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Introduction

This Report is the first report on the activity of the Ombudsman of Turkmenistan (hereinafter referred to as the Ombudsman) and encompasses both the analysis of the work implemented during the first year of her activity and the situation in the country in the field of human rights.

The Report is drawn up in accordance with the adopted by Turkmenistan on November 23, 2016 and entered into force as of January 1, 2017 the Law 'On the Ombudsman', based on which an annual presentation of the Report to the consideration of the President of Turkmenistan is a specific functional duty of the Ombudsman. Also, the Ombudsman will present this Report to the Mejlis of Turkmenistan and it will be promulgated in Turkmenistan's media.

The key objectives of the Report are as follows:

familiarizing the public authorities, local self-government bodies, international organizations and civil society with the activity of the Ombudsman's Office in 2017 and the situation with human rights in Turkmenistan for the same period;

making available to the public the objectives and tasks of the Ombudsman on protection and promotion of human rights and freedoms in Turkmenistan and results of her activity;

enhancing legal literacy of citizens on human rights and freedoms, forms and means of their protection;

raising awareness on the developed recommendations for elimination and prevention of violation of human rights and freedoms, improvement of legislation and law enforcement practices in the field of human rights protection, actions to expand mutually beneficial co-operation of the Ombudsman with public authorities, international organizations and civil society.

The Report is comprised of eight chapters covering the following:

Chapter I. Situation in Turkmenistan for ensuring and observing the rights of man and citizen;

Chapter II. Establishment of the institution of the Ombudsman of Turkmenistan and organization of its activity

Chapter III. Analysis of the activity during the reporting period

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Chapter V. Inquiries and recommendations of the Ombudsman

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Chapter VIII. Conclusions and proposals

Given that this Report is an inception report, the considerable attention was paid to the establishment of an independent institution, key priorities of its activity, and co-operation with international entities, interaction with non-governmental public organizations. The key efforts during the preparation of the Report were aimed at the identification of existing issues in the field of human rights, relevant conclusions and proposals, means and mechanisms to address them, that, in our opinion, would positively impact further consolidation of legal culture and democratization process in the country.

Chapter I. Situation in Turkmenistan for ensuring and observing the rights of man and citizen:

- 1. Socio-economic and cultural rights**
- 2. Civil and political rights**

As it is known, the Basic law – Constitution of Turkmenistan, adopted in a new revision in September, 2016 clearly stipulates that in our country the people are the highest value of the society and the state, and the main

objectives of public authorities are to serve and support them. It also specifies that in the country established the rule of law, the rights and freedoms of an individual are inviolable and inalienable.

Turkmenistan in every possible way supports all international norms aimed at ensuring rights and freedoms of the citizens, their security, mutual understanding and harmonious enhancement of their actions, as the main areas of maintaining the peace. These areas are also reflected in the new revision of the Constitution of Turkmenistan, national laws, social programmes and documents. The provision of Article 9 of the Constitution of Turkmenistan stating that ‘Turkmenistan shall recognize the priority of the universally recognized norms of international law’ is an example of this.

The national legislation comprises established specific universal norms, such as fair rights and freedoms of citizens, favourable civil and political sovereignties.

The norms inherent to humanity and specified in the Universal Declaration of Human Rights that was adopted in 1948 and has been served as a fundamental international norm during 70 years, found their place in the national legislation of Turkmenistan.

These norms can also be traced in humanitarian traditions and rites of our ancestors acquired during the thousand years of their life.

This is why, universal norms of the Declaration and international law that found their place in the wise traditions and rites serving as a basis for the public life of our people, are clearly and distinctly specified in the second section of the Basic Law of Turkmenistan, that is the section on ‘Rights, freedoms and duties of man and a citizen of Turkmenistan’, and also are reflected in other legal acts based on the provisions of the Basic Law.

At the same time, it is imperative to look at some laws passed as a result of systematic harmonization of national legislation with the universally recognized international norms aimed at provision and protection of human rights. These are the introduction into the new revision of the Constitution of Turkmenistan of the provision stipulating the establishment of the Ombudsman institution and the procedure of his/her

appointment, as well as the adoption in 2016 of the Law of Turkmenistan 'On the Ombudsman'. It is worth noting that in 2017, a Law was adopted establishing the legal foundation for the principles and procedural rules of the work carried out by administrative bodies with relation to adoption, implementation or repealing of administrative acts aimed at safeguarding the observation of human rights and freedoms and the rule of law. The Law has come into force as of January 1, 2018.

Legal human rights safeguards. We believe that while discussing here the harmonization of national experience with international principles, it would be appropriate to not be limited by their implementation into the national legislation, but also highlight the facts confirming the practical realization of universally recognized international norms in our country.

The state policy of the esteemed President of Turkmenistan is aimed at the continuous strengthening of democratic foundations, ensuring constitutional rights and freedoms of an individual, and improving the procedure of handling of public complaints and appeals. In this regard it should be noted that in February 2007, the President signed a Decree 'On the Establishment of the state committee on handling complaints and appeals of citizens on the issue of the activity of law enforcement agencies'.

The evidence the country attaches great importance to the solution of issues in the field of human rights and freedoms is, that in order to coordinate the work on the implementation by Turkmenistan of international legal obligations, an Interagency commission for ensuring the implementation by Turkmenistan of international human rights commitments was established by the Decree of the esteemed President in 2007, and in order to improve the work of the Commission, its powers and composition were expanded. On August 12, 2011 was established the Interagency commission for ensuring the implementation by Turkmenistan of international human rights obligations and international humanitarian law.

Having said that, it is worth noting that in order to improve the international co-operation on human rights, introduce international standards in the national legislation and implement them, improve the moral law and culture of the people, the Head of state has approved long-

term plans and programmes that are clearly coming to fruition. The National Action Plan of Turkmenistan on gender equality for 2015-2020 (22.01.2015), the National Human Rights Action Plan of Turkmenistan for 2016-2020 (15.01.2016), the National Action Plan of Turkmenistan on Combatting trafficking in persons for 2016-2018 (18.03.2016), approved by the Resolution of the esteemed President of Turkmenistan may serve the obvious examples of it.

The national action plans were adopted in order to strictly observe economic, social, cultural, civil and political rights of man and citizen. And, in accordance with the universally recognized norms of international law, Constitution and laws, the economic, social, cultural, political and civil rights and freedoms are fully guaranteed for citizens.

1. Socio-economic and cultural rights.

Turkmenistan ratified the International Covenant on Economic, Social and Cultural Rights in 1996. The provisions of this Covenant are being implemented into the national legislation within the legal reform carried on in the country.

Ensuring realization of the rights recognized under the Covenant, further achievement of the Covenant's objectives, implementation of its provisions are carried out through the adoption of legislative measures. In particular, in accordance with Article 9 of the Basic Law of the country, Turkmenistan recognizes the priority of the universally recognized norms of international law.

The right to employment, the right of every person to fair and just working conditions, the right of each person to establish trade unions to ensure and protect his/her economic and social interests and enter into them upon his/her own choice, and the right of each person for social protection, including social insurance were reflected in the Labour Code of Turkmenistan (18.04.2009), the Code of Turkmenistan 'On Social Protection of people' (19.10.2012), the Law of Turkmenistan 'On Trade Unions, their rights and safeguards of their activity' (09.11.2013), the Law of Turkmenistan 'On Organizing and Holding Assemblies, Rallies, Demonstrations and other mass events' (28.02.2015), the Law of Turkmenistan 'On the Employment of Population' (18.06.2016), 'On

Mandatory Safeguards for the deposits of physical persons’(15.10.2016) and other laws and regulations.

According to the legislation of Turkmenistan, the state guarantees occupation, vocation and place of work to each citizen of his/her own free choice, ensuring each person’s rights and opportunities to have occupation, work and remuneration, equal to the quantity and quality of labour, facilitation in vocational training, re-training and upgrading skills of unemployed people and people on a suitable job search.

The employment statistics, labour and social statistics do not envisage the data collection based on the ethnicity of people, as all people, including ethnic minorities, have a right for equal participation in both labour activity and pension and social welfare issues. This clause is enshrined in the Constitution of Turkmenistan, the Labour Code of Turkmenistan, the Code of Turkmenistan ‘On Social Protection of people’, the Law of Turkmenistan ‘On the Employment of Population’ and other laws and regulations of Turkmenistan.

In order to create broad possibilities and conditions for exercising the constitutional rights of citizens to labour, increase the provision of population with decent work and develop the national productive force, the President of Turkmenistan signed a Resolution, by virtue of which the Programme of improvement of the employment and creation of new jobs in Turkmenistan for 2015-2020 and Action Plan for implementation of this programme were approved.

According to the Covenant, having recognized the right of every citizen of Turkmenistan for an adequate standard of living, Turkmenistan implemented legal measures on establishment of legal safeguards for practical implementation of the said right. In particular, the Laws ‘On Environmental Security’ (3.06.2017), ‘On Food Security (new revision)’ (23.11.2016), ‘On State Guarantees of Ensuring Equal rights and Equal possibilities for women and men’ (18.08.2015), ‘On Ensuring Food Safety and Quality’ (16.08.2014), ‘On State Guarantees of the Rights of the Child’ (03.05.2014), ‘On State Pension Insurance’ (31.03.2012), the Law of Turkmenistan ‘On Shared Funding of Housing and other real property’ (31.03.2012) and others were adopted.

The right of everyone for health is recognized in the country. The right for healthcare and the right to enabling environment for life and health are guaranteed to everyone by the Constitution of Turkmenistan. The Laws of Turkmenistan ‘On Provision of Psychiatric aid’ (23.11.2016), ‘On Promotion and Support of Breastfeeding’ (26.03.2016), ‘On Protection of Air Ambience’(26.03.2016), ‘On Prevention of Diseases caused by HIV’ (26.03.2016), ‘On Provision of Medicines’ (12.01.2016), ‘On Healthcare of citizens’(23.05.2015), ‘On Physical Education and Sports’ (23.05.2015), ‘On Sanatorium and Health Resorts’ (04. 08. 2012) aim to ensure the afore-mentioned constitutional guarantee; as well as relevant laws and regulations and various state programmes aimed at improved access of population to quality healthcare in Turkmenistan.

Reforms in healthcare are reflected in its budget increase year by year. Its significant share is allocated for the programmes of reproductive health, health of mothers, children, adolescents and other groups of population.

Strategic programme for the development of pharmaceutical industry in order to increase access to quality healthcare for all population groups is under way in the country.

During 2013-2017 the material and technical base of the rural health facilities was enhanced. Tens of regional hospitals, rural health houses and health centres were constructed and reconstructed; they are equipped by state-of-the art medical equipment, ambulances, which enabled to expand the volume of health services provided to population.

In order to create legal safeguards for realization of the rights of everyone to education, in Turkmenistan was adopted a number of legislative acts, specifically, Article 55 of the Constitution of Turkmenistan that guarantees the right to education (14.09.2016), the Laws of Turkmenistan ‘On Education’ (04.05.2013), ‘On State Research and Technical Policy’(01.03.2014), ‘On Libraries and Library science’(20.03.2017 г.), and a number of legal acts were adopted.

In 2013, the President of Turkmenistan signed a Decree ‘On Improvement of Education System in Turkmenistan’. A Concept of transition to 12-year general secondary education was approved by the same Decree. A new

revision of the Law of Turkmenistan ‘On Education’ was adopted in the same year.

New school subjects were introduced in the curricula of secondary schools, namely basics of economy, ecology, cultural heritage of Turkmenistan, world culture, cultural behavior, information-communication and innovation technology, simulation study and graphic arts.

An introduction of a two-tier system of higher education (bachelor, master) started in 2014-2015.

The enrollment of students to vocational education institutions has increased year by year.

Conditions are created for access of each student to information systems both within the country and global computer networks for communication with leading global education and scientific institutions, production companies and service providers.

Turkmenistan recognizes the right of everyone to participate in cultural life. The Basic Law guarantees the right to participate in cultural life, to freedom of artistic, scientific and technical creativity. Copyright and interest of an individual in scientific, research, technical creativity and arts, literature and cultural activity are protected by law. These constitutional guarantees are reflected in the adopted Laws ‘On Protection, Export and Import of movable values of national historic and cultural heritage’ (26.03.2016), ‘On Cinematography’ (18.06.2016), ‘On Amateur and Folk arts’ (23.11.2016), ‘On Protection of National Intangible Cultural heritage’ (28.02.2015), ‘On Theatre and Stage’ (08.11.2014), ‘On Science and Technology parks’ (16.08.2014), ‘On Intellectual Property and Neighbouring Rights’ (10.01.2012) and other by-laws.

Taking into account the reforms carried out in accordance with national development programmes and action plans, the legislation is regularly improved, including on social protection issues. The Constitution of Turkmenistan plays an important role in strengthening the legal foundations of the state, successful implementation of social-economic

reforms in the country. The Basic Law states that Turkmenistan is a state that guarantees social protection to everyone. The Budget Code of Turkmenistan is also aimed at social development and comprehensive social protection of population.

Around 75% of budget allocations are directed annually to the social development area. Lately, vast amounts were invested in the production and social areas that reflects the accelerated dynamics of entering Turkmenistan in the ranks of developed countries in the world.

Strategic actions against reduction of living standards of people are included in all programmes, action plans and other adopted laws and regulations.

By the Decree of the President of Turkmenistan pensions, social benefits, student stipends, salaries of employees from all branches of economy are increased every year by 10%. The state funding of social branches has increased.

The fact that Turkmenistan is an upper-middle income country is the result of efficiency of such measures.

It should be highlighted that Turkmenistan adopted the National programme of Socio-Economic Development for 2011-2030, a new revision of the National Programme of the President of Turkmenistan on Transformation of Social and Living conditions of villages, settlements and towns until 2020, Programme of the President of Turkmenistan on Social-Economic Development of Turkmenistan for 2018-2024 and they are successfully implemented throughout the country.

2. Civil and political rights

On December 20, 1996 Turkmenistan ratified the International Covenant on Civil and Political Rights (ICCPR) and Optional Protocol to it. On December 27, 1999 Turkmenistan has become a party to the Second Optional Protocol to ICCPR aimed at abolition of death penalty.

Based on the consistent commitment and implementation by Turkmenistan in its domestic and foreign policy of the universally

recognized norms of international law, with the aim of their further implementation, the Decree of the President of Turkmenistan introduced the moratorium for the use of death penalty as penal sanction as of January 1, 1999, followed by the Law of Turkmenistan 'On the Procedure of the Moratorium for the use of death penalty as penal sanction' adopted on January 6, 1999 by the Decree of the President of Turkmenistan'.

Following to the traditions of ancestors, principles of humanity, charity and kindness, the Decision of Halk Maslahaty/People's Council of December 28, 1999 approved the Decision of the Second Optional Protocol to the International Covenant on Civil and Political Rights, as a result of which Article 32 of the Constitution of Turkmenistan was amended as to abolish death penalty as penal sanction.

Civil and political rights and freedoms are crucial for the functioning of all other rights. The possibility to exercise political freedoms is one of the pillars for freedom of an individual. In this connection, Turkmenistan as state party, since its accession to the International Covenant on Civil and Political Rights, demonstrated its legal and political adherence to the improvement and maximum harmonization of its national human rights legislation to the universally recognized international standards. To this end the key provisions of the Covenant were implemented into the relevant legislation of Turkmenistan.

All internationally recognized civil and political rights and freedoms are enshrined in the Constitution of Turkmenistan. The Basic Law of the country guarantees everyone the freedom of thought and speech. No one has the right to prohibit an individual to freely express his/her opinion as well as prevent its dissemination in accordance with the law. According to the relevant articles of the Constitution of Turkmenistan, citizens have the right to form political parties and other public associations operating within the framework of the Constitution and laws. Also, they are guaranteed freedom of assembly, rallies and demonstrations and other mass events, participation in managing the affairs of the society and state, either directly or through their freely elected representatives, the right to elect and be elected to the bodies of public authority and local self-government in the manner prescribed by law. The Constitution of Turkmenistan also guarantees the equal right to access to public service, according to their abilities and professional training to citizens.

The rights and freedoms of an individual are inviolable and inalienable. No one has the right to restrict the rights and freedoms of an individual, except in accordance with the Constitution and laws.

Having analyzed the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, one can see for oneself that the national legislation introduced provisions stipulated in the above-mentioned international documents.

Chapter II. Establishment of the institution of the Ombudsman of Turkmenistan and organization of its activity

Effective solution of human rights issues requires the implementation of a set of measures, especially such as legislative and institutional reforms. Recognition of international human rights standards does not guarantee the observance of the latter; better legislation in place is needed in order to meet human rights standards. Full-fledged implementation of human rights can be ensured only if there is an integral human rights infrastructure, including special human rights institutions.

In 1946, the United Nations Economic and Social Council in its decision on focusing on human rights, insisted on ‘desirability of establishing information groups or local human rights committees within their respective countries’. In 1960 it recognized the unique role that national institutions can play for protection and promotion of human rights. The Principles, which determined the status and regulated the work of national institutions working on promotion and protection of human rights (Paris Principles) were adopted in October 1991 in Paris. In 1993 the UN General Assembly approved the Paris Principles.

The priority principle of the activity of a national institution, pursuant to the content of all Paris Principles, is an independence ensured through the legal and operational autonomy, i.e. enshrining its status in the Constitution or legislation, passed in the Parliament, financial autonomy, independence of personnel, structure of the institution, and special (transparent and independent) procedure of appointment and dismissal.

The second important component of the Paris Principles is a set of three requirements relating to the Ombudsman's competence: a broad mandate, stipulated by the constitutional or other legislation, and clear regulation. To this end the national institution should have maximum freedom towards functions carried out: to freely handle any issues within its competence, hear people and receive any information, address the public, set up working groups, hold consultations and co-operate with NGOs.

The requirements for accessibility, co-operation with other institutions, operational efficiency are of similar importance. The independence of the institution should be balanced by the special accountability system: the national institution is accountable for its work before both – the public and the state, which means preparation of annual reports to the parliament or government, along with regular dissemination of the information about its work.

In June 1993, the International Human Rights Conference adopted the Vienna Declaration and Programme of Actions, which affirmed 'the importance and constructive role of national institutions to ensure and protect human rights, in particular, provide consultative assistance to competent bodies; their role in elimination of violation of human rights and dissemination of information on human rights' and 'that special attention should be paid to the actions providing the assistance on strengthening and building institutions in the field of human rights'.

The idea of national human rights institutions is linked to the need to establish a special body with functions aimed at the protection and promotion of human rights. The key features of national institutions are as follows: they are of administrative nature, as a rule (they are not judicial or legislative), have consultative mandate and may be characterized as independent institutions in majority of cases.

There are three main groups of such national institutions: human rights commissions, the Ombudsmen and 'specialized' national institutions.

The Ombudsman institution initially emerged in the North European countries and became widespread in the 60–80s; it has been established under various names in many countries of the world. Historical background of the Ombudsman institution comes from Sweden, where in

1809, based on Article 6 of the Act on Administration, Charles XII presented to the Riksdag (Parliament) the right to 'elect one or more Ombudsmen for the purpose of supervision, based on the rules determined by the Riksdag, of the application of laws and other legislative acts by public administration'.

Finland in 1919 followed the suit of Sweden. However, only after the World War II the institution enjoyed a real boost in the whole world. In 1954 during the constitutional reform in Denmark, the Ombudsman institution was established, which varied significantly from the Swedish model. It became the basic model that underpins the similar institutions in many countries. The titles of such bodies vary significantly, but content of the mandate is similar, as a result of which, all of them are united by one term 'The Ombudsman'. The Swedish words 'umbud' (strength, protection) and 'man' lay in the foundation of the term. In CIS countries the equivalent of the term 'the Ombudsman' is an 'Authorized Person/or Commissionaire for Human Rights'. Such a title reflects in the best way possible the main objective of the Ombudsman, which is to protect and restore human rights.

The Ombudsman institution primarily serves as an additional means for protection of rights, not competing with courts, prosecutors' or other government bodies. The essence of this institution is that it is meant to monitor the activity of public authorities, expressing the interests of the society and its citizens.

In many countries the Ombudsman institution established by the Parliament, has become a supplementary mechanism of the checks and balances system, and is regarded in almost all of the states as the 'third dimension' between citizens and the state.

According to the definition of the International Bar Association, the Ombudsman - '*is an Office established by constitution or statute, headed by an independent, high-level public official, who is responsible to the Legislature or Parliament, who receives complaints from aggrieved persons against government agencies, officials and employers or acts at its own discretion and is authorized to conduct investigations, recommend correcting actions, present reports*'. Establishment of the Ombudsman institution is a result of the reform on strengthening institutional

safeguards for preventing misadministration, and also preventing administrative mistakes, causing abuse of rights and freedoms.

In various national models of the Ombudsman institutions functions are quite different, but there are basic, inherent functions of the Ombudsman. These are two of them: protection and promotion of human rights. Whereas the first function relates to the specific identified activity, such as handling and addressing individual complaints, adoption of important motions (resolutions, recommendations) in case of mass human rights violation, monitoring of penitentiary, children and other institutions; the second one covers education activity, facilitation of legislative reforms on human rights protection, international co-operation, organization of fora, conferences, other events to develop decisions and recommendations of paramount importance in the field of challenging human rights issues.

Having laid out the aforementioned, we wanted to elaborate on the history of the need to create such institutions, and, at the same time, focus on the fact that despite specific features of legal statuses of the Ombudsmen, depending on their affiliation with a certain state, the institution is universal. This institution found its place in the states with various forms of government, and proved its ability to build in different legal systems. Also, what is mentioned below can serve as a confirmation that during the establishment of the Ombudsman's Office in Turkmenistan, a form consistent with international standards requirements regulated by the Paris Principles, that is an independence guaranteed by statute or constitution, financial autonomy, independence of personnel, and constitutional procedure of appointment and dismissal has been chosen.

As it is known, as a result of the wise national and international policy of the President of Turkmenistan Gurbanguly Berdimuhamedov, Turkmenistan, has become one of the first countries acceding to the most important international human rights conventions and has carried out comprehensive actions with the aim of consistent implementation of the rules containing in the above-mentioned conventions in the national legislation. One of these actions was the adoption on November 23, 2016 by the Mejlis of Turkmenistan of the Law of Turkmenistan 'On the Ombudsman', based on humanitarian initiatives of the esteemed President toward constant enforcement of human rights.

It is to be recalled that the preparations for the establishment of the national Ombudsman institution and its legal foundations were launched upon the initiative of the President of Turkmenistan Gurbanguly Berdimuhamedov.

In January 2015, in his address during the meeting with members of the Mejlis, the esteemed President of Turkmenistan promoted the idea about legalizing the election of the Ombudsman on the constitutional base.

Based on these wise initiatives of the esteemed President, the process was initiated for preparation of the legal framework establishing the election procedure of the Ombudsman and his/her activity.

It is worth noting here, that in order to get familiarized with international practices on the establishment of independent human rights institutions and their activity, the Government of Turkmenistan created necessary conditions. A number of study tours with participation of representatives from the relevant entities were organized to study the system of the establishment and activities of the independent human rights institutions in various countries of Central Asia and Europe.

It is also worth mentioning that during the process of drafting the Law, Turkmenistan co-operated with numerous stakeholders dealing with issues of the establishment and strengthening of the national human rights institutions, including the UN, its agencies, the UN Office of High Commissioner for Human Rights (OHCHR), European Union and others.

In the course of workshops and round tables international experts presented their opinion. For instance, in order to evaluate the draft law, an international expert was invited by the UNDP CO in Turkmenistan, who carried out the analysis of the draft law and presented recommendations. The draft law was discussed with the working group members, with participation of the UNDP and the OHCHR Regional Representative in Central Asia.

As mentioned above, based on the wise initiatives of the esteemed President, the provision setting the procedure of the Ombudsman's election was included in the Constitution of Turkmenistan along with

other provisions strengthening the enforcement and protection of human rights.

For example, according to paragraph 17 Article 71 of the Constitution of Turkmenistan, the President of Turkmenistan shall propose the Mejlis of Turkmenistan on the election of the Ombudsman, and based on paragraph 8 Article 81, the Mejlis shall elect him/her upon the proposal of the President of Turkmenistan. Introduction of this legal provision affirms the recognition at the highest state level the priority of human rights and freedoms in Turkmenistan, and implementation of this constitutional idea has taken shape of the Law of Turkmenistan ‘On the Ombudsman’.

Indeed, the institution was established with the aim of state safeguarding the protection of enforcement and implementation of rights and freedoms of man and citizen; besides the election for the post of the Ombudsman was regulated at the constitutional level and the provision on his/her election out of several candidates shows that the country attaches great attention to this independent institution, and establishment of this institution based on universally recognized international legal standards is an indicator of its democratic pathway.

The Law of Turkmenistan ‘On the Ombudsman’ was adopted for the first time in November 2016 at the meeting of the Mejlis of Turkmenistan and has become a legal foundation for the establishment for the first time of an independent institution for protection of rights and freedoms of man and citizen; it determined rights, obligations, key areas and safeguards for the work, as well as the powers of the Ombudsman. As it is known, during the meeting of the Mejlis of Turkmenistan in March 2017, in accordance with the Law, the Ombudsman was elected, and by the Resolution of the esteemed President of Turkmenistan the Office of the Ombudsman was established. As mentioned above, the post of the Ombudsman in Turkmenistan was established for the first time ever.

This legal institution plays an important role in the democratic legal state system, and is regarded as an important factor for strengthening the rule of law, protection of rights and freedoms of man and citizen.

According to the Law of Turkmenistan ‘On the Ombudsman’ the post of the Ombudsman, who is an authorized representative on human rights in

Turkmenistan, shall be established according to the Constitution of Turkmenistan with the aim of ensuring safeguards of state protection of human rights and freedoms, their observance and their respect by the state authorities, local self-government bodies and their officials.

The Ombudsman is neither a government nor a judicial body. Also, the Ombudsman shall not entail limitation of the competence of other state authorities exercising protection of rights and freedoms of man and citizen. The Ombudsman in his/her work shall complement the effective state safeguards of rights and freedoms of man and citizen. In his/her activity the Ombudsman shall be guided by the Constitution of Turkmenistan, the Law 'On the Ombudsman', and other regulations and international agreements of Turkmenistan

A distinguishing feature of the Ombudsman institution is its independence and non-accountability to any public authorities and officials in the exercise of its mandate.

It is also important to note other principles which the Ombudsman follows in his/her activity. These are: priority of rights and freedoms of man and citizen, independence, legality, impartiality, availability, confidentiality of information, non-discrimination, justice, neutrality and publicity. Interference in the work of the Ombudsman with the aim to influence his/her decision or actions, or impede his/her work entails the liability established by the laws of Turkmenistan.

Strengthening the principle of inviolability of the Ombudsman institution by relevant norms of the Law is worthy of particular attention. For example, Article 11 of the Law regulates vesting of the Ombudsman and his/her deputy with the right to personal inviolability. They may not be charged with a criminal or administrative offence, imposed through legal proceedings, detained, taken into custody, be subject to compulsory attendance and personal search without the approval of the Mejlis of Turkmenistan. This article specifically establishes that inviolability of the Ombudsman and his/her Deputy is extended to their dwelling premises and offices, luggage, personal and office transport, correspondence and office documents, means of communication employed by them. Holding search and seizure, tapping of talks may be done only with the warrant of the General Prosecutor of Turkmenistan.

Principles and safeguards of the activity of the Ombudsman are provided for in a separate chapter of the Law.

Article 13 of the Law is dedicated to the principle of independence of the Ombudsman, which may be called as fundamental, and it means that the Ombudsman in his/her activity is independent, his/her decisions express legal position free from political interests, he/she represents no state authorities, officials, political parties or public associations and accountable to none of them.

The principle of publicity is stipulated by Article 14 of the Law and it means that the work of the Ombudsman should be covered by/promulgated in the mass media of Turkmenistan. The provision of Article 20 of the Law establishing the promulgation in the media of the annual Report of the Ombudsman about his/her work and situation with human rights and freedoms in the country may be regarded as the implementation of such principle.

Article 17 of the Law sets forth prohibition for the interference in the work of the Ombudsman, interference with his/her inviolability, impeding his/her work and the liability established by the laws of Turkmenistan for such actions.

The chapter of the Law, comprising provisions related to the competence of the Ombudsman is worthy of particular attention.

In accordance with Article 18 of the Law, the Ombudsman is able to: visit without obstruction and a prior notice the state authorities, local self-government bodies, correctional and other specialized institutions, armed forces, other military forces, military institutions: request and receive from the officials of state authorities, local self-governments, enterprises, institutions and organizations necessary documents, materials and other information and their references; instruct the competent state authorities and research organizations to conduct expert research on the necessary issues; address the authorized state bodies or officials with the suggestion to institute the disciplinary, or administrative, or criminal proceedings with relation to the official, who infringed human rights and freedoms.

Handling complaints is a priority objective for the Ombudsman. Complaints are examined by way of detailed consideration of arguments, stated in each particular complaint, also study of laws and norms regulating the issue in question, effective law enforcement practice through which the main objective is achieved, that is human rights protection in each particular case, and the similarly important objective for the Ombudsman: the monitoring of observance of human rights in Turkmenistan.

Information on requests that have not even received positive resolution, as well as on positively resolved cases, a detailed analysis of situations is an objective basis for conclusions and managing the situation with respect to observation of human rights in the country, as well as correction and improvement of his/her future activities.

The Ombudsman has the right to verify information about the facts of infringement of human rights and freedoms on the basis of both: complaints received and his/her own initiative, if he/she was made aware about such infringements from official sources or the mass media. In this regard he/she requests and receives from the officials of state authorities, local self-government bodies, enterprises, institutions and organizations necessary materials and other information and their references; instructs the competent state authorities and research organizations to conduct expert research on the issues to be clarified.

Apart from complaints of the citizens of Turkmenistan, within his/her competence, the Ombudsman handles complaints and appeals of foreign citizens and stateless persons on the territory of Turkmenistan.

This article also stipulates the powers of the Ombudsman without any limitations even during introduction of a state of emergency or martial law on the territory of Turkmenistan or its certain localities.

The functions of the Ombudsman include the promotion of observance human rights and freedoms, restoration of infringed human rights and freedoms; ratification of international human rights agreements; improvement of the legislation in this field; legal training and education of people on the protection of rights and freedoms of man and citizen, forms and methods of their protection; co-operation between public

authorities in the protection of rights and freedoms of man and citizen; development and co-ordination of international co-operation in this field.

The Ombudsman is vested with handling complaints on the decision or actions of state authorities, local self-governments, officials, state servants, if such decisions were appealed earlier in judicial or administrative proceedings.

An annual Report of the Ombudsman about his/her work and the situation with human rights in the country presented to the consideration of the President of Turkmenistan is a separate item of the functional activity of the Ombudsman. He/she also presents this Report to the Mejlis of Turkmenistan. According to Article 20 of the Law, the Ombudsman have the right to submit, as necessary, to the President of Turkmenistan a Special Report on some issues of observance of human rights and freedoms in the country and present this Report to the Mejlis of Turkmenistan.

The Law in its separate chapter stipulates special provisions on the procedure and conditions for handling complaints by the Ombudsman, decisions taken with regard to complaints, his/her right and obligations on facilitate and restore infringed rights and freedoms of man and citizen. We believe it is necessary to attract attention of the audience to Articles 28 and 29 of the Law, where the rights and obligations of the Ombudsman in restoration of human rights and freedoms are specified. The rights of the Ombudsman include the right to address the head of public authority, local self-government body, enterprise, institution and organization regardless of their legal organizational forms and forms of property, administration of the correctional facility and pretrial detention facility, detention facilities, prison facilities, commanders of the military unit and military formation, military institutions with the motion on bringing to administrative or criminal liability the person liable for the infringement of the complainant's rights, the court with an application (claim) on protection of infringed rights of the complainant, seeking damages for material losses caused and damages for moral injury, invalidation of the regulatory act, entailing the infringement of the complainant's rights. It should be highlighted here that the addresses of the Ombudsman to court are exempt from state duty. Also the Ombudsman has the right to address a competent official with the recommendation on verification of the

legality and validity of the sentence (decision, adjudication, decree) of court having taken effect as a result of criminal or civil proceedings or proceedings on an administrative offence, ruling on the termination of a criminal case or ruling on the refusal to initiate criminal proceedings, which led to the infringement of the complainant's rights.

Along with granting the rights to the Ombudsman in facilitation during restoration of infringed rights and freedoms of man and citizen, he/she also vested with certain obligations during this restoration. In such a case the Ombudsman is obliged to act according to the Constitution, laws and international agreements of Turkmenistan, exercise his/her own functions in accordance with this Law, refrain from any actions incompatible with his/her powers, not violate official secrecy or any other secret protected by law, not disclose classified information, as well as the information of private nature made known to him/her as a result of his/her work. The obligation of non-disclosure shall be valid also after termination of powers of the Ombudsman.

Special place in the activity of the Ombudsman has his/her recommendation, which he/she delivers to the enterprise, institution, organization or officials when the infringement of human rights and freedoms was discovered. The Law stipulates that addressees, who received the recommendation from the Ombudsman, are obliged within one month period consider it and inform in written form on the measures taken. If the Ombudsman does not agree with the measures taken, he/she has the right to address the superior body for taking the appropriate measures to implement the proposals.

The Law also stipulates the establishment of the Ombudsman's Office which should facilitate the activity of the Ombudsman. The Office of the Ombudsman is a legal entity; rights, duties and responsibilities of the Office personnel, their state service are specified by the legislation of Turkmenistan. The possibility for establishment of regional offices of the Ombudsman is also provided for.

The funding for the work of the Ombudsman and his/her Office is provided from the State Budget of Turkmenistan, which annually earmarks the funds required for ensuring the functions of the Ombudsman and his/her Office. The Ombudsman independently develops and

implements the budget estimate. Article 43 of the Law also provides for the possibility to additionally fund the activity of the new institution from the sources received from foreign countries and international organizations on the basis of agreements concluded by Turkmenistan, and also from other sources not prohibited by laws of Turkmenistan.

One more distinguishing feature of legal regulation of the activity of the Ombudsman institution is a possibility to set up the Expert Council under the Ombudsman, in order to render advisory assistance. Article 44 states that the Expert Council under the Ombudsman comprises persons who have the required knowledge on the rights and freedoms of man and citizen.

According to the Law, the structure of the Office of the Ombudsman and regional offices, the statute of the Office and regional offices and their structural sub-offices are approved by the Ombudsman, who also determines and approves the number of staff and schedule of positions of the Office and regional offices.

The Office of the Ombudsman in Turkmenistan is established by the Decree of the President of Turkmenistan of April 8, 2017. After establishing the Ombudsman's Office, for implementation of the provisions of the Law and organization of the institution's work, the Ombudsman approved relevant documents (acts). For instance, according to the Order of the Ombudsman of April, 8, 2017 the Statute of the Ombudsman's Office regulating the work of the Office was approved. It was followed by the Order of the Ombudsman of April 12, 2017, which approved the Office structure. According to the approved Office structure, it is comprised of managers, Unit for Human Rights and Handling of complaints of citizens and Chief Accountant. Also by the Order of the Ombudsman the number of staff of eight people was approved. It has to be noted that the Government of Turkmenistan fully provided the material and technical base of the Office with enabling conditions to perform the Office functions. The Government settled the Office in the 'Adalat/Justice' Palace, with the legal address: city of Ashgabat, 2022 street, No 86.

The funding for the Office is provided from the State Budget of Turkmenistan in line with the legislation of Turkmenistan.

The above-mentioned confirms that the enshrinement in the Constitution of the establishment of the Ombudsman institution in Turkmenistan, followed by the adoption of the Law of Turkmenistan ‘On the Ombudsman’ is yet another indicator of the adherence of our state, policy conducted by the esteemed President of Turkmenistan to the implementation of undertaken international commitments, observation of the constitutional provision on the priority of universally recognized norms of international law and further development of the country in accordance with the principles of true democracy.

It should be noted that the people of Turkmenistan are thankful to their esteemed President for the constant care of the people, establishment of the legal institution of the Ombudsman, who is authorized to defend human rights and freedoms, insist on their observation by public authorities, local self-governments and officials. This again inspired people’s confidence in the rule of law, which can be seen from the wishes in many addresses received as of the first days of the establishment of the Ombudsman institution.

Chapter III. Analysis of the activity during the reporting period

Emergence of the Ombudsman institution in Turkmenistan is a result of the development of the society and state, its democratization and establishing of a human rights system in the country. Multifaceted activity aimed at the promotion of this institution, analysis and anticipated impact of the Ombudsman institution to the improvement of governance preceded the establishment of the new state body.

After the adoption of the Law of Turkmenistan ‘On the Ombudsman’ on November 23, 2017 by the Decree of the President of Turkmenistan on April 8, 2017 the Office of the Ombudsman was established. The work of the Ombudsman started with constituent and organizational issues.

After the Office of the Ombudsman was established, for implementation of the provisions of the Law and organization of the institution’s work, by the Order of the Ombudsman of April, 8, 2017 the Statute on the Ombudsman’s Office regulating the work of the Office was approved.

The Order of the Ombudsman of April 12, 2017 approved the Office structure. According to the approved structure, the Office shall comprise managers, the Unit for Human Rights and Handling the complaints of citizens and Chief Accountant. Also by the Order of the Ombudsman the number of staff of eight people was determined and approved.

It has to be noted that the Government of Turkmenistan fully provided the material and technical base of the Office with enabling conditions to perform the Office functions.

From the very beginning of the operation of the institution, the Ombudsman approved the time schedule to receive people, indicating the days and hours of the reception. The schedule in three languages (Turkmen, English, Russian) was placed on the message board in the accessible and well visible place at the entrance to the building, according to which the reception of people has started.

After the Office work was well under way, the Work Plan for the 2-nd half of 2017 was approved by the Ombudsman's Order. The Plan encompassed a number of tasks in accordance with the Ombudsman powers, stipulated by the Law 'On the Ombudsman'.

Because one of the priorities of the Ombudsman is the efficient handling of the complaints of Turkmenistan citizens, foreign citizens, stateless persons on the territory of Turkmenistan, concerning illegal decisions of public authorities or local self-government bodies, within the time limit prescribed by the legislation, this issue was included in the Work Plan.

The implementation of this task and this provision shows the following results. In 2017 the Office of the Ombudsman received 195 people with 185 verbal complaints. They were received by the Ombudsman or the Office consultant.

All verbal complaints of citizens were recorded in the special logbook for verbal complaints, where the date, last and first name, patronymic, place of residence, date of birth, occupation, sex, nationality, subject of complaint, brief description and final result are registered.

Explanations were given for all verbal complaints with regard to existing legislation; and also the legal means to protect their rights and freedoms and other relevant actions.

Apart from verbal complaints, written complaints were submitted to the Office of the Ombudsman, on which the Ombudsman took actions, in accordance with the Law.

Citizen's complaints were recorded in the logbook for written submissions, where the same information as in the verbal complaints' recording was registered. Besides, their data was registered electronically in the system.

In 2017, 254 complaints were submitted to the Office. Out of them 6 complaints defaulted a term for appeal, 7 complaints were not signed by their authors, and 26 complaints were submitted repeatedly and were not considered.

Inquiries to public authorities and local self-government bodies were sent with regard to 141 complaints, and appropriate answers were received from them.

Apart from directing inquiries relating to the complaints, where the fact of infringement of the rights of the citizen was identified, the recommendations were sent to enterprises, institutions, organizations, heads of ministries and agencies. They concerned some essential issues, which could not have been solved during the inquiries. The practice of sending recommendations confirmed it.

For instance, if out of 141 directed inquiries only 19 were satisfactorily answered, 6 recommendations sent by the Ombudsman in 2017 were fully implemented within the minimum timeframe. As was mentioned above, in total, out of 254 complaints 25 were satisfied, thus facilitating protection and restoration of violated rights and freedoms of people.

One of the main functions of the Ombudsman is the promotion of improvement of the legislation of Turkmenistan on the rights and freedoms of man and citizen, to make it consistent with the Constitution

of Turkmenistan, international agreements of Turkmenistan, universally recognized standards of international law. The work was also carried out in this area. The participation in the working group on drafting the Law 'On Tripartite Commission on Regulation of Social and Labour Relations' and the study of the draft Law on 'Amendment and Changes in some legislative acts of Turkmenistan' where appropriate suggestions and comments were made, can be mentioned in this connection.

It was underlined that in order to implement international legal commitments by Turkmenistan, an Interagency commission on ensuring the implementation by Turkmenistan of international human rights commitments was established by the Decree of the esteemed President in 2007, and in order to improve the work of the Commission, its powers and composition were expanded. On August 12, 2011 the Interagency commission for ensuring the implementation by Turkmenistan of international human rights commitments and international humanitarian law was established.

It is worth noting that the Office of the Ombudsman started to co-operate with this commission from the first days of its establishment. During the reporting period, the Ombudsman participated in all meetings of the Commission as an invited person, where she expressed the opinion on the discussed issues. This co-operation enables the Ombudsman to implement her powers provided for by the Law to participate in preparation and consideration of national reports submitted to international bodies and international organizations on the implementation of international obligations, and other relevant tasks in the field of human rights.

According to the Law, the main functions of the Ombudsman include promotion of rights and freedoms of man and citizen, restoration of their infringed rights and freedoms. In order to perform his/her functions the Ombudsman collects and analyzes the information received from the sources mentioned in the legislation and from people. In this connection, and in order to exercise the rights of citizens for submission complaints and appeals, as well as accessibility and addressing their grievances within the shortest time period, their reception by the Ombudsman was organized on the ground, while the Ombudsman visited the regions of the country.

The Law stipulates the Ombudsman's rights to promote awareness-raising for enhancing the knowledge of people on human rights and freedoms. For this purpose the Ombudsman has the right to disseminate in the mass media the information on rights and freedoms of man and citizen, means of their protection and forms of participation of an individual in political, economic, social and cultural life of the state. The example of this can be the visit of the Ombudsman to the regions when the local media covered the topical meetings, workshops, receptions by the Ombudsman. Concurrently they familiarized the public with the work of the Ombudsman.

On December 2, 2017 the Ombudsman visited Mary region/welayat, where during the first half of the day the reception of citizens with verbal complaints was organized. During the remaining half of the day, in the Resource human rights centre, located in the premises of the Turkmen State Energy Institute, the meeting with participation of the officials from etrap, city and welayat khyakimliks/municipalities, etrap and city education, health, culture and sports departments, public associations and some heads of organizations and institutions was held, where the Ombudsman presented the report on the adopted Law 'On the Ombudsman', his/her activity, powers and functions followed by sharing opinion and discussion of received proposals.

This activity was covered by the local newspaper of Mary welayat 'Maru-Şahu Jahan' under the title 'Meeting with the Ombudsman'.

On November 3-4, 2017 the Ombudsman visited Lebap welayat, where the meeting was held during the first day with the representatives of hyakimliks, local executive bodies, self-government bodies, the faculty of Turkmen State Pedagogical Institute named after Seyidi where the Resource human rights centre is situated. During this meeting the Law 'On the Ombudsman' was also discussed, along with human rights enshrined by the Basic Law of Turkmenistan - the Constitution. During the second day the Ombudsman received people with verbal complaints.

This meeting was covered by the local newspaper of Lebap welayat 'Türkmen Gündogary' under the title 'An important issue on the agenda'.

Similar visits were organized to Ahal welayat on December 8-9, 2017. The Ombudsman visited the hyakimlik of Ahal welayat in order to receive people and hold a meeting to raise human rights awareness of people. The 'Round table' was held with participation of the Ombudsman, staff from etrap, town and regional hyakimliks, officials from organizations and institutions, public associations, media representatives, where the national legislation and international human rights standards were also discussed. Citizens were also received – this activity was covered in the local welayat newspaper 'Ahal Durmuşy' under the title 'To protect human rights'.

On December 15-16, 2017 the Ombudsman visited Dashoguz welayat, where in the Resource human rights centre of the Turkmen Institute of Agriculture on the first day the meeting was held with the representatives of hyakimliks, officials of organizations and institutions and members of the Mejlis of Turkmenistan. The issues of human rights legislation were discussed during the meeting, the Ombudsman explained the Law 'On the Ombudsman'. During the second day the Ombudsman received citizens. This meeting was covered by the local newspaper 'Daşoguz habarlary' under the title 'Dedicated to safeguards of human rights'.

The Ombudsman visited Balkan welayat on December 21- 22, 2017. During the first day citizens were received, and on the second day the meeting was held in the Resource human rights centre in the Balkan branch of the International Oil&Gas University, where with the purpose of explanation of human rights legislation; the Ombudsman presented the powers and functions of the established independent institution. This event was also covered in the local newspaper of Balkan welayat 'Balkan' under the title 'Protection of human rights is the priority for the state'.

The first issue in 2017 of the Scientific and Practical Magazine of the Turkmen Institute of Democracy and Human Rights under the President of Turkmenistan 'Democracy and Law' published an article of the Ombudsman on the 'Legal transformation is the safeguard of human rights'. This article, along with the outline of legal transformation of the country, informed the audience on the new revision of the Constitution of Turkmenistan, with amendments and changes in it, that the Basic Law recognizes an individual as the highest value of state and society, safeguards the rights and freedoms based on the universally recognized international legal standards and relevant traditions of Turkmen people,

and the new provision on the procedure of the election to the post of the Ombudsman; and that following the implementation of this provision in November 2016, was adopted the Law of Turkmenistan ‘On the Ombudsman’ that came into force as of January, 2017.

On September 21, 2017 the central newspaper ‘Turkmenistan’ published an article of the Ombudsman of Turkmenistan Ya.Gurbannazarova on the ‘Humane initiatives in the field of human rights’. The article states an important event related to the unanimous adoption of the Declaration ‘On promotion of valuable input of the Olympic teams of refugees in enhancing peace and human rights’ initiated by the esteemed President of Turkmenistan Gurbanguly Berdimuhamedov, during the 36th session of the UN Human Rights Council in Geneva. The article highlights the adoption of this Declaration in co-authorship with 29 UN member states as a symbolic global event. The article also states that in his welcoming address at the Launch Ceremony of the Ashgabat-2017 Games, the national leader stressed that participation of the refugees team for the first time in Asian Games is a source of particular pride. It was also noted that through the efficient co-operation with the biggest international organizations and participation in numerous international conventions and agreements, including the Convention ‘On the Status of Refugees’, Turkmenistan reasonably positions itself as a strategic partner in global processes.

Also for the implementation of the provisions on raising awareness, representatives of the Office delivered lectures in higher education institutions. On November 11, 2017 in the Research and Methodological Centre on ‘Sustainable Development Goals’ under the Institute of International Affairs, the Office representatives delivered the lecture on the ‘UN objectives for the development of organizations supporting harmony and peaceful co-existence in human society’.

In order to promote the development of international co-operation, the Ombudsman has the right to establish relations with international organizations and interstate bodies on protection of human rights and freedoms. To that end, a number of meetings with heads and representatives of International organizations, heads of diplomatic missions of the countries accredited in Turkmenistan was held. This will be elaborated in the Chapter on International co-operation. In the course

of these meetings, the said persons got familiarized with the status of the Office, basics of its activity, mandate and development prospects, areas of international co-operation. In their turn, representatives of international organizations and officials showed an interest to mutual, bilateral and regional co-operation on exposing to the best international practices in the field of human rights protection and expressed their readiness to render assistance for capacity building of the Office staff.

The approved Work Plan for the 2-nd half of the reporting year envisaged its constant (or at least, *ad-hoc*) implementation, however, due to a number of objective reasons, it was implemented to the extent possible.

Due to the busy work schedule, which included logistics work, associated with verbal complaints of citizens, submission of written complaints which were examined, inquired and recommendations sent out, meetings in the Ombudsman's Office with the representatives of foreign states and staff of IOs, visits of the Ombudsman to welayats to explain the adopted Law 'On the Ombudsman', reception of citizens in the regions, meetings there with the staff of public organizations and associations, international visits, preparation of materials for the media, and based that all this work was carried out in understaffed conditions, some of the planned activities remained unfulfilled.

Also, in order to examine observation of human rights, the Ombudsman did not have a possibility, to organize visits to public authorities, self-government bodies, enterprises and institutions regardless of their legal organizational forms and forms of ownership, correctional and other specialized institutions, pretrial detention facilities, prison facilities, armed forces of Turkmenistan, other military forces, military institutions. This activity is to be carried out in 2018. Also it should be noted that the Office of the Ombudsman had to seek assistance for verification of complaints from competent state authorities, local self-government bodies and officials, based on the provision of article 27 of the Law of Turkmenistan 'On the Ombudsman'.

Chapter IV. Analysis of handling complaints

Handling complaints of the public is a priority objective for the Ombudsman.

For instance, the detailed examination of each complaint, laws and regulations relevant to the issues in question, and effective law enforcement practices leads to the main goal that is human rights protection in each specific case, and the important task of the Ombudsman is the monitoring of human rights in Turkmenistan.

The information from complaints, even from those complaints which were not positively resolved, detailed situation analysis could render an objective basis for conclusions to be made on the observance of human rights in the country and further improvement of the activity.

The Law of Turkmenistan ‘On the Ombudsman’ is aimed at the priority of work with complaints. The whole chapter of the Law is dedicated to the work with complaints of citizens. For instance, according to Article 21, the Ombudsman examines the complaints concerning the decisions and actions (inaction) of the public authorities, local self-government bodies and their officials infringing the rights, freedoms and lawful interests of citizens of Turkmenistan, and foreign citizens, stateless persons on the territory of Turkmenistan and has the right to conduct investigation on them.

For many people personal reception is more important. The complainants cover several hundred kilometers to come to Ashgabat, because they believe that only face-to-face talk with the Ombudsman, personal statement about grievances will help them. Personal reception of visitors started immediately after the Ombudsman’s Office opened in April 2017.

The Ombudsman approved the time schedule for the reception of citizens, with week days and time. The reception days include all working days, except weekends. Both the consultant of the Office and the Ombudsman receive people, and work carefully with their complaints, trying to address the existing problems on an operational basis, understand each concrete case and answer the questions posed. Besides, the possibility of telephone communications with complainants is provided, and due to efforts of the relevant staff of the Office they received the exhaustive information. Citizens, who arrived from remote regions, were received despite the set days and hours in the time schedule.

439 complaints (April-December 2017) were recorded since the Office of the Ombudsman was established; 254 out of them were written complaints and 185 verbal.

The above-mentioned number of written and verbal complaints is disaggregated by periods (quarters of the year) in the matrix below.

Type of complaints	I quarter	II quarter	III quarter	IV quarter	Total No
Written complaints	-	111	70	73	254
Oral complaints	-	78	51	56	185
Total	-	189	121	129	439

As shown in the matrix, out of 254 written submissions, 111 were received in the second quarter, 70 in the third quarter and 73 in the fourth quarter of the year.

An analysis of the data shows that the number of complaints (written and verbal) was quite big, despite the recent establishment of the Office. It may be explained by the awareness among population on the means of protection of their rights, i.e. institution. In the fourth quarter the growth of both types of complaints was observed.

While addressing the Ombudsman, no privileges or limitations based on ethnicity, skin colour, gender, origin, property status or official post, place of residence, language, religion, political convictions, party affiliation or lack of thereof or other circumstances are allowed.

Out of a total number of written complaints, 253 complainants are Turkmen, 4- Azerbaijani, 26 Russian, 3 Uzbeks, 2 Lezgians, 1 Ukrainian, 3 Armenians, 1 Kurd. Total number of complainants is 293, given that there were collective complaints signed by several people. In total, 4 collective complaints were addressed to the Office with 42 signatures.

Record management of the Ombudsman is carried out in the state language of Turkmenistan that is Turkmen. Complainants have the right to address the Ombudsman in their native language or the language they are proficient in. They receive the reply in the state language with translation into the language, they are proficient in. This provision is also stipulated by Law.

During the reporting period 120 men and 169 women addressed the Ombudsman. As for the topic of the complaint, the men highlighted the issues of labour, for example, employment possibility, non-paid salaries, prejudice in labour collective or allotment of land parcel or actions of public authorities personnel, whereas women mainly concerned about the issues of restoration of infringed rights of their relatives, that is illegal prosecution of children, husbands, close relatives, disagreement with court adjudication, improvement of living conditions as well as the employment.

As for the conditions of handling complaints according to the Law, the Ombudsman shall consider the complaints submitted within one year from the date when the complainant was made aware about the infringement of his rights, freedoms and lawful interests, or the date of the last adjudication of his complaint, if the complainant used other means to protect his rights and freedoms, and was not satisfied by the decisions taken. Given there are valid reasons, the Ombudsman has the right to extend the deadline for the submission of the complaint, but not more than to six months.

6 complaints that defaulted a term for appeal without good cause were submitted to the Office for the analyzed period, and were left without consideration, in line with the provisions of the Law. Nevertheless, the circumstances mentioned in the complaints may serve in future for the purposes of assessment of the country situation and they were taken into account.

As the Law stipulates, the complaint submitted repeatedly after it was handled by the Ombudsman, shall not be subject to consideration, with the exception of cases, when new circumstances have arisen or new facts were presented; therefore, the Ombudsmen left without consideration 26 complaints submitted repeatedly after their initial handling, as no new

circumstances were found or new facts were presented, which could serve the basis for their repeated consideration.

7 complaints without signatures were returned without consideration as, according to the existing provision of the Law, the Ombudsman shall not consider complaints without an indication of a last name; place of residence and without an author's signature.

As for the place of residence of the complainants, as shown in the matrix below, 69 written complaints arrived from Ashgabat, that is the place of residence of the Ombudsman's Office, i.e. 27.2% of the total number of complainants, and 108 verbal complaints, that is 58.3% of the total number of complainants. 10 written complaints were submitted from Ahal welayat, which is close by, or 3.9% and 12 verbal (6.5%), from Balkan welayat 38 written (15.0%) and 10 (5.4%) verbal, from Mary welayat 51 (20.1%) written and 24 (13.0%) verbal, from Lebap and Dashoguz welayats each 43 (16.9%) written complaints, and 21 (11.4%) verbal from Lebap welayat, and 10 (5.4%) verbal complaints from Dashoguz welayat.

Written complaints, per region:

Region	No of complaints	% of total No of complaints
Ashgabat	69	27.2%
Ahal welayat	10	3.9%
Balkan welayat	38	15.0%
Mary welayat	51	20.1%
Lebap welayat	43	16.9%
Dashoguz welayat	43	16.9%
Total:	254	100.0%

Verbal complaints, per region:

Region	No of complaints	% of total No of complaints
Ashgabat	108	58.3%
Ahal welayat	12	6.5%
Balkan welayat	10	5.4%
Mary welayat	24	13.0%
Lebap welayat	21	11.4%
Dashoguz welayat	10	5.4%
Total:	185	100.0%

The essence of issues upon handling complaints of people in both written and verbal complaints concerns mainly employment relationship and employment - 47 (18,5%) written complaints and 21 verbal complaint (11,3%); housing issues and registration to get housing accommodation – 40 written (15,7%) and 64 verbal (34,6%); in written submissions there is a high ratio of disagreement with court adjudication – 81 complaint, including the civil court decisions – 59 or 23,2%, criminal proceedings – 22 or 8,7% of the total number of written submissions. Then follow the written submissions on illegal actions of law enforcement staff – 19 (7,5%), no verbal complaints of that sort; 19 written (7,5%) on migration issues, 7 – verbal. On family relations - total 18 complaints: 15 verbal (8,1%) and 3 (1,2%) written; allotment of land parcels and use of them - 11 (4,3%) written requests and 4 (2,2%) verbal, insignificant number of complaints concerned military service– 5 (2,0%) written and 4 (2,2%) verbal; social insurance and social protection – 2 (0,8%) written and 3 (1,6%) verbal appeals; healthcare issues – 1 (0,4%); entrepreneurship activity – 1 (0,4%); science and education – 1 (0,4%) - written submissions. Other issues, in particular, issue of pardon; receiving savings after the death of parents; non-compliance with the rule of court; facilitation for the return of a sold car; investigation into the cause of husband’s death etc - 23 written and 38 verbal requests, 9,0% and 20,5% accordingly of the total number of various appeals.

Having admitted the complaint to institute proceedings, the Ombudsman has the right to seek assistance for its verification from the competent state

authorities, local self-government bodies and officials. The Ombudsman should be informed about the results of the verification and measures taken with regard to the revealed infringements of the complainant's rights within the period established by him/her.

Procrastination of reply to inquiries not only disrupts the work procedure of public authorities but also complicates handling complaints by the Ombudsman, which often requires prompt response. Protracted consideration of the inquiries by state bodies minimizes the possibility to timely solve the issue, impedes the efficient protection of rights of people addressing the Ombudsman.

For example, out of 254 received complaints, 141 requests were sent to the competent public authorities and local self-government bodies. However, despite the scheduled time for complaint handling, deadlines for 69 requests were not met.

For example, 17 complaints were directed to hyakimlik of Ashgabat, with delayed response for 15 complaints, the same in all other hyakimliks – Balkan welayat – 9 complaints, 6 replies delayed, Mary welayat - 8 complaints delayed, 9 sent, Lebap welayat- 7 delayed of 9 sent, Dashoguz welayat - 3 delayed, 3 sent, hyakimlik of Ahal welayat received only 1 complaint and delayed the response. Here, as an example, only hyakimliks of Ashgabat and welayats are given. The matrix of the sent requests to the competent bodies and received replies from them with failed deadlines is shown below:

Agency title	No of sent requests	No of replies with failed deadlines
Supreme Court of Turkmenistan	44	5
State Migration Service of Turkmenistan	13	5
Ministry of Interior of Turkmenistan	7	4
General Prosecutor's Office of Turkmenistan	17	6
Ministry of Defence of Turkmenistan	3	0

State Service of Turkmenistan for combatting economic crimes	3	2
Ministry of Labour and Social Protection of Turkmenistan	2	0
Ministry of Education of Turkmenistan	2	2
Ministry of Communal Works of Turkmenistan	3	2
Ministry of Agriculture and Water Economy of Turkmenistan	2	1
Ministry of Health and Medical Industry of Turkmenistan	2	0
Ministry of Culture of Turkmenistan	1	1
State Committee for TV, Radio broadcasting and cinematography of Turkmenistan	1	0
State Concern 'Turkmengas'	1	1
Oil Refinery in Turkmenbashy city	1	0
Bank 'Senagat'	1	0
Hyakimlik of Ashgabat	17	15
Hyakimlik of Ahal welayat	1	1
Hyakimlik of Balkan welayat	9	6
Hyakimlik of Mary welayat	9	8
Hyakimlik of Lebap welayat	9	7
Hyakimlik of Dashoguz welayat	3	3
Total:	141	69

In some cases public authorities provided requested information only after the second inquiry.

According to the Law 'On the Ombudsman', the Ombudsman upon receiving a complaint takes decisions on: its institution for proceeding, if it corresponds with the requirements on the procedure and time of

submission and its content; refusal to institute proceedings if it does not correspond with the requirements on procedure and time of submission and its content; or explanation to the complainant of the safeguards of his rights and freedoms. And referring to the stipulated provisions of the Law, the Office of the Ombudsman provided explanations about the safeguards of their rights and freedoms with regard to 90 complaints (35,4%) – more than a third of written submissions. Such written consultations are invaluable for those people who find themselves in a difficult situation.

Out of a total number of written complaints submitted to the Office – that is 254 submissions, 25 (9,8%) were satisfied.

We are glad to note, that the citizens do not fail to engage themselves in the settlement of various issues, even by way of writing about the current situation in their region.

For instance, a resident of Balkanabat city Ms. O.T. addressed the Office and informed that in some of the city pharmacies they sell a medicine ‘Somnol 7.5 gr’, which comprises a strong drug zopiclone/imovane. Persons who buy it at an affordable price, consume 1-2 pills a day, get under the influence of strong drugs and having been in a delusional state get into traffic or other accidents, or people who abuse alcohol or were drug abusers for a long time, die after taking this medicine.

This request was referred by the Office to the Ministry of Healthcare and Medical Industry of Turkmenistan. High officials of the Ministry promptly examined this request and the Minister issued an Order on transferring the medications which contain zopiclone/imovane into the category of prescribed drugs.

Employment agencies receive notifications from all institutions, organizations and enterprises about respective vacancies; however, as was mentioned before, one of the most relevant issues for people who address the Office, is an employment and employment relations.

For example, a resident of Mary welayat Ms. G.M. sought the employment assistance. The Ombudsman referred the request to the hyakimlik of Mary welayat, the local authorities considered it and the

complainant was employed as a junior service staff in the kindergarten of Mary.

On the request of Mr. O.B., who also sought the employment assistance, was directed to the hyakimlik of Balkan welayat, considered and in their response to the Office, the hyakimlik stated that O.B. was employed as machine operator in the 'Turkmenbashyagyzsuw/Turkmenbashyfreshwater' Dpt in the city of Turkmenbashy.

Some complaints concern illegal actions of personnel of organizations, red tape associated with the solution of even the simplest issues. Late decisions at lower level make people to address the higher level, but in the example shown below, neither employee has taken the decision to remedy the violations pointed out by a complainant. This forced him to complain to the Ombudsman.

A resident of Ashgabat A.A. complained about electricity problems which were caused by negligence of electricians from the relevant housing department. Because of high voltage current in his apartment, his TV set, tuner and the refrigerator burnt out. His numerous appeals to the district housing department, housing and exploitation Dpt of Berkararlyk etrap of Ashgabat about damage compensation were fruitless, and no one from the guilty party wanted to take responsibility for the loss of household appliances. The Ombudsman directed this request to the Ministry of Communal Works, the ministry in charge of the listed organizations. The response was instantaneous, the high ministry officials examined the arguments of the complainant and during the inspection it was established that indeed, because of high voltage coming in the apartment of A.A., the household appliances were damaged, and that his numerous complaints to the persons in charge were ignored. As a result of the inspection, the material damage was compensated to A.A.

There are some submissions where people inform about acute need of employment, but when they are offered vacant positions through the employment agency, they reject them. Nevertheless, the Ombudsman shows understanding and tries to clarify the current state of affairs in various regions.

For example, a resident of Murgab etrap, Mary welayat Ms. K.B. addressed the Ombudsman's Office and requested employment assistance and allotment of a parcel of land. This request was referred to the hyakimlik of Mary welayat. In their response, the welayat hyakimlik informed that Ms. K.B. was invited to the hyakimlik, and during the meeting she was offered such positions as the head of a public catering outlet in Murgab etrap, or salesperson in Bayramaly shopping centre in Bayramaly, and she was also offered a piece of land in the farmer's association 'Turkmenistan' of Murgap etrap for the lease to grow crops. She rejected these positions and requested to be employed in educational institutions - school or kindergarten. As such institutions at her place of residence do not have vacant positions, her employment presently is impossible. As for the land parcel for construction of a house, she was given explanations about application and registration procedure.

Here it is worth mentioning that for the employment of population favorable conditions are created in the country. Resolutions on the Programme of Improvement of Employment and Creation of new jobs in Turkmenistan for 2015-2020 signed by the esteemed President of Turkmenistan and Action Plan for implementation of this programme show that new opportunities are created to address the employment issue.

According to the legislation on public service, officials are persons who permanently, temporarily or by special authority perform functions of a representative of the government or perform organizational, administrative or economic functions in public authorities, local self-government bodies, as well as the armed forces of Turkmenistan, other troops and military formations of the country, which implies the legitimacy of the Ombudsman to solely examine complaints of actions and decisions of representatives of state authorities.

Timely investigation and careful examination of the arguments indicated in the complaints of citizens that are addressed to law enforcement agencies, could not have led to, allegedly, a hopeless situation and further complaint to higher authorities.

For example, a resident of Turkmenbashy city, Balkan welayat, Ms. O.K. wrote about the negligence of her complaints to law enforcement agencies and their inaction toward illegal actions and public order disturbance by

her neighbour B. Kh., and, also, that in the courtyard of the apartment house there are illegal structures belonging to inhabitants, and these constructions sometimes impede the passage of specialized vehicles. The letter of O.K. was relayed to the hyakimlik of Balkan welayat with the request of its consideration with participation of relevant authorities.

The reply from the hyakimlik states that the neighbor of the complainant, Ms. B. Kh. has been subjected to administrative liability for public order disturbance; and that illegally constructed structures were demolished by the Housing Department of Turkmenbashi city.

There were complaints about the staff of migration services. A resident of Balkanabat city, Balkan welayat Ms. S.B. wrote that in contravention of existing legislation, that is the Laws of Turkmenistan 'On citizenship' and 'On Migration', the staff of migration service rejected her applications to obtain a biometric foreign passport, referring to the fact that she has double citizenship (Turkmenistan and Russian Federation). The complaint was directed to the State Migration Service, and as a result of inquiries made, S.B. was offered to submit an application for obtaining a foreign biometric passport of the citizen of Turkmenistan, with all listed required documents enclosed to the application, which will be used by her for further departures from and arrivals in the country.

Only after the intervention of the Ombudsman, the issue of departure of Ms. Sh.I. from Ashgabat was positively resolved on the legal basis. Sh.I. addressed the request on facilitation to leave to Russian Federation for a medical treatment with a sick child who has a Down syndrome and severe co-morbidities. As it was further revealed, Sh.I. was included into the list of citizens subject to temporary limitation to exit the country.

There was also a complaint about tardy execution of court enforcement proceedings. A resident of the Magtymguly township, Balkan welayat Mr. H.H. wrote that, according to the city and etrap court adjudication of the Serdar city, Balkan welayat, the amount of 2,365.00 manats had to be recovered from Mr. B.A. in favour of the claimant, in relation with which the enforcement proceedings were instituted. However, the court adjudication was not executed for 6 months, allegedly because B.A. was not employed and he had neither movable nor fixed assets. This was the reason why H.H. addressed the Ombudsman. The complaint was referred

to the Supreme Court of Turkmenistan, and the received answer informed that after proper actions taken by court staff, the debtor paid back part of the debt – 1,200.000 manats, and that he pledged to pay back the remaining amount as soon as possible and wrote an obligatory bill.

As was mentioned above, housing issues take second place among complaints.

For instance, a resident of Ashgabat, Ms. O.O. requested assistance in placing her in the waiting list to improve housing conditions due to her disability, as her appeals to local executive bodies remained unheeded.

The request of O.O. was sent for consideration of the hyakimlik of Ashgabat and the received reply by the Ombudsmen stated that the complaint was verified, and it was revealed that the complainant had the 2nd degree disability due to poor eyesight, and resided with a grown son and daughter in a small room of the community housing with shared facilities; based on her appeals on the improvement of living conditions, she was included in the waiting list of the etrap hyakimlik at her place of residence in 2012; she was offered mortgage housing with an upfront payment and she refused as she did not have means for its acquisition. According to the inspection results and in line with the Decree of the President of Turkmenistan of 20.01.2017 № 15092 ‘On the construction of residential buildings for people with disabilities and people in need of social protection in each region and Ashgabat’, documents of O.O. were accepted to include her in the waiting list, and her situation will be considered at the public commission on housing.

Mr. S.A., residing in Ak Bugday etrap, Ahal welayat addressed the Ombudsmen with the complaint that despite his family is young, his applications in local self-government bodies about allotment for him a parcel of land for construction of a house brought no results. His request was sent to the hyakimlik of Ahal welayat. In their reply the hyakimlik said that based on the Decree of the President of Turkmenistan ‘On improvement of Socio-living Conditions of Young Families in Turkmenistan’, the possibility to allot a parcel of land for S.A. was envisaged.

In a similar positive vein, the issue of Ms. G.O. was resolved, who is a resident of a military station Akdepe of the city of Ashgabat. She sent her grievance that because of the death of her husband, a former serviceman, and later the law enforcement officer, she and her three minor children were under the eviction from the military housing provided in the past to her husband, when he served in Ashgabat garrison. She also asked about an employment in the armed forces. The request of G.O. was sent for consideration to the Ministry of Defense of Turkmenistan, and the investigation found out that during his overtime service in the army, the complainant's deceased husband was given service housing to live with the family, but at that time he did not process documents properly. Later, he was posted upon the decision of the Defence Ministry to law enforcement agency where he was dismissed from, in connection with his death. Showing an understanding to the complainant, given that she was a wife of an ex-serviceman and had three minor children depending on her, she was allowed to stay in the housing and the issue of her official registration was also solved. Due to the lack of opportunity at that moment to employ the complainant, this request of her was denied.

All mentioned appeals on housing issues were satisfied to some extent, but there were appeals on assistance in provision of housing, about the improvement of living conditions, when the provisions of the law and legal means of protection of their rights had to be explained to the claimants.

In order to assess the existing situation on the right of an individual to housing, one has to note that all regions of the country construct mortgage housing and banks provide loans at concessional rate. Moreover, on January 20, 2017 the President of Turkmenistan signed a Resolution 'On construction in welayats of the country and city of Ashgabat the housing for persons with disabilities and people in severe need of social protection', according to which, the people with severe needs will be selected from this category, and their issues will be considered at the public commission on housing after they were registered.

Collective motions were received from people, and in this case it was not one right violated, but violation of rights of several persons.

For example, the Office received a collective complaint from inhabitants of the house № 23, Garashsyzyk street in Ashgabat, stating that in their apartment block the water was unsuitable for use, the playground did not meet standards, and the lift was not working.

This request was referred to the hyakimlik of Ashgabat with the suggestion that all described shortcomings should be rectified within the shortest possible period and the Ombudsman's Office informed accordingly. The inspection was organized and arguments stated in the complaint were verified. The contract for the replacement of the lift, which was in non-operational state during 3 previous years was granted to an individual enterprise 'Gül ülkäm', the playground was repaired, the replacement of broken and collapsed structures on it with new ones was done and all safety measures for their operation and use were taken; all passage ways and access roads leading to the house were repaired; cleaning of drinking water reservoirs and its purification was done.

One more collective appeal was received from inhabitants of five houses № 12, 14, 14a, 16, 16a on Gubkin street in Turkmenbashi city, Balkan welayat. They asked about the assistance to get rid of the overflowing waste containers which were in the middle of their houses during 25 years. The sanitary rules for them were obsolete and the presence of these containers impacted the environment, poisoned air by causing the emission of pathogenic substances. It in turn caused various illnesses in children, adults and elderly people. This appeal was directed for consideration to the hyakimlik of Balkan welayat, and in the courtyards of the mentioned houses the sanitary and disinfection work was carried out, the containers and their location area were cleaned, the fence around them was painted and after bringing the area in line with the sanitary rules and regulations, the containers were left at the request of inhabitants at their old places.

There was also a collective complaint of residents of the Mekan township of Bayramaly etrap, Mary welayat. They informed that after they were provided with the land for individual housing construction three years back already, the proper access roads were not constructed, and existing pathways were washed out after the first spring and autumn rains, water and energy supply was not provided, they order water in tanks, and electricity was installed by each resident individually in an improvised

manner, which could cause severe consequences, no gas supply either. The constant flow of their complaints in various competent organizations and local self-governance bodies brought no results.

This collective complaint was sent to the hyakimlik of Mary welayat. They responded that during the inspection, all the listed drawbacks were confirmed, and during the meeting with the claimants, they were promised that within the framework of the National Programme of the President of Turkmenistan on Transformation of Social and Living Conditions of Villages, Settlements and Towns until 2020, the draft plans were drawn up to construct motor roads, overhead power lines for 04-10 Kw, and additional power lines with the low voltage, transformers for current distribution and gas pipeline. Until that time, the residents would be provided by gas in gas bottles, according to the written reply.

The Ombudsman has taken this complaint under the special control and it will remain so, until the local authorities fulfill their promises in accordance the mentioned National Programme.

Chapter V. Inquiries and recommendations of the Ombudsman

Inquiries and recommendations specified in the Law ‘On the Ombudsman’ constitute an important part of the work with people’s appeals that enables to form responsible relations between the Ombudsman and state authorities. Legal essence of inquiries and recommendations vary dramatically; however, both of them by enshrining them in the Law have become the provisions requiring compulsory response from public authorities. For example, ignoring the request of the Ombudsman is the violation of part 2 Article 18 of the Law, stipulating the right of the Ombudsman to request and receive from the officials of state authorities and organizations necessary materials and other information for handling complaints.

Recommendations representing the acts of response from the Ombudsman are of another nature. Recommendations delivered as a result of verification to an official whose actions (inaction) infringe

human rights and freedoms of the claimant concern the measures to be taken in order to restore the infringed rights. In this case the official is not bound by the strict obligation to fulfill a recommendation, with the exception of the obligation to motivate his/her decision on the essence in case the recommendation was disregarded. The key obligation of the public authority in this case is to consider the recommendation within the specified time limit in it and send a message about the results of such consideration.

During the reporting period, the practice of the use of powers listed in Chapter 5 of the Law 'On the Ombudsman' on facilitation of the Ombudsman in restoration of the infringed rights and freedoms of man and citizen enables to regard this activity as 'verification of complaints' (article 30), as a result of which the Ombudsman has the right to deliver his/her recommendation to officials whose actions (inaction) infringe human rights and freedoms of the complainant.

So, if the results of verification of complaints confirm the facts of the infringement of rights and freedoms of man and citizen, the Ombudsman, in accordance with Article 30, delivers to the enterprise, institution, organization or officials whose actions (inaction) infringe human rights and freedoms, his/her recommendation containing proposals on taking necessary measures for urgent restoration of infringed human rights and freedoms. This article also stipulated that in relation to the official, who has infringed human rights and freedoms a motion is delivered to the authorized state bodies or the relevant official with the proposal on instituting disciplinary or administrative or criminal proceedings

Recommendations of the Ombudsman is an important document and enterprises, institutions, organizations or officials, who receive the recommendation of the Ombudsman, are obliged within one month period to consider it and inform him/her in written form on the measures taken. If the Ombudsman does not agree with the measures taken, he/she has the right to address the superior body for taking appropriate measures for the implementation of the proposals containing in the recommendation.

The practice of delivering recommendations shows that they are usually addressed to the heads of ministries and agencies and concern issues of paramount importance, which were not addressed during inquiries.

For the total work period 6 recommendations were delivered to the following entities: the Supreme Court of Turkmenistan (2), hyakimlik of Ashgabat city (1), Stock joint bank ‘Senagat’ (1), Ministry of Communal Works (1), Ministry of Agriculture and Water Economy (1).

Public authorities in relation to which recommendations were prepared:

Public authority	No of recommendations
Supreme Court of Turkmenistan	2
Hyakimlik of Ashgabat	1
Joint-stock bank ‘Senagat’	1
Ministry of communal works	1
Ministry of Agriculture and Water Economy	1
Ministry of Labour and Social Protection	1
Total	6

A resident of Ashgabat Mr. F.R. addressed the Ombudsman. In his submission he wrote that the Kopetdag etrap court of Ashgabat took the decision to satisfy his claim and that of his mother to the hyakimlik of Ashgabat and Department of Registration, Distribution and Formalization of housing to include all registered persons in the old housing in the issued Resolution of the hyakimlik on provision of the new housing to the family. However, the court decision on obligation of the hyakimlik to do it was not executed during 4-5 months and claims were not satisfied.

The Ombudsman delivered to the Supreme Court of Turkmenistan a recommendation to verify all arguments stated in the submission and facilitate to resolve this issue. While considering this recommendation, it was established that the enforcement proceedings were instituted on the court decision which came into force, and the warrant of execution was sent to the Department of Registration, Distribution and Formalization of housing. However, indeed it was not executed until that time, and due to follow-up court measures, the Department of Registration, Distribution

and Formalization of housing will execute the court decision at the nearest meeting of the housing commission. All this was stated in the reply from the Supreme Court.

The Ombudsman also delivered a recommendation to the Supreme Court on the complaint of a resident of Turkmenbashi Mr. G.B. who wrote that the Supreme Court refused to evoke and examine a civil case on his housing issue with relation to his supervisory appeal on his disagreement with court orders. After the recommendation of the Ombudsman was considered, the Supreme Court in the exercise of supervisory power evoked and examined the specified civil case.

A resident of Ashgabat Ms. A.A. submitted a complaint to the Office in which she states that the Communal Repair and Construction Company of Ashgabat, where her brother, who died as a result of an industrial accident, used to work, during two years does not pay a lump-sum compensation in the size of 10 annual incomes, that is 113,263.20 manats. The Ombudsman sent a recommendation to the Ministry of Communal Works on the payment of the compensation due to the family of the dead man within the shortest possible period. This recommendation was immediately processed and the complainant received the due amount in full, which was stated in the letter from the Ministry of Communal Works.

A resident of Ashgabat Mr. A.A. submitted a complaint on actions of the staff of the Joint Stock Bank 'Senagat', which refused to transfer the converted money from his foreign currency account he opened in this bank to his currency bank account in the Russian Federation. The recommendation of the Ombudsman sent to the Joint Stock Bank 'Senagat' was executed within the shortest period (recommendation of 14.07.2017, executed on 17.07.2017) and the full amount from the foreign currency bank account was transferred. This was stated in the letter of the bank.

The Ombudsman delivered a recommendation on the immediate payment of salaries to the group of teachers of the Vocational school No 6 of the Industrial-Agricultural Association of Lebap welayat under the Ministry of Agriculture and Water Economy of Turkmenistan. According to the teachers, they did not receive the salary from September 2016 until June 2017, that is for the full academic year 2016/2017.

The said Ministry executed the recommendation of the Ombudsman and all four claimants were paid the salary in full. The group of the claimants later sent a thank you letter to the Ombudsman.

A temporary resident of Balkanabat city Ms. G.M. in her complaint requested the provision of housing in Ashgabat. She stated that until 1990 her mother and she resided in Ashgabat. By court adjudication of 20.02.1990, she lost a right for residence in the mentioned apartment. Later in 1996 she was placed in the Children Boarding school and in 2008 she was evicted from the school. At present she needs housing and therefore, she requests the housing in Ashgabat, where she resided earlier. In connection with this complaint, the recommendation was sent to the hyakimlik of Ashgabat and in their answer the hyakimlik informed that they work on the solution of this issue.

As can be seen from the above-mentioned, no recommendation of the Ombudsman was left without a positive solution.

Chapter VI. Participation of the Ombudsman in public activities

The approved Action Plan for the second half of 2017 also envisaged participation of the Ombudsman in public activities.

On May 11, 2017 the Ombudsman participated in a round table on the implementation of the Law of Turkmenistan ‘On the Ombudsman’ held in Ashkhabad in the building of the Mejlis of Turkmenistan by the UN Resident Coordinator in Turkmenistan. This event was proposed in connection with the implementation of the provisions of the National Human Rights Action Plan for 2016-2020 and with the aim to familiarize the designated Ombudsman with international best practices of functioning of the Ombudsmen institutions.

The Round table discussed the possibility of supporting the National Ombudsman institution by international partners accredited in

Turkmenistan. The Roundtable was attended by heads and staff of the UN and OSCE agencies, as well as representatives of the European Union Liaison Office, US, German and British Embassies accredited in Turkmenistan, international experts, heads and members/deputies of the Mejlis, representatives of those entities that participated in drafting the Law 'On the Ombudsman' and representatives of the Ministry of Foreign Affairs of Turkmenistan.

Also on June 3, 2017 in Ashgabat, the Ombudsman participated as an invited guest at a regular meeting of the Interagency Commission for ensuring the implementation by Turkmenistan of international human rights commitments and international humanitarian law, where were discussed the final version of the National Plan of Action for the Implementation of Children's Rights in Turkmenistan was discussed; a questionnaire was submitted for the organization of inspections on domestic violence; a draft Regulation on Commissions on Minors; an information note on the results of the participation of delegates of the Government of Turkmenistan at the meeting of presentation of the national report on the fulfillment of the tasks arising from the International Covenant on Civil and Political Rights on March 8-9, 2017 in Geneva.

As everyone knows, from September 17 to 27, 2017 the Fifth Asian Indoor Games and Martial arts 'Ashgabat-2017' were held in Ashgabat, where the Ombudsman was among the guests - many state leaders, representatives of the diplomatic corps, and other guests invited at the opening and closing ceremonies. The Ombudsman gave interview to the mass media about this significant event.

The Ombudsman participated in a round table with representatives of public organizations on 'The place of public associations in sustainable development' organized by the UNDP Country Office in Turkmenistan in co-operation with the Ombudsman's Office in Yyldyz Hotel in Ashgabat on December 7, 2017.

The international conference and exhibition organized by the Ministry of Foreign Affairs of Turkmenistan took place on December 11, 2017 in Ashgabat. The conference titled ‘The Neutral Policy and Preventive Diplomacy in International Relations: The Experience of Turkmenistan and Its Priority’ was held at the Institute of International Relations of the Ministry of Foreign Affairs.

The Ombudsman participated in the Scientific and Practical Conference on ‘The steps of development of statehood, legal system and democracy in neutral Turkmenistan’ in honor of the 10th anniversary of the establishment of the Institute of State and Law under the President of Turkmenistan, which was held on December 26, 2017 in the conference hall of Adalat/Justice Palace of Turkmenistan. At this conference, the Ombudsman made a presentation on ‘The legislative safeguards of human rights: harmonization of national experience and international principles’.

Chapter VII. International co-operation

As mentioned above, while establishing the Ombudsman institution, Turkmenistan strictly adhered to the Paris Principles relating to the status of national institutions for the promotion and protection of human rights. According to these principles, the most important function of the national offices of the Ombudsmen for Human Rights is co-operation with the United Nations, its structural units, regional and national institutions of other countries engaged in human rights protection.

In accordance with the aim of the promotion of development of international co-operation on human rights and freedoms, the Ombudsman shall have the right to:

1) establish relations with international organizations and interstate bodies on protection of rights and freedoms of man and citizen, national human rights bodies of foreign states and enter with them into the agreements on mutual assistance and protection of rights and freedoms of man and citizen;

2) participate as an expert in the work of international organizations on human rights;

3) participate in the preparation and consideration of national reports submitted to international bodies and international organizations on the implementation of international obligations, and, as necessary, express his/her opinion on the subject while duly maintaining his/her independence;

4) be an international observer for the observance of human rights, invite foreign (international) observers in accordance with the procedures established by the legislation of Turkmenistan;

5) submit in accordance with the procedures established by the legislation of Turkmenistan the proposals on receiving from international organizations technical, financial and other assistance aimed at the implementation of plans and projects in the field of recognition, observance and protection of rights and freedoms of man and citizen.

From the first days of its establishment, the Ombudsman's institution attracted big interest from the global community. For example, in the very beginning of the establishment of the Office, the meetings were held with the OSCE Secretary General Thomas Greminger, the UN Resident Representative, Resident Coordinator Elena Panova, the UNICEF Representative Shahin Nilofer, the Head of the OSCE Centre in Ashgabat

Amb. Natalia Drozd, the UN OHCHR Regional Representative in Central Asia Ryszard Comenda, the Head of the Regional GIZ Programme Jorg Pudelka, the Permanent Under-Secretary, Foreign and Commonwealth Office, Head of the Diplomatic Service Sir Symon McDonald and his assistant Ms Shannon Turner, the Ambassador Extraordinary and Plenipotentiary of Italy Diego Ungara.

In the course of the conducted meetings, the above-mentioned persons got familiarized with the status of the Ombudsman's office, the basics of its activities, the powers and prospects for development, and the areas of international co-operation. In turn, representatives of international organizations, mentioned officials expressed their interest in joint bilateral and regional co-operation for the study of international best practices in the field of human rights protection and expressed their readiness to assist in strengthening the capacity of the Office.

In its endeavor to further intensify and develop international co-operation in the field of protection of rights and freedoms of the man and citizen, the Ombudsman's Office interacts with international organizations, including human rights institutions from various countries.

The main counterparts of the Office of the Ombudsman are the UN agencies, such as the UNDP, the Children's Fund (UNICEF) office, the UN OHCHR Regional office for Central Asia, the OSCE Centre in Ashgabat and others.

The activities of international governmental and non-governmental human rights institutions encourage the improvement of the existing state system of protection of rights; promote a more detailed understanding of international standards in the field of human rights and freedoms and their implementation in the national legal system.

Establishing and developing a dialogue with international human rights organizations is one of the effective ways to integrate the Ombudsman's institution into the international human rights community, contributing to its progress and development in the future.

To meet the challenges of international integration of the Ombudsman's Office, the Ombudsman and representatives of his office actively participated in international conferences, debates, and Round tables.

For example, on May 11, 2017, the UN Resident Representative's Office in Turkmenistan hosted a conference in the Mejlis of Turkmenistan on the implementation of the Law of Turkmenistan on the Ombudsman, with the participation of the leaders and deputies of the Mejlis of Turkmenistan, the Ombudsman, representatives of the Ministry of Foreign Affairs of Turkmenistan and relevant entities. This event was held in connection with the implementation of the provisions of the National Human Rights Action Plan for 2016-2020 and familiarization of the newly appointed Ombudsman with the international practice of the institution of the Ombudsman.

On December 4, 2017, with participation of the representatives of the German Society for International Cooperation (GIZ), representatives of the Mejlis of Turkmenistan, ministries and agencies, including the Ombudsman's Office, a meeting was organized to draft comments on the newly adopted Law of Turkmenistan 'On Administrative Procedures'.

Within the framework of joint co-operation between the UNDP in Turkmenistan and the Office of the Ombudsman of Turkmenistan, a Round table was organized on December 7, 2017 with participation of the Ombudsman of Turkmenistan and representatives of public organizations of Turkmenistan. An international expert, Special Commissionaire of the Global Alliance of National Human Rights Institutions Prof. Alan Miller, with whom the Ombudsman also met, was invited to this event.

In accordance with Article 33 of the Law of Turkmenistan ‘On the Ombudsman’, the Ombudsman promotes public awareness of human rights, participates in the development of educational programmes and enhances the knowledge of people in the field of national legislation and fundamental international human rights instruments. In order to implement the provisions of this article, representatives of the Ombudsman's Office conducted lectures in higher educational institutions, and in the Scientific and Methodological Centre of the ‘Sustainable Development Goals’ at the Institute of International Relations; representatives of the Ombudsman's Office delivered a lecture on ‘UN Objectives for the Development of Organizations Supporting Harmony and Peaceful co-existence in human society’.

In addition, on December 11, 2017, the Ombudsman of Turkmenistan participated in the International Conference titled ‘Neutrality Policy and Preventive Diplomacy: The Experience of Turkmenistan and Its Importance’, as well as in the exhibition held in this regard.

In order to study the best international experience in the field of human rights protection, the Ombudsman of Turkmenistan participated in important international fora attended by delegations from many countries, representatives of major international, regional and specialized organizations, where a broad range of issues of human rights protection at the national, regional and international level was discussed.

For example, from April 19 to 20, 2017, the Ombudsman took part in an educational seminar on ‘Foundations of National Human Rights Institutions’ held in Astana, Kazakhstan and organized by the UNDP.

From 16 to 17 May 2017, a training workshop organized by the UNICEF regional office for the newly established or newly elected Ombudsmen on

the ‘Protection of the Rights of the Child’ was held in Sofia, Bulgaria, where the Ombudsman also took part. The workshop touched upon the issues of observance of the rights of children, measures taken to eradicate cases of violation of their rights, and the fulfillment by the States parties to the Convention of their obligations under the Convention. Given that Turkmenistan ratified the UN Convention on the Rights of the Child unconditionally, this workshop was very important and cognitive.

On November 15-17, 2017, in Almaty, Kazakhstan, a regional consultation of National Human Rights Institutions of Central Asian countries was held in the framework of the joint project proposal of the UNDP and the UN OHCHR, where the Ombudsman of Turkmenistan participated. The consultation offered an opportunity for National Human Rights Institutions of Central Asia to form a common vision for a platform of regional co-operation, develop ‘a Roadmap for its establishment’, and discuss a number of other issues related to human rights protection.

On October 15-19, 2017, within the framework of the project on ‘Capacity Building of the Ombudsman's Office and Regional Ombudsman Institutions’ of the OSCE Centre in Ashgabat, the Ombudsman of Turkmenistan visited the capital of Finland, Helsinki, among the representatives of other public authorities of Turkmenistan. During the visit, the Ombudsman got acquainted with the experience of Finnish Ombudsmen, whose institution has existed since 1920. In Helsinki meetings were held with the special Ombudsmen, the Parliamentary Ombudsman and their work was presented. A meeting was also held with the leaders and members of the leading committees of the Parliament, the Chancellor of the country. These meetings enabled to acquire the necessary important information on the organization of the activities of the Ombudsmen institutions, the Finnish system of means for protecting human rights and their legal framework.

Based on the above, it is obvious that during the reporting period the Ombudsman held a number of official meetings with representatives of international organizations, including human rights organizations,

representatives of high-level diplomatic missions; participated in a number of international events, conferences, round tables on human rights issues conducted both in Turkmenistan and abroad.

Indeed, this expanding and strengthening interaction enabled the Ombudsman's Office to realize its role as a source of information on the human rights situation in the country for national and foreign partners, to gain access to international experience and best practices in the field of the rights of man and citizen.

Thus, the international co-operation of the Ombudsman's Office in Turkmenistan in 2017 to some extent facilitated the work on protection of the rights of citizens, increase of the potential of human rights defenders, and sharing experience in the human rights setting.

In the coming period, the Office of the Ombudsman, taking into account the effectiveness of co-operation with international human rights institutions, primarily with UN agencies, positively assessing its high results, will continue to work to protect and promote rights and freedoms of man and citizen in all areas of civil, political, economic, social and cultural rights.

Chapter VIII. Conclusions and proposals

This Report summarizes the results of the first operational year of the Ombudsman institution in Turkmenistan, a new institution for the country. The experience of its entering the human rights scene is an object of intense interest for all actors: public authorities, people, and public associations. Was it able to find its place among other institutions, has it managed to discover inherent opportunities, enhance human rights traditions, emerging in the society, whether people started to trust it as a

defender of their interests and rights, whether it succeeded as a true human rights institution – these are the questions which are arising now, after the year of the Ombudsman's work in Turkmenistan. We hope that part of these questions was answered in this report, and based on the implemented activities (during 7 months) we highlighted that very part of human rights efforts, which we managed to fulfill or give impetus to.

A new human rights institution, the establishment of which people, public associations and state pinned their hopes on, rolled out its systemic work, defined principles of its relations with people in need of protection, state authorities and public associations, started its functions as a typical national human rights institution due to a high legal status of an independent institution, which the Ombudsman institution received at the time of its establishment.

The work of the Ombudsman institution was not reduced only to referring the appeals and complaints of citizens to other state bodies; an individual approach to the situation of people was used at that. In many cases related to the complaints on human rights violations, state authorities experienced the approach of the purely human rights institution that delivered its inquiries and recommendations indicating the position of solidarity with the people concerned. The position also actualized the necessity of human rights observance as both state governance and universally recognized human rights standards. It meant that in cases of violation of laws and human rights the specific positive intermediary role of the Ombudsman was demonstrated to the state bodies and citizens.

A year-long work provides a means to make general conclusions as to what should be addressed in the future work. The key issues were already mentioned through the body of the text and they deserve reiteration in the final section of the Report.

The majority of citizens' addresses to the Ombudsman are based on a welfare/dependent's mentality – they expect from the state not observance of their rights, but meeting their needs in various material benefits, even if they are not specified by the existing legislation. Related to it and inherited from the past the culture of promoting own interests was especially apparent in numerous letters of the citizens to the Ombudsman on disputed court decisions, even though the fairness of such decisions was already confirmed several times. The Ombudsman, while answering such submissions, had to verify human rights violations, advise citizens to solve their issues through their productive work, for which a free economy of our country provided opportunities.

During the reporting year, the Ombudsman's Office felt pressure from numerous appeals of citizens, containing socio-economic requests and demands, and this led us to the idea on strengthening and expanding the outreach campaign. It is objectively sought after by our people, who are not able to address their own economic issues so far, and traditionally rely on the state help.

The aim for the nearest future is to persistently focus people on the only alternative in their lives, so far unsettled, that is to learn to live in the conditions of the legal state and bear individual economic and legal responsibility.

Educational functions should be also strengthened toward the staff of public authorities, who have to deal with issues of citizens, who appeal to them solely from the position of human rights violation. In correspondence with the public authorities we had to convince different instances about the necessity of observance of the legal state principles, without pointing out the usual urgings to be diligent or reminding the human rights values. In short, it is necessary to convince representatives of state bodies in their obligation to observe both human rights and laws and the need of strict legal administration in relation to the existing and potential human rights violations.

The last year experience has shown that good established partner relations with the media are indispensable for the educational activity of the Ombudsman.

During the reporting period we didn't manage to fully utilize such a strong resource as the work on the improvement of legislation. The Ombudsman did not sufficiently use her possibility of system application of the laws related to human rights. There are significant opportunities to impact broad promotion of human rights through the laws in law enforcement practice.

The results of the Ombudsman's work with current laws and draft laws during the reporting period convince in compulsory use of law-making influence on the field of human rights. This influence is realized through the development and submission of proposals to improve the national human rights legislation and harmonize it with international standards to the Mejlis of Turkmenistan and subjects of legislative initiative, maintaining direct contacts with them and participating in working groups set up by them; and also through proposals for comprehensive improvement of provisions of laws through comparative analysis with similar international law documents.

Through the sections of the Report we provided other outcomes and their relevance is corroborated by the data provided in these sections.

The activities of the Ombudsman institution during the year have shown the need for widespread use of its legislatively assigned powers and rights. A confirmation of this is the flow of incoming complaints and appeals to the Ombudsman from the regions of the country; an increasing volume of work on their handling and verification; participation of the Office in preparing reports on the implementation of the Conventions on human rights protection, which Turkmenistan has acceded to, the task of preparing alternative reports on them, which involves intensifying the

work on monitoring and providing reliable and objective information to committees and international organizations in all areas of human rights activities; the need to provide systematic work on the observance of human rights and freedoms in the country related to the requests of public authorities that requires expert and analytical work: collecting information, creating a database on various issues in the field of human rights protection; the need to improve the effectiveness and efficiency of the Ombudsman's work, as well as the accessibility of the institution's services based on the organization of a quarterly reception of citizens in resource centres. These resource centres were established in the regions of the country with main purpose to work under the leadership of the Ombudsman on human rights on the ground and inform his/her on the observance of human rights and freedoms and citizen in the regions.

An analysis of complaints and appeals received in 2017 indicates a large number of submissions from the velayats, which is 68.9%, of which more than 20% are from Mary welayat, 14.9% are from Balkan welayat, about 17% from Lebap and Dashoguz welayats each; a significant number of citizens from the regions come personally to the reception to the Ombudsman, spending their money and time for the trip.

We have to complete the Report with the latest and very important conclusion, which we derived from the experience of the year-long work, and it seems most typical for the activities of the Ombudsman institution.

The Ombudsman's service requires persuasive, routine but principal activity for advocating issues related to human rights violations. The hard work on numerous appeals to the public authorities in the name of an individual calls for professional patience. Supporting fair approach at all procedural levels is a core merit in the work of all human rights defenders, especially those who work at the Ombudsman institution.

The following recommendations are made based on the results of the analysis of the Ombudsman's activities to improve situation with human rights observation in the country.

Having been a state party of the Convention on the Rights of the Child, Turkmenistan consistently implemented the standards of the Convention into the national legislation. We are pleased to note that on May 3, 2014 Turkmenistan adopted a new Law 'On state guarantees of the Child's Rights'. Considering that the legislation of Turkmenistan is under the constant improvement, we recommend the following:

- systematically engage all public associations and state authorities working in the field of children's rights protection in the development, implementation and evaluation and monitoring of laws and programmes relating to children;
- in order to further adapt children after finishing secondary schools into society, consider the possibility of expanding school curricula for the study of human rights disciplines.

To create opportunities and conditions for employment of persons with disabilities, in May 2015, the esteemed President of Turkmenistan signed the Resolution on the Approval of the Programme for the Improvement of the sphere of employment and creation of new jobs in Turkmenistan for 2015-2020 and the Action Plan for the implementation of this programme. In order to implement this Plan, the Order of the Minister of Labor and Social Protection of Turkmenistan in January 2016 approved the Regulation establishing the procedure of quota allocation to 5% of the total number of employees of enterprises for persons with disabilities who have a recommendation to work in accordance with the individual rehabilitation programme and for single parents and parents raising many children, minor or children with disabilities. In addition, during the last decades the interests of people with disabilities were taken into account in the construction of roads, buildings and other facilities, that is, special devices, auxiliary facilities (ramps, lifts, etc.) were created for the people with different types of disability in accordance with relevant provisions. Concurrently we recommend:

- conduct educational and training campaigns with the assistance of public organizations and with the involvement of organizations of people with disabilities in order to actively promote the positive image of people with disabilities, with special emphasis on their skills and relevant best practices;
- further promotion of the universal design of all buildings and public services, means of information and social networks, transportation and services available to all population groups in both rural and urban areas;
- introduction of liability for non-compliance with the requirements for accessibility, with a view to ensuring the rights of persons with disabilities;
- consider the possibility of introducing the post of "sign language interpreter" on the TV channel 'Turkmenistan' of the Turkmen TV, which mainly broadcasts the country's activities in the sphere of economy, science and education, culture, sport, international relations, as well as other events taking place in the country.

Turkmenistan, having acceded to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to it, has implemented the provisions contained in these documents in the national legislation. For example, the Law of Turkmenistan 'On State Guarantees of Equality of Women', adopted in 2007, was improved, following which the new Law of Turkmenistan 'On State Guarantees for the Equal Rights and Equal Opportunities of Women and Men' was passed in 2015. In order to empower women on their rights and means of their implementation, and strengthen families, we recommend:

- public authorities by co-operating with public associations and the media to continue taking all appropriate measures in providing women with information about the Convention and effective national legislation, while

consistently explaining them the legal means of protecting their rights and freedoms, increasing their effectiveness;

- at the local level, organize competitions between families in the field of education, applied arts, culture, sports and other fields, involving all interested organizations in these activities.

During the reporting period, the Ombudsman's Office received no complaints from the convicts, however, to ensure proper activities eliminating the social deformation of the convicts, their social rehabilitation, and preparation for life after release, we recommend:

- involve more often qualified professionals, including a psychologist in the available programmes of work with convicts, for in-depth study of their personal psychological morals and the elimination of criminal-moral deviations in convicts;

- consider the possibility of creating a programme under which the organization of sports sections, followed by sports competitions (checkers, chess, volleyball, table tennis and others) in places of deprivation of liberty could be conducted with the involvement of coaches and other qualified specialists.

According to the provisions of the Law, the Ombudsman does not consider issues which fall under the jurisdiction of court, except the decisions and actions of the state authorities, local self-government bodies, officials, civil servants, if the complainant previously appealed these decisions, actions through the judicial or administrative proceedings, and disagreed with the adjudications of his/her claim. In accordance with this provision, out of the total number of complaints received by the Ombudsman, about a third (31.9%) are appeals on disagreement of citizens with judiciary decrees, sometimes expressing dissatisfaction with the conduct of the judicial procedures themselves, although in small numbers, but also with tardy execution of court decisions. At the same time, it should be noted that not all complaints are justified, often citizens, bypassing the ways and means of protection provided by law, apply to the bodies that are not competent to resolve

these issues. In connection with the stated above and in order to reduce the number of complaints about court decisions, to eliminate cases of making unreasonable complaints, to ensure citizens' access to justice, we recommend as follows:

- bodies providing legal assistance should be available to, without any hindrance, explain their rights to citizens and increase responsibility for providing consultations, which do not correspond with laws;
- receive citizens who addressed with complaints to judicial decrees to the level of the heads of the respective collegiums, to improve the accessibility of receiving citizens in matters relating to specific judicial decrees;
- on the facts of disregard of the timely execution of judicial decrees by officials, as well as debtors, to take all necessary measures by putting forward specific proposals;
- in cases of non-response by officials, as well as debtors on timely execution of court decisions, to take all necessary measures for their execution, introducing specific proposals

An analysis of citizens' appeals to the actions of law enforcement officers showed that the requirements of the legislation on comprehensive, full and objective examination of the circumstances of the case in the investigation of criminal cases, violation of the rights of citizens under investigation are not always observed, therefore, in order to eradicate violations of procedural legislation by actions of law enforcement officers, we recommend:

- regularly raise the level of culture and professional training of law enforcement personnel;
- prosecutors' offices to thoroughly study the appeals of citizens in respect of whom criminal cases have been instituted, to strengthen supervision over compliance with their constitutional rights in the conduct of investigative actions against them by law enforcement agencies.

The study of the received complaints enables us to make a conclusion that some categories of socially protected categories of population, in particular, the people with disabilities, multifamily families (whose children have their own families), citizens with severe forms of illness can not realize their right to housing. The current housing legislation stipulates the priorities of market approaches to resolving housing issues, by developing housing construction through the introduction of mortgage system. At the same time, the latest housing legal reforms are aimed at the categories of population in acute need of housing. For example, according to the Decree of the President of Turkmenistan of 20.01.2017, No. 15092 'On the Construction of Residential Buildings for people with disabilities and people in need of social protection in each region and Ashgabat' in each region and city of Ashgabat, such houses, apartment blocks were built. The apartments were distributed by a specially set up housing commission. In order to ensure the implementation of housing rights of citizens, we recommend:

- housing commissions, within their competence, to find effective methods for satisfying the housing issues of citizens, to strengthen work on the possibility of providing their housing, while strictly following the order, as well as the local executive authorities to ensure lawfulness and transparency in allocating land for individual housing construction.

The complaints of people addressed to the Ombudsman on labour issues mainly concern their employment. In relation with that we recommend:

- the management of organizations, institutions, enterprises to ensure timely information and submission of reliable information about their vacancies to the employment agencies, while during the recruiting to consider the possibility of establishing a priority for persons directed by the Labor exchange.

The Ombudsman's implementation of international co-operation in the field of human rights has revealed a lot of opportunities in this field. The establishment of a new independent institution is impossible without exposing to foreign experience and effective international co-operation. In connection with the enhancement of work of the Ombudsman's Office in the field of fulfilling international obligations and implementation of

the National Human Rights Action Plan, and also given the positive achievements in the country in the field of human rights, we recommend:

- consider the possibility of inviting UN special rapporteurs on specific areas of human rights.

Awareness raising and educational activities in the field of human rights should be carried out in educational institutions, social and cultural spheres, the criminal-executive system, children's institutions, law enforcement and judicial bodies and should be aimed not only at providing information about human rights and mechanisms for their protection, but also the promotion of a human rights culture. This activity will urge overcoming such negative social phenomena as the denial of legal principles (legal nihilism) and the person's dependent expectations for the state. To implement these tasks, we recommend:

- consider the possibility of adopting a state programme of action in human rights education and training;
- the formation of the system of lifelong learning and legal education; incorporation of provisions on the study of human rights in the state educational standards; introduction of special courses on human rights for university students, especially humanitarian specialties; development and implementation of professional development programs in the field of human rights for professional groups; conducting outreach educational work in the media, through social advertising, publishing; support and encouragement of NGOs, research and educational organizations engaged in awareness raising and training in education area, encouraging research work in human rights education; organization of educational and awareness raising outreach activities for the general public; formation of an available information database of regional and international documents on education in the field of human rights protection; expansion of international co-operation in the field of human rights education - to envisage all this as key directions of the state programme of action on human rights training and education.

By the mentioned above, we summarize the outcomes of the prepared Report on the work done and human rights situation in the country for the

first year of the establishment of the Ombudsman institution, that is the year of 2017.

In accordance with the Law of Turkmenistan ‘On the Ombudsman’, the Ombudsman has broad functional powers encompassing all areas pertaining to rights and freedoms of man and citizen. All opportunities are established to exercise these functional powers.

Based on the above, we would like to give the assurance that the Office of the Ombudsman, within its powers, will make a worthy contribution for ensuring, protecting and exercising human rights and freedoms in our country.