislation fails to address low-level injuries, threats of bodily harm, and harms from gendered power dynamics.¹⁴
10. Analysis of Turkmenistan’s Criminal Code revealed the existence of provisions that place victim-survivors at risk. For example, the use of “immorality” in regard to the actions of the victim as a mitigating factor in sentencing reinforces harmful stereotypes of women and poses the risk an abuser will not be held accountable for his violence.¹⁵ Such provisions open up the law for potential manipulation by the abuser to use against his victim. In addition, provisions about rape and forcing a person to have sexual intercourse fail to address consent, as well as lacking inclusion of other forms of criminal sexual conduct such as contact.¹⁶
11. Furthermore, the Criminal Procedure Code restricts access to justice for victims of domestic violence. For instance, Article 31 and 33 of the Code limit *ex officio* prosecution in cases initiated based on the victim’s complaint, making prosecution dependent on the victim’s cooperation, and allows for case termination if parties reconcile.¹⁷
12. Turkmenistan’s family law, policies and widespread stereotypes place victims in vulnerable situations with their abusers. Existing domestic legislation fails to protect victims of intimate partner violence. For example, recent amendments to Turkmenistan’s Family and Civil Procedure Codes in 2024 may complicate divorce proceedings for survivors of domestic

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

¹⁰ UN Women, “Turkmenistan,” accessed Dec. 12, 2023, <https://data.unwomen.org/country/turkmenistan>.

¹¹ The Advocates for Human Rights, “Comments by The Advocates for Human Rights on the Criminal Code, Administrative Offenses Code, and Criminal Procedural Code of Turkmenistan,” accessed Dec. 30, 2023, https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=45

¹² Code of Turkmenistan on Administrative Offenses (2013). [Gazette of the Mejlis of Turkmenistan, 2013, No. 3, Art. 52]. See Article 43 on Warnings.

¹³ Criminal Code of Turkmenistan (2022). [Gazette of Milli Gengesh of Turkmenistan, 2022, No. 1-2, Art. 11].

¹⁴ Criminal Code of Turkmenistan (2022). See Articles 107 on Intentional Infliction of Harm to Health of Moderate Severity; Article 108 on Intentional Infliction of Harm to Health of Moderate Severity; Article 109 on Intentional infliction of grievous bodily harm in a state of passion; and Article 114 on Threat of Murder or Grievous Bodily Harm.

¹⁵ Criminal Code of Turkmenistan (2022). See Article 56 on circumstances mitigating liability and Article 102 on Murder committed in a state of passion.

¹⁶ Criminal Code of Turkmenistan (2022). See Article 132 on Rape and Article 135 on Forcing a person to have sexual intercourse.

¹⁷ Criminal Procedure Code of Turkmenistan (2009) [Gazette of the Mejlis of Turkmenistan, 2009, No. 2, Art. 29].

violence by requiring in-person attendance and potentially delaying legal relief due to mandatory reconciliation periods.¹⁸

13. The *Health and Status of a Woman in the Family Status in Turkmenistan* survey report reveals that 59% of women surveyed believe violence is justified if a woman goes out without her husband's permission, neglects the children, argues with her husband, refuses sexual intercourse, burns the food, or disrespects her husbands' parents.¹⁹ According to the report, 12% of surveyed women reported experiencing intimate partner violence; however, it is likely that this figure does not reflect the reality based on differing perspectives on what constitutes intimate partner violence.²⁰
14. There is insufficient awareness of socio-economic support and safety services throughout the country for victims of domestic violence. Currently, only 0.4% of victims seek help from women's organizations, as there is limited awareness and trust in available support.²¹ An analysis of Progres' *online testimonies reveal* that women lack awareness of information about existing socio-economic and psychological support and shelters for victims of domestic violence.²² The only shelter known to the Progres Foundation is the one run by Keyik Okara in Ashgabat as the government does not publicize the existence of other shelters.²³
15. A critical barrier to seeking support for domestic violence victims is widespread mistrust in authorities and fear for personal and family safety. The *Health and Status of a Women in the Family Status in Turkmenistan* survey revealed that over 80% of victims of severe abuse sought help because they "could not endure it any longer".²⁴ A substantial number seeks support due to fear that their husband/partner might kill them (26.1%) or due to threats to their children (23.5%). Approximately 31% of victims reported that they refused any help while others often turn to their families (23.8%) rather than relevant organizations (11.9%). The same report

¹⁸ Progres, "Turkmenistan Makes Changes to the Divorce Legislation: What You Need to Know," accessed Nov. 7, 2024, <https://progres.online/society/rule-of-law/turkmenistan-makes-changes-to-the-divorce-legislation-what-you-need-to-know/>

¹⁹ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA, *Health and Status of a Woman in the Family in Turkmenistan: Report on the results of the national sample survey*, (2021), 179, accessed Dec. 23, 2023, <https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report-health-and-status-of-a-woman-in-the-family-in-turkmenistan.pdf>

²⁰ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA, *Health and Status of a Woman in the Family in Turkmenistan: Report on the results of the national sample survey*, (2021), 179, accessed Dec. 23, 2023, <https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report-health-and-status-of-a-woman-in-the-family-in-turkmenistan.pdf>

²¹ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA, *Health and Status of a Woman in the Family in Turkmenistan: Report on the results of the national sample survey*, (2021), 32, accessed Dec. 23, 2023, <https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report-health-and-status-of-a-woman-in-the-family-in-turkmenistan.pdf>

²² Information on file with the authors (2023).

²³ Information on file with the authors (2023).

²⁴ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA, *Health and Status of a Woman in the Family in Turkmenistan: Report on the results of the national sample survey*, (2021), 31-34, accessed Dec. 23, 2023, <https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report-health-and-status-of-a-woman-in-the-family-in-turkmenistan.pdf>

indicates a low percentage of women sought support from institutions like the police (9.8%), courts (5.9%), and medical institutions (3.8%).²⁵

16. Testimonials from the *Progress Online Survey on Domestic Violence* further emphasize this mistrust, and reveal how ineffective laws and institutional capacity result in infrequent and delayed police intervention – sometimes with severe consequences, including death.²⁶
17. Turkmenistan’s civil society has led social media advocacy efforts to educate the public on the realities of domestic violence. A 2023 report by Progres Foundation, highlights the prevalence of online content promoting violence against women and girls in Turkmenistan,²⁷ linked to a lack of educational resources and public campaigns.²⁸ The Progres Foundation’s Saglyk²⁹ (health portal) is the only source offering information on domestic violence, yet public education remains sparse. Saglyk’s campaign Dymma! (Don’t be Silent!), sharing anonymous survivor stories, underscores the urgent need for comprehensive public campaigns to address trauma, stigma, and the lack of support for victims.³⁰
18. Although the State claims to collect and analyze disaggregated data on gender-based violence, document complaints, conduct investigations, and prosecute criminal cases, the actual extent of reported and investigated domestic violence cases remains undisclosed to the public.³¹ The absence of transparency extends to the handling of cases, the number of individuals reporting incidents of violence, and the overall efficacy of the implemented measures.³²
19. Regarding policy implementation to eliminate discrimination against women and girls, the Sustainable Development Goal (SDG) gender equality indicators are the least observed in Turkmenistan, with major gaps in key areas, such as domestic violence. Only 20.6% of indicators needed to monitor the SDGs from a gender perspective were available.³³

Civil society, non-governmental organizations and women human rights defenders

20. The government indicated that the 2014 Public Associations Act guarantees citizens’ constitutional rights to form voluntary associations. According to the State Party, citizens can freely create public associations without prior authorization from government bodies, and they have the right to join such associations as long as they adhere to their statutes. The Act allows appeals in court for decisions refusing registration and ensures that refusal to register does not

²⁵ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA, *Health and Status of a Woman in the Family in Turkmenistan: Report on the results of the national sample survey*, (2021), 32, accessed Dec. 23, 2023, https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report_health_and_status_of_a_woman_in_the_family_in_turkmenistan.pdf

²⁶ Testimony on file with the authors (2023).

²⁷ Progres Foundation and Saglyk, *Digital Violence as a Mirror to Offline Realities: What does the public in Turkmenistan think about the status of women?* (2023), accessed Dec. 23, 2023. https://progres.online/wp-content/uploads/2023/05/Digital_Violence_Full_Report_en.pdf.

²⁸ Progres Foundation and Saglyk, *Supplementary Report for the Adoption of List of Issues for the CEDAW* (2023), 5, accessed Dec, 23, 2023, https://www.saglyk.org/images/stories/2023/05/CEDAW_Progres_Turkmenistan_2023.pdf

²⁹ See more about the project at <https://www.saglyk.org/english/about-us.html>.

³⁰ Data on file with the authors.

³¹ Data on file with the authors.

³² Data on file with the authors.

³³ UN Women, “Turkmenistan,” accessed Dec. 12, 2023, <https://data.unwomen.org/country/turkmenistan>.

hinder resubmission. The Act also ensures that refusals may be challenged in court. The government further reported that August 2020 amendments further simplified state registration, removing certain restrictions.³⁴

21. Despite such developments for civil society, there has been no visible or tangible progress. Turkmenistan has the least developed civil society sector in Central Asia. As of 2023, there are only 136 registered Public Associations (PA) in Turkmenistan,³⁵ with only four new unspecified PAs registered in 2022.³⁶ The majority of these registered organizations are government-affiliated organizations,³⁷ working mostly in areas such as culture, promotion of national heritage, sports, youth, social rights, and environment.³⁸
22. An absence of economic resources continues to hinder the effectiveness of the existing civil society organizations (CSOs). Many, both inside and outside of the county, have poor organizational capacity and are struggling with funding due to restrictions.³⁹ Existing governmental restrictions have resulted in a limited number of donors willing to contribute to the organizations. This has also resulted in limited international cooperation options for the organizations.⁴⁰
23. We respectfully suggest to Committee to pose the following questions to the Government of Turkmenistan
 - What steps has Turkmenistan taken to amend domestic legislation, including the Criminal Code, Criminal Procedure Code, and Administrative Code, that criminalize domestic violence, remove provisions that favor perpetrators and hinders access to justice for victims, in line with CEDAW and other international human rights standards?
 - What efforts has the government undertaken to address the stigmatization, remove stigma and barriers around seeking protection and to prevent discrimination and violence against women, and about the nature of domestic violence and the power dynamics associated with gender?
 - Please describe any awareness-raising campaigns or training that the government

³⁴ Committee on the Elimination of Discrimination against Women, Replies of Turkmenistan to the list of issues and questions in relation to its sixth periodic report, UN. Doc. CEDAW/C/TKM/RQ/6, (27 September 2023), ¶¶ 114-118.

³⁵ Press Release, OHCHR, Experts of the Committee on the Elimination of Racial Discrimination Commend Turkmenistan's Cooperation with the United Nations, Ask Questions on Civil Society Organisations Representing Ethnic Minorities and Measures to Prevent Statelessness, (22 August 2023), <https://www.ohchr.org/en/news/2023/08/experts-committee-elimination-racial-discrimination-commend-turkmenistans-cooperation>

³⁶ U.S. Department of State, "2022 Country Reports on Human Rights Practices: Turkmenistan," Accessed Dec. 25, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/turkmenistan/>

³⁷ United States Agency for International Development Bureau for Europe and EuroAsia, *The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia (2014)*, https://2012-2017.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf

³⁸ Ibid.

³⁹ Although this assessment was first elaborated in 2014, the same issues persist to this day, exemplified by the lack of progress in any area. See more online at https://2012-2017.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf 230

⁴⁰ Turkmenistan UNCT. *2021 UN Turkmenistan Annual Results Report (March 2022)*, https://turkmenistan.un.org/sites/default/files/2022-05/UNCT_CountryReport2021_EN_web%20final_1.pdf ; Turkmenistan UNCT, *2022 UN Turkmenistan Annual Results Report (March 2023)*, https://turkmenistan.un.org/sites/default/files/2023-05/UN_AnnualReport_2022_EN.pdf

has undertaken to address gender stereotypes.

- Provide disaggregated data about domestic violence cases over the reported period, including number of police reports, complaints, charges, prosecutions, convictions, relationship between victim and perpetrator and penalties, and describe the current procedures for collecting such data.
- What measures has the State Party taken to reform and increase awareness of State actors, including law enforcement, judicial, and medical personnel, as to the seriousness of domestic violence as a matter of public safety and concern, so that victims begin to regain trust in these resources?
- What efforts is the State Party making to disseminate information about the available legal remedies and services available to victims of domestic violence?
- How does the State Party support NGOs that serve domestic violence victims?
- Please provide information about the allocated funding to the protection of victims of gender-based violence against women, especially domestic violence victims, and the prevention of such violence.
- Please describe the available services and assistance for women victims of violence, particularly domestic violence, including but not limited to mental health services, access to long-term counseling, affordable housing, childcare support, more accessible and quality legal assistance, and employment opportunities.
 - Please describe the efforts taken by the State train judges, prosecutors, police, social workers, psychologists, and health-care workers on the dynamics of violence against women and domestic violence.
 - Please describe what are the concrete measures taken by the State to ensure that civil society counts with the safety conditions to promote human rights in the country, including allowing the creation and registration of nonprofit groups, specifically those working on issues of gender-based violence, both in the capital and velayats,
 - Please describe what steps has the government taken to provide opportunities for collaboration between the State party and civil society organizations.

II. Right to physical and mental health and access to abortion (art. 12)

24. In the 2018 Concluding Observations, the Committee made no particular recommendations on sexual and reproductive care. In its the 2018 List of Issues,⁴¹ the Committee requested information on educational programs on sexual and reproductive health, measures taken to prevent unwanted pregnancies, and resources provided to ensure women can safely choose abortion according to domestic laws.⁴² In 2018, the State party shared that only 104⁴³ reproductive health offices across the country provide reproductive health care services such as family planning services.⁴⁴ For 2022, the government reported 95 reproductive health

⁴¹ Reproductive rights were not addressed on the later stages, e.g. Concluding Observations.

⁴² Committee on Economic, Social and Cultural Rights, *List of issues in relation to the second periodic report of Turkmenistan* (Oct. 19, 2017), U.N. Doc. E/C.12/TKM/Q/2, ¶23-24.

⁴³ In later reports the number dropped to 95.

⁴⁴ Committee on Economic, Social and Cultural Rights, *List of issues in relation to the second periodic report of Turkmenistan. Addendum. Replies of Turkmenistan to the list of issues* (Jul. 26, 2018), U.N. Doc. E/C.12/TKM/Q/2/Add.1, ¶142.

offices across the country provide for safe abortion and 76 gynecologists certified to provide abortion in 2022.⁴⁵ The 2018 response also noted that contraceptives were used primarily to improve health rather than for birth control, with usage rates at 35% in 2010 and 24% in 2017.⁴⁶ In addition, data on evaluations from 2013 indicated that modern contraceptives are widely accessible in public and private facilities, and reproductive health modules on contraception were included in surveys of school children.⁴⁷

25. In its 2023 State Party Report, Turkmenistan's only comment on abortion was that under the Act amending the Criminal Code, it is a criminal offense to force a person to terminate a pregnancy.⁴⁸
26. Despite Turkmenistan's human rights commitments, its abortion legislation remains highly restrictive. Abortion is only permitted up to five weeks of pregnancy,⁴⁹ which is one of the shortest time frames in the world.⁵⁰ This five week limit marks a sharp contrast to the 2002 law, which allowed abortions up to 12 weeks.⁵¹ Current regulations, amended in 2015 and 2017, permit abortion up to 22 weeks only for social or medical reasons with medical advisory approval.⁵² Similarly, beyond 22 weeks, abortion is allowed only for medical and social reasons and also requires a doctors' council decision.⁵³ The law, however, is ambiguous on the meaning of "social" and "medical" reasons. This lack of clarity is further complicated by the involvement of medical advisory commissions or council of doctors, who must decide and agree on which abortions may be performed on these grounds.
27. According to current legislation, abortions must be performed in State facilities,⁵⁴ and minors need parental consent and medical advisory approval.⁵⁵ According to the Public Health Care Act, unauthorized abortions are criminalized, with penalties including imprisonment, fines, or

⁴⁵ Committee on the Elimination of Discrimination against Women, *Sixth periodic report submitted by Turkmenistan under article 18 of the Convention, due in 2022*, (10 August 2022), U.N. Doc. CEDAW/C/TKM/6, ¶184.

⁴⁶ Committee on Economic, Social and Cultural Rights, *List of issues in relation to the second periodic report of Turkmenistan. Addendum. Replies of Turkmenistan to the list of issues* (Jul. 26, 2018), U.N. Doc. E/C.12/TKM/Q/2/Add.1, ¶146.

⁴⁷ Committee on Economic, Social and Cultural Rights, *List of issues in relation to the second periodic report of Turkmenistan. Addendum. Replies of Turkmenistan to the list of issues* (Jul. 26, 2018), U.N. Doc. E/C.12/TKM/Q/2/Add.1, ¶143.

⁴⁸ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Turkmenistan under articles 16 and 17 of the Covenant, due in 2023*, (Nov. 28, 2023), U.N. Doc. E/C.12/TKM/3, ¶130.

⁴⁹ See Aynabat Yaylymova, *Turkmenistan cut our abortion rights overnight. Our 'allies did nothing'*, openDemocracy, May 4, 2022, <https://www.opendemocracy.net/en/5050/turkmenistan-abortion-rights-five-weeks-un-eu/> (citing to the original legislation in Turkmen at <https://minjust.gov.tm/hukuk/namalar>).

⁵⁰ Center for Reproductive Rights, "The World's Abortion Laws, 2023," Dec 23, 2023, <https://reproductiverights.org/maps/worlds-abortion-laws/>. Globally, there is an overwhelming trend towards the liberalization of abortion laws.

⁵¹ Public Health Care Act, Sec. V, Art. 32, adopted on December 14, 2002 and amended on October 25, 2005 (Turkmenistan) available at <https://www.saglyk.org/images/stories/laws/3-2.pdf>.

⁵² The Public Health Care Act, Chapter III, § 2, Art. 19.4 (1) and (2), adopted in 2015 as amended by the Laws of Turkmenistan dated 06/03/2017 No. 576-V, 11/25/2017 No. 659-V, 12/01/2018 No. 103-VI, 08/22/2020 No. 276-VI, 07/24/2022 No. 504-VI and 06/03/2023 No. 32-VII (Turkmenistan) available at <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/497> [hereinafter 2015 Public Health Care Act].

⁵³ Public Health Care Act. Art. 19.4(3).

⁵⁴ Public Health Care Act. Art. 19.5.

⁵⁵ Public Health Care Act. Art. 19.3.

corrective labor.⁵⁶ If authorities learn about medical professionals performing an unauthorized abortion, they face severe consequences.⁵⁷ Doctors who provide abortion services outside of a medical setting and outside of the scope of the law may be penalized with up to 2 years of correctional labor, or compulsory labor of up to 480 hours, or asked to pay a fine.⁵⁸ If the person does not possess the necessary medical qualifications, they may be imprisoned or subjected to correctional labor for up to 2 years, or asked to pay a fine.⁵⁹ Further, if an individual is found guilty of committing more than one of these offenses, then imprisonment may be increased up to three years.⁶⁰ In cases where an abortion resulted in death or harmed the health of the person seeking abortion, the impossible penalty may be up to five years of imprisonment.⁶¹ In all cases, an accessory penalty of disqualification to hold certain positions or engage in certain activities may also be imposed.⁶²

28. Recent reports indicate that authorities ignore the law's allowed exemptions, while doctors are threatened to lose license for performing a legal abortion.⁶³ When it comes to self-managed abortions, which are not expressly prohibited under the Criminal Code, it may still be interpreted as an offense and subject the women to imprisonment, correctional labor, or fine for “carrying out an artificial termination of pregnancy by a person who does not have a higher medical education in the relevant field.”⁶⁴
29. Turkmenistan’s regulations on abortion and reproductive care create significant barriers to women’s access to reproductive care. For example, Turkmenistan’s Criminal Code permits abortions only in state medical facilities, yet according to available data there are only 95 reproductive health clinics to serve over 1.6 million women of reproductive age.⁶⁵ These clinics provide safe abortion through medication and vacuum aspiration, alongside family planning, contraceptives, and education on reproductive health.⁶⁶ While these offices are nationwide, it’s unclear whether abortion services are available in all state medical facilities or only at these specialized locations. Additionally, reproductive health clinics offer educational sessions for adolescents and provide free HIV testing at six centers, with protocols in place for treating HIV, including reproductive health services for women living with HIV.⁶⁷ Further, there is no

⁵⁶ Criminal Code of Turkmenistan (2022). See Article 118.1 on illegal abortion.

⁵⁷ *Id.* Art. 118.

⁵⁸ *Ibid.*

⁵⁹ *Id.*, Art. 118(3).

⁶⁰ *Id.*, Art. 118(4).

⁶¹ *Id.*, Art. 118(5).

⁶² *Id.*, Art. 118.

⁶³ RFE/RL’s Turkmen Service and Farangis Najibullah, *Turkmenistan’s Crackdown On Abortion Puts Lives At Risk, Doctors Warn*, RadioFreeEurope.RadioLiberty, Aug. 27, 2024, www.rferl.org/a/turkmenistan-crackdown-on-abortion--putting-lives-at-risk/33093207.html

⁶⁴ Criminal Code of Turkmenistan (2022). See Article 118.3 on illegal abortion.

⁶⁵ World Population Review, “Turkmenistan (2023),” accessed Dec. 23, 2023, <https://worldpopulationreview.com/countries/turkmenistan-population> (Female population between the ages of 15 and 49 is 1,639,900 and the median age for females is 43.264).

⁶⁶ Committee on Economic, Social and Cultural Rights, *List of issues in relation to the second periodic report of Turkmenistan. Addendum. Replies of Turkmenistan to the list of issues* (Jul. 26, 2018), U.N. Doc. E/C.12/TKM/Q/2/Add.1, ¶¶ 23 and 24

⁶⁷ Committee on the Elimination of Discrimination against Women, *Sixth periodic report submitted by Turkmenistan under article 18 of the Convention, due in 2022**, (July 25, 2022), U.N. Doc. CEDAW/C/TKM/6, ¶¶ 193, 201, 202, and 203.

public information on whether public health insurance covers abortion costs.⁶⁸

30. Authorities strictly control abortion pill prescriptions,⁶⁹ and it remains unclear whether essential medications, such as mifepristone and misoprostol, are accessible for individuals.⁷⁰ Recent reports highlight that health-care workers are increasingly at risk of losing their license for performing abortions, even if the procedure is conducted legally – effectively, abortions are restricted to instances where the fetus shows no sign of life.⁷¹ These strict restrictions have resulted in an increase of illegal abortions and instances of bribery, with costs ranging from USD 500 to USD 14,300, depending on the location and stage of the pregnancy. Despite these expenses, patients are still denied post-abortion care and have no recourse for complications. As a result, those who cannot afford such costly procedures opt for other unsafe methods.⁷² Although self-managed abortions are not explicitly banned, they could be interpreted as an offense, potentially placing individuals without medical qualification at risk of imprisonment, correctional labor, or fines.⁷³
31. Restrictive abortion laws and limited family planning services increase women's vulnerability to further abuse among victims of sexual violence. Approximately one in three women who are victims of abuse seek abortions in Turkmenistan.⁷⁴ As a result of these restrictive abortion laws, women may face additional suffering and isolation.⁷⁵ Reports suggest doctors refuse abortion inquiries due to warnings from the Health Ministry and law enforcement.⁷⁶ Criminalizing abortion will lead to more women and girls seeking unsafe procedures, with limited access to post-abortion care, resulting in higher maternal mortality. It will also force many to remain in abusive relationships, perpetuating cycles of violence, poverty, and economic dependence. In response to the limited access to sexual and reproductive care, the UNFPA established an investment case for reducing the unmet need for family planning in

⁶⁸ WHO Global Abortion Policies Database, “Country Profile: Turkmenistan,” accessed Dec. 23, 2023, <https://abortion-policies.srhr.org/country/turkmenistan/>

⁶⁹ RFE/RL’s Turkmen Service and Farangis Najibullah, *Turkmenistan’s Crackdown On Abortion Puts Lives At Risk, Doctors Warn*, RadioFreeEurope.RadioLiberty, Aug. 27, 2024, <https://www.rferl.org/a/turkmenistan-crackdown-on-abortion--putting-lives-at-risk/33093207.html>

⁷⁰ World Health Organization, “Global Abortion Policies Database”, accessed Dec. 23, 2023, <https://abortion-policies.srhr.org/country/turkmenistan/>

⁷¹ RFE/RL’s Turkmen Service and Farangis Najibullah, *Turkmenistan’s Crackdown On Abortion Puts Lives At Risk, Doctors Warn*, RadioFreeEurope.RadioLiberty, Aug. 27, 2024, www.rferl.org/a/turkmenistan-crackdown-on-abortion--putting-lives-at-risk/33093207.html

⁷² Ibid

⁷³ Criminal Code of Turkmenistan (2022). See Article 118.3 on illegal abortion.

⁷⁴ Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA, *Health and Status of a Woman in the Family in Turkmenistan: Report on the results of the national sample survey*, (2021), 13, accessed Dec. 23, 2023, https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report_health_and_status_of_a_woman_in_the_family_in_turkmenistan.pdf

Health and Status of a Woman in the Family in Turkmenistan, Report on the results of the national sample survey, UNFPA, p. 29, Figure 20 (2021) available at https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/report_health_and_status_of_a_woman_in_the_family_in_turkmenistan.pdf.

⁷⁵ UN Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, (Jan.5, 2016), U.N. Doc. A/HRC/31/57, ¶51.

⁷⁶ RFE/RL’s Turkmen Service and Farangis Najibullah, *Turkmenistan’s Crackdown On Abortion Puts Lives At Risk, Doctors Warn*, RadioFreeEurope.RadioLiberty, Aug. 27, 2024, www.rferl.org/a/turkmenistan-crackdown-on-abortion--putting-lives-at-risk/33093207.html

Turkmenistan in 2021.⁷⁷ This case discovered that only 4.32% of vulnerable women in Turkmenistan have access to family planning.⁷⁸ As a result, the UNFPA argued that addressing their needs over the next decade could prevent 6,600 unsafe abortions and ensure 132,800 safe abortions.⁷⁹

32. The public has limited access to objective data on abortion. In past revisions, the State party claimed a decline in abortion rates.⁸⁰ The data on abortion is not publicly accessible, and generally, availability and access to data remain a major challenge.⁸¹ Further, the government has not provided comprehensive data concerning abortion rates over the last 32 years. And the references mentioned in the *2021 Investment Case on Ending Unmet Need for Family Planning* are not publicly accessible (e.g. data on abortions, cesarean sections, prematurely born unplanned children). In addition, the National Strategy for Reproductive, Maternal, Newborn, Child and Adolescent Health for 2020-2030 and the 2021-2025 National Strategy on "Healthy Mother - Healthy Child - Healthy Future," with crucial data have not been published online.
33. Turkmenistan claims that in 2013–2017 abortion rates declined.⁸² Other sources show that countries with less restrictive abortion laws see fewer unintended pregnancies ending in abortion⁸³ and due to its restrictive framework, in Turkmenistan about 83% of unintended pregnancies ended in abortion from 2015 to 2019,⁸⁴ totaling around 28,900 abortions annually.⁸⁵ This rate is higher than the 80% average in Central Asia and significantly above other Asian regions. This high rate underscores both that the restrictive framework for reproductive rights is not reducing the occurrence of abortions, as well as the urgent need for comprehensive sexual and reproductive health care in Turkmenistan.⁸⁶
34. The State's Public Health Acts amendment to replace the term "abortion" with "induced or

⁷⁷ UNFPA, *Investment Case on Ending Unmet Need for Family Planning in Turkmenistan* (2021), 2, accessed on Oct, 25, 2023,

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⁷⁸ UNFPA, *Investment Case on Ending Unmet Need for Family Planning in Turkmenistan* (2021), 9. *Investment Case on Ending Unmet Need for Family Planning in Turkmenistan*, UNFPA (2021) available at https://turkmenistan.unfpa.org/sites/default/files/pub-pdf/investment_case_on_ending_unmet_need_for_family_planning_in_turkmenistan_0.pdf. These groups of women include those who seek abortion, had previous delivery at an interval of less than 2 years, live in rural areas and socio-economically vulnerable, unemployed or unable to work, with 3 or more cesarean births, and absolute anatomic indications for a cesarean birth.

⁷⁹ *Id.* p. 10, table 12.

⁸⁰ Committee on Economic, Social and Cultural Rights, *Second periodic report of States parties due in 2016, Turkmenistan*, (Jan. 24, 2016), U.N. Doc. E/C.12/TKM/2, ¶165.

⁸¹ Information in file with the authors.

⁸² Committee on Economic, Social, and Cultural Rights, *List of issues in relation to the second periodic report of Turkmenistan*, (July 26, 2018), U.N. Doc. E/C.12/TKM/Q/2/Add.1, ¶148.

⁸³ *New Estimates Show Worldwide Decrease in Unintended Pregnancies: Abortion Rates Fall in Regions Where It Is Broadly Legal*, Guttmacher Institute, July 23, 2020, <https://www.guttmacher.org/news-release/2020/new-estimates-show-worldwide-decrease-unintended-pregnancies>

⁸⁴ Guttmacher Institute, "Country Profile: Turkmenistan," accessed Dec. 23, 2023, <https://www.guttmacher.org/regions/asia/turkmenistan>

⁸⁵ *Id.*

⁸⁶ Bearak J et al., Unintended pregnancy and abortion by income, region, and the legal status of abortion: estimates from a comprehensive model for 1990–2019, *Lancet Global Health*, 2020, 8(9):e1152–e1161, [https://doi.org/10.1016/S2214-109X\(20\)30315-6](https://doi.org/10.1016/S2214-109X(20)30315-6).

artificial termination of pregnancy,”⁸⁷ has been a setback for reproductive rights. The new term lacks clarity, complicates research, and may increase stigma.⁸⁸ This new term also advances State media promotion of the pronatalist views by reinforcing gender stereotypes, including the notion that women’s role is to procreate and serve as the primary caregiver.⁸⁹ With these actions, the State is omitting to combat gender stereotypes, cultural stigma, and discriminatory norms that hinder access to reproductive health services.

III. Suggested questions for the Government of Turkmenistan

35. We respectfully suggest The Committee to pose the following questions to the Government of Turkmenistan:

- Please provide information on the steps taken to ensure the free choice of women to seek abortion in safe conditions in accordance with domestic legislation. Including any steps taken to decriminalize abortion and/or repeal the 5-week gestational age limit and other restrictions on abortions based on specific grounds or gestational age limits.
- Please provide information on the steps taken to make abortion available on the request of the woman without restrictions and without the authorization, ensuring that national regulations regarding abortion are in accordance with international guidelines and the Covenant.
- Please describe the efforts made by the State to increase access to basic services in sexual and reproductive health.
- What initiatives has the State taken to guarantee affordable and easy access to contraception and other reproductive health services for low-income or vulnerable populations?
- Describe the government’s efforts to improve family planning for victims’ gender-based violence against women, including domestic violence and sexual violence.
 - Please provide information from the past five years on the number of women having abortions, including statistics on deaths and health complications for pregnant women who have been denied abortion, as well as measures taken to combat the stigmatization of women having abortions.
 - Describe Turkmenistan’s efforts to address the data gaps on abortions and publish objective data on abortion that is available to the general public.
 - What measures has the government of Turkmenistan put in place to ensure doctors and other medical professionals provide access to safe abortion for women whose lives or health are in danger as a result of pregnancy?
 - Describe the efforts taken by the State to address the risk of health professionals losing their licenses for performing legally sanctioned abortions, and are there

⁸⁷ 2015 Public Health Care Act, *supra* note 28, Art. 19.

⁸⁸ Aine Kavanagh and Abigail RA Aiken, The language of abortion: time to terminate TOP, *BJOG: An International Journal of Obstetrics and Gynecology*, 2018 125:9, 1065, <https://obgyn.onlinelibrary.wiley.com/doi/full/10.1111/1471-0528.15137>.

⁸⁹ *Türkmenistanda köp çagaly maşgalalara goldaw bermek bilen bagly täze kanunlar güýje girdi*, Turkmenportal, Jan. 1, 2022, <https://turkmenportal.com/tm/blog/42956/turkmenistanda-kop-chagaly-mashgalalara-goldaw-bermek-bilen-bagly-taze-kanunlar-guyje-girdi>

efforts to protect these professionals and clarify regulations to avoid punitive measures?

- What measures have been adopted to address abortion stigma by the State?
- Please provide information about the available procedures to ensure provider-patient confidentiality, and the holistic care for women accessing abortion care..