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COMMISSION ON HUMAN RIGHTS
Sixtieth session
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Andorra*, Australia, Austria, Belgium*, Bulgaria*, Canada*, Cyprus*,
Czech Republic*, Denmark*, Estonia*, Finland*, France, Germany,
Greece*, Hungary, Iceland*, Ireland, Italy, Latvia*, Lithuania*,
Luxembourg*, Malta*, Netherlands, Norway*, Poland*, Portugal*,
Romania*, Slovakia*, Slovenia*, Spain*, Sweden, Switzerland*,
United Kingdom of Great Britain and Northern Ireland, United States
of America: draft resolution**

2004/... Situation of human rights in Turkmenistan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the international human rights instruments to which they are parties,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful that Turkmenistan is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its previous resolution on the subject, 2003/11 of 16 April 2003, and taking note of General Assembly resolution 58/194 of 22 December 2003,

Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004,

Noting with appreciation that the Government of Turkmenistan has received the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for Participating States in Central Asia and the High Commissioner for National Minorities of the Organization,

Reaffirming that improving security and the fight against terrorism should be conducted in full respect of human rights and democratic principles,

Welcoming the decree on freedom of movement of 11 March 2004 and hoping that it will apply to the large number of people who, regrettably, were unable to leave the country following the earlier repeal of exit visas, and that it will be followed by further positive measures,

Noting with appreciation the decision on 11 March 2004 by the President of Turkmenistan to issue a decree on religious freedom, with the hope that its provisions will be implemented to allow unfettered registration by all religious minority groups,

Welcoming the demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation,

1. *Expresses its grave concern* at:

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The abuse of the legal system through arbitrary detention, imprisonment and surveillance of persons who try to exercise their freedoms of thought, expression, assembly and association, and harassment of their families;

(c) Restrictions on the freedoms of information and expression, including through the suppression of independent media;

(d) Restrictions on the exercise of the freedoms of thought, conscience, religion and belief, including by the harassment and persecution of members of independent faith groups and the discriminatory use of registration procedures for such groups;

(e) Discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education and employment;

(f) The poor conditions in prisons in Turkmenistan;

2. *Expresses its grave concern* at the continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe as regards the investigation, trial and detention procedures following the reported assassination attempt against President Niyazov in November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of the latter have now died in detention;

3. *Calls upon* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms, in particular the freedoms of expression, religion, association and assembly, the right to a fair trial by an independent and impartial tribunal established by law and the protection of the rights of persons belonging to ethnic and religious minorities, and to stop imprisoning conscientious objectors;

(b) To grant immediate access by appropriate independent bodies, including the International Committee of the Red Cross, as well as lawyers and relatives, to detained persons, especially to persons detained following the events of 25 November 2002;

(c) To put an end to forced displacement and guarantee freedom of movement inside the country;

(d) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

(e) To remove the new restrictions on the activities of public associations, including non-governmental organizations, stipulated in the new Law on Public Associations adopted on 21 October 2003 and paralleled in the new rules of registration of religious organizations released in January 2004, and to enable non-governmental organizations, particularly human rights organizations, and other civil society actors to carry out their activities without hindrance;

(f) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe, to work constructively with the various institutions of the Organization and to facilitate further visits of the Personal Envoy of the Organization's Chairman-in-Office for Participating States in Central Asia and of the Organization's High Commissioner on National Minorities;

(g) To develop further a constructive dialogue with the United Nations High Commissioner for Human Rights and her Office and to cooperate fully with all the mechanisms of the Office;

(h) To submit reports to all relevant United Nations treaty bodies and to ensure full implementation of their recommendations;

4. *Urges* the Government of Turkmenistan to release immediately and unconditionally all prisoners of conscience;

5. *Requests* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on freedom of religion or belief, as well as the Working Group on Arbitrary Detention and the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General on the situation of human rights defenders to consider visiting Turkmenistan as part of their programme of visits in 2004-2005, and calls upon the Government of Turkmenistan to facilitate such visits;

6. *Decides* to continue its consideration of this question at its sixty-first session.
