



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**  
**Sixty-seventh session**

**Summary record of the 1717th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 11 August 2005, at 3 p.m.

*Chairman:* Mr. Yutzis

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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (agenda item 4) *(continued)*

*Initial report and second to fifth periodic reports of Turkmenistan*  
(CERD/C/441/Add.1)

1. *At the invitation of the Chairman, the members of the delegation of Turkmenistan took places at the Committee table.*
2. **Mr. Meredov** (Turkmenistan) said that his country adhered to a policy of sustained cooperation with the institutions of the United Nations which his country saw as a strategic partner within the international system. In its report on the application of the International Convention on the Elimination of All Forms of Racial Discrimination, Turkmenistan had taken account of the Committee's recommendations, including its guidelines on the presentation of reports, and the recommendations of a group of experts of the Office of the United Nations High Commissioner for Human Rights, which had visited Turkmenistan in March 2004 to offer technical assistance. The group had taken part in methodological and thematic meetings on the establishment of national reports on the application of international human rights instruments.
3. The report on the application of the Convention had been produced on the basis of information from the ministries of foreign affairs and social affairs and other departments entrusted with overseeing respect for obligations arising from international human rights instruments. It presented all the main measures taken by the State party to apply the Convention since its ratification in 1994 and the measures that it planned to take in order to continue meeting its obligations arising from the Convention to the best of its ability.
4. Since the country's accession to independence, in 1991, the Turkmen Government had profoundly transformed society. The population had greatly benefited from economic growth, currently between 21 and 23 per cent of gross domestic product (GDP). The State spent 60 per cent of its budget on meeting social objectives and the social orientation of the economy was a fundamental aspect of government policy. Since 1993, the State had offered Turkmen citizens a range of economic and social benefits, including free gas, electricity and water as well as access to medical care and education under especially favourable conditions. Citizens also benefited from symbolic prices for housing and public transport. Every year the State increased salaries, scholarships and social benefits. It offered financial assistance to the most vulnerable groups, such as poor or large families, the disabled and veterans.
5. The political system of Turkmenistan, founded on the 1992 Constitution, placed considerable emphasis on social organizations such as trade unions and citizens' associations, which played a very active role in the development of the country's social and cultural life.
6. In accordance with its obligations under the Convention, Turkmenistan condemned racial discrimination both in its legislation and in practice and tried to promote understanding and tolerance between peoples and ethnic groups. Its legislation prohibited the dissemination of any ideology founded on racial hatred or xenophobia and the perpetration of racist acts against persons of another origin. The 1992 Constitution guaranteed everyone living in the country the same rights, without any discrimination relating to social status, race or religious belief. Legislation guaranteed everyone the same rights irrespective of origin, place of residence, language, religion or conviction.
7. In response to the Committee's question in the list of issues about whether the definition of racial discrimination in domestic law complied with article 1 of the

Convention, he said that the definition given in article 1 was fundamental for the State party, whose Constitution recognized the primacy of the norms of international law over domestic law. The Turkmen Criminal Code made any kind of incitement to religious, ethnic or racial hatred a criminal offence. To date no such case had been brought before the courts, but if that occurred, the courts would undoubtedly use the definition set out in article 1 of the Convention.

8. Turkmenistan recognized its obligations under international law. Pursuant to the Constitutional Act of 1995, it recognized and respected the democratic rights and liberties of individuals and citizens adopted by the international community and enshrined in the norms of international law and protected them from any form of discrimination. Those principles were translated into the many domestic laws described in the periodic report.

9. In addition to action in the legislative field, the Government was undertaking a large number of awareness-raising activities to teach tolerance and understanding, in particular in schools, where specific teaching was offered, and among teaching staff. Young foreigners studied in Turkmenistan on exchanges, and many young Turkmen went abroad to pursue their higher studies, mainly in the United States of America, Europe or other countries of Central Asia.

10. The Government paid special attention to the dissemination of information on international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. Information programmes on the main international instruments were conducted by foreign embassies and numerous projects were being carried out in cooperation with the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and other United Nations bodies.

11. International conventions were widely disseminated in Turkmenistan and were regularly commented upon and analysed in the press and other media. A series of training courses and conferences on human rights had been launched.

12. Turning to refugees' rights, he said that Turkmenistan had received almost 20,000 refugees between 1991 and 1997. In conjunction with UNHCR, the Turkmen authorities had facilitated the repatriation of about 7,000 Tajik refugees. The 12,000 Tajik refugees who wished to remain in Turkmenistan could continue to live there with the same rights as Turkmen citizens. Over the previous year, the Turkmen Government, in conjunction with UNHCR, had introduced a programme for registering refugees and forcibly displaced persons living in the country. Officials from UNHCR and the Department of Migration had visited the places where refugees lived to register them. After a great deal of registration work, it had been possible to create a database containing all information on refugees. The Turkmen authorities also cooperated with the United Nations on the issue of naturalization. On 4 August 2005, the President of Turkmenistan had signed a decree on granting Turkmen citizenship or the right of permanent residence to more than 16,000 persons living in the country. About 13,000 persons had been granted Turkmen citizenship, including about 10,000 refugees of different origins. Permanent residence permits had been issued to almost 3,000 persons, including almost 2,000 refugees. Those unprecedented measures had been widely applauded by the international community.

13. With regard to the representation of minorities in administration and State bodies, he said that minorities were well represented in most bodies of central administration, in ministries, the police and the judiciary. The head of the customs service, for example, was of Russian origin. The leading national daily newspaper was run by a person of foreign origin. The same was true locally, in particular in regions of Turkmenistan with large Kazakh, Uzbek and other minorities.

14. As far as civil rights were concerned, the Constitution guaranteed all citizens the right freely to move within the territory of the State and freely to choose their place of domicile in Turkmenistan. Citizens had the right to leave the country and return to it freely and could not be deprived of it. Citizens who left Turkmenistan to establish their permanent residence in another country enjoyed all the rights of citizens and were free to export their property and retain ownership of their real estate and other property on Turkmen territory. The means of acquiring or losing Turkmen citizenship were governed by the Constitution and the 1992 Turkmen Nationality Act. Regardless of the way in which it had been obtained, the rights of citizenship were equal for all citizens, irrespective of race, national affiliation or origin. Nobody could be deprived of their citizenship or the right to change it. Nobody could be expelled from the territory or subjected to restrictions in the exercise of their right to return to the country.

15. He rejected the information according to which, in 2003, after the annulment of the agreement with the Russian Federation on dual citizenship many Russian speakers in Turkmenistan who had chosen Russian nationality had been forced to leave the country rapidly. A bilateral Russo-Turkmen commission had concluded in June 2003 that the bilateral agreement complied with international law.

16. The information about alleged measures of displacement targeting ethnic Uzbeks taken by the State was also incorrect. For centuries, Turkmenistan had maintained close links with Uzbekistan and the two countries shared the same values. In November 2004, Turkmenistan and Uzbekistan had signed a bilateral agreement to strengthen cooperation. Representatives of the relevant international organizations could move freely in regions near the Uzbek border and had noted no such displacements.

17. In Turkmenistan, the minimum age of marriage was 16 years but 18 years for Turkmen who married foreigners or stateless persons. The difference was due to the fact that the Turkmen authorities believed that it was preferable for Turkmen citizens to have reached the age of majority in order to marry a foreigner and be able freely to leave the country if they wished to go to their spouse's country. In cases of marriage with a foreigner, both spouses must have a marriage contract drawn up declaring their property and inheritance rights.

18. Turkmenistan guaranteed freedom of religion and conviction and the equality of religions and convictions before the law, along with the rights of all to determine for themselves their attitude to religion. The registration and activity of religious organizations and groups were subject to no legal restriction. There were some 112 religious organizations and groups in Turkmenistan, including 91 Muslim organizations and 12 Russian Orthodox organizations. Pursuant to section 15 of the 2003 Religious Freedom and Religious Organizations Act, the latter could acquire and maintain all the property needed for the exercise of worship and could receive funds from abroad. They must, however, inform the tax administration of any foreign currency inflows. Pursuant to section 20 of the same Act, the right to acquire and use religious books from abroad was subject to no restriction, provided their content was not contrary to the Constitution and domestic legislation.

19. In 1996, Turkmenistan had established a National Institute for Democracy and Human Rights, which actively participated in the preparation of draft legislation (40 or so laws had already been passed by Parliament) and the implementation of programmes for the promotion and defence of human rights in cooperation with United Nations organizations such as UNDP, UNICEF and UNHCR. The National Institute for Democracy and Human Rights, which had already forged close links with other countries' national human rights institutions, intended to develop further its cooperation activities in order to perform its functions more satisfactorily.

20. He questioned some of the Committee's information sources and rejected as absurd the reports that students in secondary and higher education, including those belonging to national minorities, were required to wear Turkmen national dress. Students, like all other citizens, were free to wear the clothes of their choice. Most students learned Turkmen, Russian and English at school, but a number of specialized establishments taught in a language spoken by national minorities, in particular Russian, Uzbek and Turkish. Turkmenistan generally endeavoured to promote and respect national minorities' cultural rights, as witnessed by the creation of a large number of cultural centres for national minorities.

21. **Mr. Tang Chengyuan** (Country Rapporteur) noted with satisfaction that the Turkmen Minister of Foreign Affairs had travelled to Geneva to present his country's report in person, which testified to the importance that the State party attached to its dialogue with the Committee. Turkmenistan had become independent in 1991 and had a population of 6.3 million inhabitants, made up of 40 or so different nationalities. Turkmenistan had acceded to the Convention in September 1994 but had not previously submitted a report to the Committee. However, at its March 2002 session, the Committee had considered the application of the Convention by Turkmenistan on the basis of a variety of materials from both intergovernmental and non-governmental sources. It had expressed its deep concern about alleged discrimination affecting persons belonging to minorities in the fields of employment and education, as well as with respect to the freedom of thought, conscience and religion; and about the persecution of religious groups. He noted with satisfaction that, according to the periodic report, Turkmenistan had made major efforts to bring its domestic law into line with international human rights instruments and that the 1992 Constitution, amended in 1995 and 1999, mostly reflected the provisions of the Convention.

22. Although Turkmenistan had no specific legislation to implement articles 4 and 5 of the Convention, dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination of any kind or incitement to acts of violence against any race or group of persons of another colour or ethnic origin were apparently prohibited in Turkmenistan and punishable by law (para. 87). In 1997, Turkmenistan had passed a Refugees Act and, in April 2005, a large number of Turkmens living in Tajikistan for more than a decade had been naturalized by order of the President of Turkmenistan.

23. In December 1995, the People's Council had adopted a declaration on Turkmenistan's international commitments in the field of human rights, proclaiming that the country guaranteed everyone the rights and freedoms enshrined in the Constitution, laws and generally accepted norms of international law without any distinction as to race, sex, language, religion or ethnic origin. The Turkmen authorities had made considerable efforts in the area of education to raise public awareness and develop a spirit of solidarity and tolerance. Many international instruments to which Turkmenistan was party had been translated and disseminated by the media. The State party should be congratulated for those efforts.

24. However, problems remained — for example, numerous reports from non-governmental organizations (NGOs) alleged restrictions on the freedom of religion and conviction and the inability of some religions to register legally and thus to be freely practised. In its oral exposé the delegation had denied the existence of such problems.

25. There had also been reports that many Uzbek and Kazakh schools had been closed and those that remained open taught only in Turkmen. The delegation had denied that the problem existed. The State party should probably be recommended to offer bilingual education in schools attended by children belonging to minority groups.

26. **Mr. Valencia Rodríguez** noted that between 2002 and 2003 the country's GDP had grown by 23.1 per cent and significant measures taken to accelerate growth had helped

industrial production to rise by 22 per cent in the same period. The State provided free water, electricity, health care and education. In law-making terms, Turkmenistan condemned racial discrimination on the basis of the principle of equality enshrined in the Constitution and recognized the primacy of generally accepted norms of international law, which meant theoretically that the provisions of the Convention could be invoked before the courts and directly applied. It would be helpful if the Turkmen delegation could confirm the last point.

27. Incitement to ethnic or racial hatred, strife or scorn, or recourse to violence on ethnic, racial or religious grounds, rendered the culprit civilly, criminally and administratively liable in Turkmenistan (para. 64). However, it should be verified that the different legal texts which guaranteed that liability were effectively applied.

28. With regard to application of article 4 of the Convention, he welcomed the fact that the 1991 Press and Other Mass Media Act prohibited the use of the mass media to spread propaganda for war, violence, cruelty, and racial, ethnic and religious exclusiveness or intolerance. However, under the Act the dissemination of racist remarks was not a punishable offence and organizations inciting racial discrimination were not prohibited, as required by article 4 of the Convention. Turkmenistan should be recommended to carry out a more in-depth analysis of the legislation in that field.

29. He asked how many representatives of minorities were elected to Parliament. According to paragraph 140 of the periodic report, women working in the non-agricultural sector earned 72 per cent of what men earned; he asked the delegation to say how that salary policy affected women from minorities. He also asked whether asylum seekers in Turkmenistan had the right to join a trade union.

30. **Mr. Sicilianos** said that Turkmenistan had made substantial efforts in the area of the reception of refugees and naturalization, which had been recognized by UNHCR. However, he regretted the lack of information in the periodic report on the 40 or so ethnic minorities living in the country.

31. Apparently the Uzbek minority, the largest in Turkmenistan, was subject to major restrictions on its freedom of movement, was the victim of forced assimilation and had no access, like the Russian minority, to higher education. He recalled that, in its resolution 2004/12, the Commission on Human Rights had expressed its grave concern at the "discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education and employment" (para. 1 (e)). According to other information received, most schools attended by members of minorities, in particular Uzbeks, Kazakhs and Armenians, had been closed, leaving few opportunities for the children belonging to those minorities to be educated in their mother tongue. The number of schools teaching Russian had also been considerably reduced.

32. According to paragraph 118 of the periodic report, Turkmen law imposed no restrictions on the registration or activities of religious groups and organizations, whereas, according to reports, the Azeri and Iranian minorities, most of whom were Shiites, suffered discrimination with regard to the freedom of religion because Shiite Islam was not registered in Turkmenistan; apparently the Armenian Apostolic Orthodox Church was not registered either in Turkmenistan. He requested more information on the Baluchi minority, who numbered around 35,000 and were allegedly subjected to police intimidation. He also requested more detailed information about the participation of minorities in the conduct of public affairs, in particular their participation in Government and their representation in the police and prison staff.

33. He had heard that ethnic minorities were also discriminated against in the field of employment, especially in the public sector, where obtaining a job apparently required being able to prove Turkmen origins over three generations.

34. The freedom of movement did not appear to be respected, as stated in the aforementioned resolution (2004/12), in which the Commission on Human Rights had called upon the Government of Turkmenistan “to put an end to forced displacement and guarantee freedom of movement inside the country” (par. 3 c)). According to some sources a passport was needed for moving around the country and access to “border areas” was heavily restricted. That was all the more problematic since most of the country seemed to be regarded as “border areas”.

35. With regard to the access of minorities to the media, he recalled that, in the aforementioned resolution, the Commission on Human Rights had expressed its grave concern at “restrictions on the freedoms of information and expression, including through the suppression of independent media” and the General Assembly had also expressed its grave concern, in its resolution 59/206 of 11 March 2005, at “further restrictions on the freedom of expression and opinion, including the loss of local retransmissions of Russian language programmes on Radio Mayak”.

36. **Mr. de Gouttes** said that although the periodic report complied overall with the Committee’s guidelines it was too juridical and too abstract. He was struck by the fact that, on the one hand, the situation in Turkmenistan seemed positive from the economic, political, cultural and even legal points of view, in that many constitutional provisions prohibited racial discrimination, but, on the other, according to a good deal of information from United Nations institutions, the Organization for Security and Co-operation in Europe and NGOs there were worrying ethnic issues. He recalled that, in its resolution 59/206, the General Assembly had expressed its grave concern at the “continued discrimination by the Government of Turkmenistan against ethnic minorities in the fields of education and employment and by forced displacements” and the “constraints faced by civil society organizations, including the slow progress in the registration of non-governmental organizations”.

37. In particular, he wished to know on which sources the statistical data on national groups in paragraph 12 of the report were based, as the figures differed significantly from those provided from other sources of information. With regard to the legal status of the Convention in domestic law, he wondered whether the legal system in Turkmenistan was truly monist and whether it was really possible to invoke the Convention before the courts and make it directly applicable.

38. Incitement to racial discrimination and the prohibition of bodies and parties that incited racial hostility seemed to be correctly criminalized in Turkmen criminal law. He wondered, therefore, why there had been no reports of offences committed and no convictions.

39. With regard to application of article 5 of the Convention, he said that the Committee had received a large amount of information about discrimination against ethnic minorities, in particular regarding the freedom of expression and movement, the functioning of justice, culture and religion. On the question of religion, in its concluding observations issued in 2002 (CERD/C/60/CO/15), the Committee had noted with deep concern that only the Russian Orthodox Church and the Sunni branch of Islam enjoyed legal status, while other confessions were denied registration by the State party and their members were subject to increased persecution. He asked if the situation had changed since and invited the delegation to comment on information received according to which a policy of “Turkmenization” based on the advocacy of racial purity was under way in the State party.

40. Welcoming the presidential decree of April 2005 authorizing the naturalization of a large number of refugees, he would like to know the origin and ethnic affiliation of the beneficiaries. Noting with satisfaction the statement in the report that the text of the Convention had been published in Turkmen for a mass readership, and the provisions of the

Convention were regularly explained in the media (para. 73), he asked whether the Committee's concluding observations on the periodic report would be disseminated to the same extent.

41. **Mr. Herndl** said that, unlike the other members of the Committee, who had welcomed the report, he felt that the information that it contained was often vague, confused and irrelevant, nor did it convey how the Convention was applied in the State party. He therefore requested more information, notably on the direct applicability of the Convention, and wished to know in particular if the norms of international law mentioned in paragraph 58 of the report had primacy over domestic law and could be applied directly by the courts. He also requested a description of the laws and regulations prohibiting discrimination in any form adopted by the State party (para. 59). He asked the delegation to explain the content of paragraph 89, according to which the ban on the formation and operation of parties and organizations that advocated racial hatred had been "elevated [...] into a directly applicable constitutional provision".

42. He requested specific examples of the way in which the remedies open to the victims of racial discrimination (para. 169) were used and asked how the Act described in paragraph 69 of the report was applied. He invited the delegation to explain the fact that, despite the existence of those provisions, no complaint or conviction for act racial discrimination had been recorded in the State party (para. 176).

43. Concerning the situation of the Russian minority living in Turkmenistan, he was deeply concerned that Russians who had chosen to keep their nationality, following the entry into force of the 2003 bilateral agreement on dual nationality, had been given only two months to leave the country, which was tantamount to expulsion. Perhaps the Government could at least have issued them with temporary residence permits so that they could prepare their departure. In paragraph 12 of the report only some of the 40 ethnic groups living in Turkmenistan were mentioned; he asked the delegation to provide a complete list of minorities and detailed statistics on their numbers and the percentage of the total population that they made up.

44. **Mr. Kjaerum** was aware of the difficulties faced by States that had gained independence over the previous two decades in finding their new national identity. Whereas, according to the report, Turkmenistan had always held fast to the values of tolerance and openness (para. 50), the President had reportedly made statements that tended to favour one group of the population, ethnic Turkmen, to the detriment of the others. In one speech the President had deplored the fact that Turkmen blood had been "diluted", saying that the ethnic purity of each Turkmen citizen should be verified going back three generations. He asked how such statements were perceived by the public, especially young people. He also asked the delegation to comment on information that anyone applying for a position in the civil service must prove that they had Turkmen blood dating back at least three generations as must young people wishing to study abroad.

45. He asked for information about the members of the Uzbek community who had been forcibly resettled, in application of two presidential decrees issued respectively in November 2002 and January 2003, in a desert region near the Kazakhstan border, where their living conditions were extremely precarious. He requested more detailed information on the closure of nearly all schools teaching in a minority language.

46. **Mr. Avtonomov**, welcoming the high level of the Turkmen delegation, asked why, since the 1995 census, the number of persons belonging to an ethnic minority had fallen sharply. He also asked why the report made no mention of the Armenian religious minority, which had been present in the State party long before the Russian Orthodox, or the Roma minority, members of which had lived in Turkmenistan in Soviet times. He asked how many members of the Roma community lived in the country and whether any special



measures had been taken to protect them, in accordance with the Committee's general recommendation XXVII on discrimination against Roma (HRI/GEN/1/Rev.7).

47. Concerning the reform of the education system, he said that it was regrettable that the only Russian school still open in the State party was obliged to take in 650 pupils, whereas its capacity was only 350; the entrance competition for the school offered one place for every 50 applicants. He wondered why the Turkish minority, which was very small, had its own school, whereas the Uzbek, Kazakh and Baluchi minorities did not. And why had Turkmenistan signed an agreement with the Russian Federation making dual nationality impossible?

48. **Mr. Thornberry** asked the delegation to explain how the Turkmen State and identity were defined in the Constitution and what the implications of that definition were. He requested more details about the "stability in all sections of society and inter-ethnic consolidation of the country's ethnic groups" mentioned in paragraph 53 of the report. What policies had been implemented to attain that objective and what had been the reaction of the groups concerned?

49. With regard to education and culture, he asked whether ethnic minorities had the possibility and material means to preserve their culture, bearing in mind in particular the closure of their schools. He asked about the orientation of the history and literature lessons mentioned in the report (para. 179) and wished to know in particular if they focused on the history of the Turkmens or mentioned the history of the minorities living in the country. He asked the delegation to confirm that knowledge of the *Rukhnama*, the "holy book" written by the President, was a requirement for admission to higher education establishments.

50. He asked the delegation to outline the national psychological characteristics and state to what extent they might influence the application of the principles of equality and non-discrimination. He requested it to qualify the State party's approach to nation-building: nation-building by erasing differences or by integrating all the components of society while respecting diversity?

*The meeting rose at 6.05 p.m.*