CORI

country of origin research and information

CORI Thematic Report

Mental Health; Turkmenistan

March 2014

Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

CORI Country Reports are designed to aid decision making within RSD. They are not intended to be general reports on human rights conditions. They serve a specific purpose, collating legally relevant information on conditions in countries of origin, pertinent to the assessment of claims for asylum. Categories of COI included within this report are based on the most common issues arising from asylum applications made on the basis of mental health related issues by nationals from Turkmenistan. This report covers events up to March 2014.

COI is a specific discipline distinct from academic, journalistic or policy writing, with its own conventions and protocols of professional standards as outlined in international guidance such as The Common EU Guidelines on Processing Country of Origin Information, 2008 and UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, 2004.

CORI provides information impartially and objectively, the inclusion of source material in this report does not equate to CORI agreeing with its content or reflect CORI's position on conditions in a country. It is acknowledged that all sources have a bias, it is for decision makers to place a weight on sources, assessing relevance to each individual application.

CORI Country Reports are prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issues, however as COI is reliant on publicly available documentation there may be instances where the required information is not available. Any translations made are unofficial translations made by CORI, as with all sources referenced, please see the full text of the original article. The reports are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

CORI is an independent centre providing specialist research resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, legal representatives and NGOs, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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1. Mental Health Legislation

1.1 Right to health, including mental health

Article 35 of the *Constitution of Turkmenistan*, approved in September 2008, states that the right to healthcare and free use of public health institutions is guaranteed to all citizens. "Paid medical and non-traditional healthcare" is permitted by law,

> "Article 35: Citizens have the right to healthcare, including free use of the network of public health institutions. Paid medical and non-traditional healthcare is permitted under, and in accordance with, the procedure established by law."[1]

Article 37 of the *Constitution of Turkmenistan* states that the right to social security in the event of sickness, disability or "loss of ability to work" is guaranteed to all citizens. Further state support is given to those who "lost their health while protecting the state or public interests",

> "Article 37: Citizens have the right to social security in old age, sickness, disability, loss of ability to work, loss of breadwinner, unemployment.
> Families with large number of children, orphans, veterans, people who lost their health while protecting the state or public interests, are provided additional support and privileges from state and public funds."[2]

In March 2012 the *UN Human Rights Committee* stated that the Deputy Minister of Foreign Affairs of Turkmenistan Vepa Hadjiyev stated that Turkmenistan was considering inviting the UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health and on the Right to Education to visit the country.[3]

On 18 May 2012 the *World Health Organisation Regional Office for Europe* reported that a state programme and action plan for the development of the quality and facilities of public health care system for 2012–2016 had been approved by the government,

> "The main areas for health-sector development include; improving the legislative framework for the health care system; introducing modern methods of treatment and of organization of scientific research; ensuring the supply of high-quality medicines and other medical services to the entire population; introducing WHO standards and protocols for prevention, diagnosis and treatment of diseases; improving medical education by revising curricula, training specialists at leading

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[1] The Constitution of Turkmenistan (approved by Khalk Maslahaty on 26 September 2008), Article 35, available at http://www.wipo.int/wipolex/en/text.jsp?file_id=254618, accessed 6 February 2014
[2] The Constitution of Turkmenistan (approved by Khalk Maslahaty on 26 September 2008), Article 36, available at http://www.wipo.int/wipolex/en/text.jsp?file_id=254618, accessed 6 February 2014
[3] United Nations Human Rights Committee General Assembly, Human Rights Committee, 104th Session, Human Rights Committee notes Turkmenistan's 'New willingness' to improve human rights record, but says gap remains between legal framework, implementation",16 March 2012, http://www.un.org/News/Press/docs/2012/hrct743.doc.htm, accessed 14 February 2014

clinical institutions and introducing the principles of evidence-based medicine; and developing and improving the infrastructure of health facilities."[4]

1.2 Right to health care in relation to mental health

Article 17 of the 2002 *Law on Health Protection of Citizens* states that minors have the right to "necessary medical care, preservation and health strengthening". Children "with defects of physical or mental development" have the right to "medico-public assistance in specialized child care facilities" and "specialized agencies at the expense of agents of local budgets, charity and other foundations, and also agents of parents (legal representatives)",

> "Article 17. Right of minors to health protection
> 1. Minors have the right to receipt of necessary medical care, preservation and health strengthening.
> 2. The right of minors to health protection is provided:
> - their legal protection;
> - building of optimum conditions for their physical and spiritual development;
> - the organization and carrying out complex of preventive actions (dynamic medical overseeing by able-bodied children domiciliary, in preschool, school and treatment-and-prophylactic institutions, immunization, routine maintenances and medical examination);
> - carrying out qualified and specialized medical care in the conforming hospitals and recovery treatment in sanatoria, their selection in children's day nursery gardens, the improving centers;
> - healthy lifestyle promotion;
> - carrying out actions for prophylaxis of narcomania, toxicomania, alcoholism, smoking, venereal diseases and AIDS;
> - timely bacterination against measles, diphtheria, poliomyelitis, epidemic parotitis, whooping cough, tetanus, tuberculosis, virus hepatitis and other contagions;
> - education of teenagers to questions of genesial health;
> - the organization of sanitary education of parents concerning hygienic education of children, and also to rules of education of the able-bodied child (regimen, delivery, leaving, physical and spiritual training, hardening etc.);
> - social legal assistance rendering.
> 3. Children with defects of physical or mental development, and also recognized as disabled people on state of health have the right to receipt of the medico-public assistance in specialized child care facilities.
> The list of medical contraindications for placement of such children to specialized child care facilities and teaching and educational organizations of general purpose affirms the Ministry of Health and the medical industry of Turkmenistan.

[4] World Health Organisation Regional Office for Europe, Green light for new development programme for health sector in Turkmenistan, 18 May 2012, http://www.euro.who.int/en/countries/turkmenistan/sections/news/2012/05/green-light-for-new-development-programme-for-health-sector-in-turkmenistan, accessed 28 January 2014

4. Children with disadvantages of physical and mental development according to the statement of parents (legal representatives) can contain in specialized agencies at the expense of agents of local budgets, charity and other foundations, and also agents of parents (legal representatives).
5. Violation of the rights of minors from parents (legal representatives), including evasion from accomplishment of obligations on leaving and education of children in monogynopaedium, appointments, prescriptions and references of workers of health care, making of other actions harming to their physical and mental health, attracts the responsibility established by the legislation of Turkmenistan."[5]

Article 20 of the 2002 *Law on Health Protection of Citizens* states that people with disabilities have the right to free state medical care and medico-public assistance, including after treatment and pharmaceuticals. Those with "chronic mental diseases" have the right to support from specialised agencies.

"Article 20. Right of disabled people to health protection
1. Disabled people have the right to free medical care in organizations of the state health care system, and the lonely disabled people needing extraneous leaving, disabled people with chronic mental diseases - on content in specialized agencies.
2. Disabled people, including handicapped children and disabled people since the childhood, have the right to the medico-public assistance, all types of aftertreatment, providing on favorable terms pharmaceuticals and products of medical appointment, and also to professional training and retraining according to regulatory legal acts of Turkmenistan. Procedure for rendering of medical care to disabled people, and also the list of privileges for them are determined by the legislation of Turkmenistan.
3. Organs of the local executive authority and local self-government within the competence can provide to disabled people additional benefits."[6]

Article 5 of the 1993 *Law on Psychiatric Help* states that "persons suffering from alienations" have the same rights provided by the Constitution and the legislation as other citizens and have the right to all forms of psychiatric care, whenever possible at home or in the "least restrictive conditions" available, and to be informed about their treatment,

"Article 5. The rights of the persons suffering from alienations

The persons suffering from alienations, have all customs and freedoms of citizens provided by the Constitution of Turkmenistan and the legislation of Turkmenistan. Restriction of the rights and freedoms of citizens, connected to alienation, is admissible only in the cases provided by this Law.

All persons suffering from alienations, when rendering of the psychiatric help by it have the right on:
- the valid and humane attitude excluding humiliation of human dignity;
- receipt of information on the customs, and also in form available to them and taking into account their mental state of information about nature of alienations available for them and applied methods of treatment;

[5] The Law of Turkmenistan "About health protection of citizens", 14 December 2002 of No. 157-II(current state on 29.8.2013) available at, http://cis-legislation.com/document.fwx?rgn=6772# accessed 12 March 2014
[6] The Law of Turkmenistan "About health protection of citizens", 14 December 2002 of No. 157-II(current state on 29.8.2013) available at, http://cis-legislation.com/document.fwx?rgn=6772# accessed 12 March 2014

- the psychiatric help in the least restrictive conditions, whenever possible in residence;
- content in psychiatric hospital only during the term necessary for inspection and treatment;
- all types of treatment (including sanatorium-health-resort) according to medical indications;
- rendering of the psychiatric help in the conditions, conforming to sanitary-and-hygienic requirements;
- prior consent and abandoning at any stage from use as object of testing of medical agents and methods, scientific researches or educational process, from photo, videoili filmings;
- the invitation according to their demand of any specialist participating in rendering of the psychiatric help, with the consent of the last for work in the medical commission about the questions regulated by this Law;
- preliminary receipt of their consent to treatment or consent of the legal representative for the minor be elderly till 15 years and the person recognized in procedure established by the law incapacitated, and it is peer also abandoning of treatment, except cases of application of enforcement powers of medical nature or involuntary hospitalization judicially and cases of urgent hospitalization;
- appeal of wrongful acts of operating controls by health care and the officials infringing their rights and legitimate interests;
- the help of the lawyer, the legal representative, and also other person according to the procedure, established by the law.

Restriction of the rights and freedoms of the persons suffering from alienations, only based on the psychiatric diagnosis, the stay facts under dispensary observation, in psychiatric hospital or in psychoneurological organization for social security or special education is not allowed."[7]

Article 7 of the 1993 *Law on Psychiatric Help* states that citizens have the right to nominate a representative of their choice to protect their rights and interests,

"Article 7. Representation of citizens the psychiatric help appears which

The citizen when rendering to it the psychiatric help has the right to invite at the choice of the representative for protection of the rights and legitimate interests. Veneering of representation is made according to the procedure, established by the civil and civil procedural legislation of Turkmenistan.

Protection of the rights and legitimate interests of the minor be elderly till 15 years and the person recognized in procedure established by the law as incapacitated, in case of rendering by him to the psychiatric help, legal representatives (parents, adoptive parents, guardians), and in case of their absence - administration of psychiatric hospital or psychoneurological organization for social security or special education perform them.

[7] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

The administration of the organization rendering the psychiatric help, provides possibility of the invitation of the lawyer, except for emergencies, stipulated in Item "and" parts of the fifth Article 21 and the Item "and" of article 2X of this Law."[8]

Article 9 of the 1993 *Law on Psychiatric Help* states that information regarding the mental health and treatment of psychiatric patients is protected by laws on confidentiality and may only be given to legal representatives or doctors of the patient and only in connection with their treatment,

"Article 9. Conservation of medical secret when rendering the psychiatric help

Data on availability at the citizen of alienation, the facts of the request for the psychiatric help and treatment in mental health medical institution, and also other data about its mental health are the medical secret guarded by the Law.

The report of the data specified in part one of this Article, is allowed to only legal representatives of the citizen, doctors - in connection with carrying out inspection by them or treatments, to organs of prosecutor's office, consequence and inquiry - in connection with carrying out investigation by them, and to court, and also in other cases established by the law. Provision of medical data for educational process and carrying out researches is allowed."[9]

Article 14 of the 1993 *Law on Psychiatric Help* states that judicial and psychiatric examination on criminal and civil cases is made according to the procedures outlined in the criminal and civil legislation,

"Article 14. Judicial and psychiatric examination

Judicial and psychiatric examination on criminal and civil cases is made on the establishments and according to the procedure, the provided criminal procedure, civil, civil procedural legislation of Turkmenistan."[10]

Article 16 of the 1993 *Law on Psychiatric Help* states that emergency psychiatric care, "consulting and diagnostic, medical, psychoprophylactic, rehabilitational help", social care, education, legal aid, assistance at work and psychiatric care following "natural disasters and catastrophic crashes" are all guaranteed by the state,

"Article 16. Types of the psychiatric help and the social protection, guaranteed by the state

By the state are guaranteed:
- urgent psychiatric help;
- consulting and diagnostic, medical, psychoprophylactic, rehabilitational help in extra sick-lists and stationary conditions;
- all types of psychiatric examination, determination of temporary invalidity;

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[8] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014
[9] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014
[10] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

- the social help and assistance in workarrangement of the persons suffering from alienations;
- solution of questions of guardianship;
- consultations according to legal issues and other types of legal aid in psychiatric and neurologic;
- the social device of disabled people and aged, suffering alienations, and also care of them;
- education of disabled people and the minors suffering from alienations;
- the psychiatric help in case of natural disasters and catastrophic crashes.

For providing the persons suffering from alienations, the psychiatric help and their social protection the state:
- frames all types of the organizations rendering the extra hospital and stationary help, whenever possible in residence of patients;
- will organize general educational and professional training of the minors suffering from alienations;
- frames medical production enterprises for labor therapy, education to new professions and workarrangements at these companies of the persons suffering from alienations, including disabled people, and also special productions, shops or fields with the facilitated working conditions for such persons;

- establishes obligatory quotas of workplaces at the companies, in organizations and the organizations for workarrangement of the persons suffering from alienations, according to the legislation;
- frames hostels for the persons suffering from alienations, lost social relateds;
- takes other measures necessary for social support of persons, suffering alienations. Providing with all types of the psychiatric help and social protection of the persons suffering from alienations, is performed by state governing bodies, the local executive authority and local self-government according to their competence determined by the legislation of Turkmenistan."[11]

Article 17 of the 1993 *Law on Psychiatric Help* states that psychiatric care is also provided by licensed public, non-state "mental health and psychoneurological institutions and privately practicing psychiatrists"

"Article 17. Organizations and the persons rendering the psychiatric help

The psychiatric help is rendered by the obtained license public, non-state mental health and psychoneurological institutions and privately practicing psychiatrists. The procedure for issue of licenses on rendering of the psychiatric help is established by the legislation of Turkmenistan.

The types of the psychiatric help rendered by mental health and psychoneurological facilities or privately practicing psychiatrists, are specified in statutory documents or licenses; information on them shall be available to visitors."[12]

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[11] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014
[12] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

Article 18 of the 1993 *Law on Psychiatric Help* states that diagnosis and decisions regarding treatment, including involuntary psychiatric care, are the "exclusive right of the psychiatrist or the commission of psychiatrists"> All medical personnel involved in psychiatric care must receive specialist training and a qualification in the field,

> "Article 18. Right to activities for rendering of the psychiatric help
>
> On rendering of the psychiatric help the psychiatrist who got the higher medical education and has confirmed the qualification according to the procedure, established by the legislation of Turkmenistan has the right to profession of a physician only. Rendering of primary psychiatric help by medical workers according to the procedure, established by the Ministry of Health of Turkmenistan is in exceptional cases allowed.
>
> Other specialists and the medical personnel participating in rendering of the psychiatric help, shall according to the procedure, established by the legislation of Turkmenistan, to have training special preparation and to confirm the qualification for the admission to independent work with the persons suffering from alienations.
>
> Activities of the persons rendering the psychiatric help, are based on medical debt and professional ethics and are performed according to the principles fixed by this Law. Establishment of the diagnosis of alienation and decision making or making the conclusion for judicial treating of question of rendering of the psychiatric help in involuntary procedure are exclusive right of the psychiatrist or the commission of psychiatrists."[13]

Article 19 of the 1993 *Law on Psychiatric Help* states that decisions regarding psychiatric care should be made independently by the psychiatrist and guided only by medical necessity and the law,

> "Article 19. Independence of the psychiatrist when rendering the psychiatric help
>
> The psychiatrist is independent in the decisions in case of diagnosis establishment, fulfillment of duties, connected to rendering to the persons suffering from alienations, medical care and with avoidance possible making of socially dangerous actions by them, and is guided by only medical indications, medical debt and the law.
>
> The psychiatrist which opinion does not match opinion of members of the medical commission, having the right to state the opinion which joins medical documentation."[14]

Article 20 of the 1993 *Law on Psychiatric Help* states that psychiatrists and others working in psychiatric care "have the right to privileges and compensations established by the legislation of Turkmenistan for persons, taken with activities in the special working conditions",

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[13] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

[14] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

"Article 20. Guarantees and privileges to psychiatrists, other specialists, medical and other personnel in rendering of the psychiatric help

Psychiatrists, other specialists, the medical and other personnel, participating in rendering of the psychiatric help, have the right to privileges and compensations established by the legislation of Turkmenistan for persons, taken with activities in the special working conditions, and also are subject to compulsory national insurance on damnification case to their health or death on duty.

In case of the damnification to the health which has entailed temporary disability of the person, participating in rendering of the psychiatric help, the insurance sum within its annual cash contents depending on gravity prichinennoyu injury is paid to it. In case of disability offensive the insurance sum is paid at the rate from annual before five years' cash content depending on extent of disability of the person, and in case of his death the insurance sum is paid to his heirs in the amount of tenfold annual cash content."[15]

Article 43 of the 1993 *Law on Psychiatric Help* states that the state controls the activities of organisations and medical personnel administering psychiatric help via the local executive authority,

"Article 43. Control and public prosecutor's supervision of rendering of the psychiatric help

The state control of activities of organizations, the organizations and the persons rendering the psychiatric help, performs organs of the local executive authority.

State bodies of health care, social security, education, and also the ministry and the departments having mental health and psychoneurological facilities, supervise activities of the organizations which were in their maintaining, and health care organs - and private medical practitioners.

Supervision of keeping of the Law of Turkmenistan "About the psychiatric help" is performed by the General prosecutor of Turkmenistan and the prosecutors subordinated to it. According to the provided powers they take measures to regeneration broken temper and to protection of legitimate interests of the persons suffering from alienations, involvement of violators to responsibility."[16]

Article 44 of the 1993 *Law on Psychiatric Help* states that "public affiliations of psychiatrists" may exercise control "of keeping of the rights and legitimate interests of citizens at their request or from their consent" when administering psychiatric care,

"Article 44. Public control over keeping of the rights and legitimate interests of citizens when rendering the psychiatric help

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[15] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

[16] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

Public affiliations of psychiatrists, other public affiliations according to the charters (provisions) can exercise control of keeping of the rights and legitimate interests of citizens at their request or from their consent when rendering of the psychiatric help by it.

The right of visitation of mental health and psychoneurological facilities shall be reflected in charters (provisions) of these affiliations and is compounded with organs under the authority of which there are mental health and psychoneurological facilities.

Representatives of public affiliations shall compound visitation conditions with administration of mental health or psychoneurological facility, familiarize with the rules reacting in it, to carry out them and to sign non-disclosure obligation of medical secret.

They have the right to receipt of medical information in the amount provided by this Law with the consent of persons, receiving the psychiatric help, or their legal representatives."[17]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that provisions in legislation and relating to mental health healthcare were "mainly adopted from old Soviet" law, but was not practiced.[18]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology also reported that legislation does not contain provisions relating to forced confinement to a mental health institution on the basis of the person's own best interests or in the interests of society, but this does not prevent the "use the facilities of mental clinics as prisons for political activists".[19]

1.3 Non-discrimination provisions as they relate to discrimination mental health

Article 5 of the 1993 *Law on Psychiatric Help* states that those "suffering from alienations", have all rights provided by the Constitution and legislation of Turkmenistan which may only be restricted in circumstances identified by the law itself,

"Article 5. The rights of the persons suffering from alienations

The persons suffering from alienations, have all customs and freedoms of citizens provided by the Constitution of Turkmenistan and the legislation of Turkmenistan. Restriction of the rights and freedoms of citizens, connected to alienation, is admissible only in the cases provided by this Law.

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[17] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014
[18] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[19] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

All persons suffering from alienations, when rendering of the psychiatric help by it have the right on:
- the valid and humane attitude excluding humiliation of human dignity;
- receipt of information on the customs, and also in form available to them and taking into account their mental state of information about nature of alienations available for them and applied methods of treatment;

[ ] Restriction of the rights and freedoms of the persons suffering from alienations, only based on the psychiatric diagnosis, the stay facts under dispensary observation, in psychiatric hospital or in psychoneurological organization for social security or special education is not allowed."[20]

1.4 Provisions relating to forced confinement to a mental health institution (on the basis of the person's own best interests or in the interests of society

The 2009 *Criminal Procedure Code of Turkmenistan* states that the Prosecutor must immediately release those unlawfully arrested, detained, placed in medical establishments or held for a longer time than specified by law. Article 144 of the Constitution states that, criminal prosecution authorities must tell the Prosecutor within 24 hours that a person was being held. The total detention period must not exceed 72 hours following arrest.[21]

Article 28 of the 2002 *Law on Health Protection of Citizens* states that medical treatment and examination without consent of those "suffering from serious mental disturbances" or who are considered "socially dangerous" is permissible within the procedures established by legislation,

"Article 28. Medical care rendering without consent of citizens

1. Medical care rendering without consent of citizens (legal representatives) is allowed on the establishments and according to the procedure, established by the legislation of Turkmenistan, concerning the persons having diseases, representing danger to the people around suffering from serious mental disturbances, and also the persons who have made socially dangerous acts.
2. The decision on carrying out physical examination and observation of citizens without their consent or consent of their legal representatives is accepted by the doctor (consultation), and the decision on hospitalization of citizens without their consent or consent of their legal representatives - kazyety.
[ ] 4. Physical examination and hospitalization of the persons suffering from serious mental disturbances, are carried out without their consent according to the procedure, established by the Law of Turkmenistan "About the psychiatric help".

[20] Law of Turkmenistan, Law on Psychiatric Help 1993, available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 16 February 2014
[21] Criminal Procedure Code of Turkmenistan, 2009, available at http://cis-legislation.com/document.fwx?rgn=27706, accessed 15 February 2014

5. Stay of citizens in medical institution proceeds before disappearance of the establishments on which hospitalization without their consent, or according to the decision kazyeta is carried out."[22]

Article 11 of the 1993 *Law on Psychiatric Help* states that treatment of those who are mentally ill may only be carried out when informed consent is given, except in the case of "enforcement powers of medical nature" ordered by the court. In such cases treatment given may not have "irreciprocal consequences",

"Article 11. Consent to treatment

Treatment of the person suffering from alienation, is carried out after receipt of consent, except as specified, provided by part of the fourth this Article. The doctor shall provide to the person suffering from alienation information on nature of its alienation, the purposes, methods, including alternative, and durations of recommended treatment, and also about painful feelings, possible risk, side effects and expected results. About the received consent to treatment entry in medical documentation is made.

[ ] Treatment can be carried out without consent of the person suffering from alienation, without consent of his legal representative only in case of application of enforcement powers of medical nature by a court decision, and also in case of involuntary hospitalization on the establishments, the stipulated in Clause 28th present of the Law. In these cases, except urgent, treatment is applied but to the decision of the commission of psychiatrists.

Concerning the persons specified regarding the fourth this Article, application for treatment of alienations of the surgical and other methods causing irreciprocal consequences, and also carrying out testing of medical agents and methods is not allowed."[23]

Article 21 of the 1993 *Law on Psychiatric Help* states that "primary psychiatric examination" can be carried out without its consent or without consent of the patient or their legal representative if there are grounds to assume that they pose "an immediate danger" to others, are unable to care for themselves adequately or that their mental state will significantly deteriorate if they are not placed in psychiatric care,

"Article 21. Primary psychiatric examination

Primary psychiatric examination has considered inspection by the psychiatrist or the medical commission framed by the public treatment-and-prophylactic institution, performing the psychiatric help, the person who did not receive earlier the psychiatric help in this or other similar organization or taken out from dispensary observation in connection with convalescence or appreciable enriching of mental state.

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[22] Law of Turkmenistan, Law on Health Protection of Citizens, 14 December 2002 available at http://cis-legislation.com/document.fwx?rgn=6772#, accessed 16 February 2014

[23] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

Primary psychiatric examination is carried out for determination, whether the surveyed person suffers alienation and whether it needs the psychiatric help. Primary psychiatric examination, and also routine maintenances are carried out but request or from consent obsleduyemoyu; concerning the minor be elderly till 15 years - but request or with the consent of his parents or other legal representative; concerning the person recognized in procedure established by the law as the incapacitated - at request or with the consent of his legal representative. In case of objection of one of parents or in the absence of parents or other legal representative examination of the minor is carried out according to the decision of guardianship and custody body which can be appealed in court.

The doctor who is carrying out primary psychiatric examination, shall be provided to surveyed and his legal representative as the specialist-psychiatrist. Primary psychiatric examination of the person can be carried out without its consent or without consent of his legal representative in cases when according to available data the surveyed makes the actions giving the grounds to assume availability at it of serious alienation which causes:

а) its immediate danger to or people around, or

б) his helplessness, that is disability independently to satisfy the basic vital needs, or

в) essential harm to its health owing to deterioration of mental state if the person is abandoned without the psychiatric help. Primary psychiatric examination of the person can be carried out without its consent or without consent by it the legal representative if the surveyed is under dispensary observation but to the establishments provided by part one of Article 26 this Law.

Drawn primary psychiatric examination and the conclusion about state of mental health obsleduyemoyu are fixed in medical documentation in which the causes of the address to the psychiatrist and medical references are specified also."[24]

Article 24 of the 1993 *Law on Psychiatric Help* states that psychiatric care takes the form of "advisory and medical help" by a psychiatrist following consent from the patient or "dispensary observation", involving supervision by a psychiatrist, which "can be established irrespective of consent",

"Article 24. Types of the ambulatory psychiatric care

The ambulatory psychiatric care to the person suffering from alienation, depending on medical indications appears in the form of the advisory and medical help or dispensary observation.

The advisory and medical help appears the psychiatrist of the public treatment-and-prophylactic institution or other psychiatrist in case of the independent address of the person suffering from alienation, at its request or from its consent concerning the minor be elderly till 15 years - at request or with the consent of his parents or

[24] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

other legal representative. The dispensary observation can be established irrespective of consent of the person suffering from alienation, or his legal representative in the cases provided by part one of Article 26 of this Law, and assumes overseeing by state of mental health by regular surveys by the psychiatrist and rendering of the ambulatory medical and public assistance."[25]

Article 27 of the 1993 *Law on Psychiatric Help* states that both the consent of the patient and the decision of the psychiatrist or "resolution" of a judge must be taken into account when establishing a basis for psychiatric hospitalisation,

> "Article 27. The establishments for hospitalization in psychiatric hospital
>
> The establishments for hospitalization in psychiatric hospital are availability at the person of alienation and the decision of the psychiatrist on carrying out inspection and treatment in stationary conditions or the resolution of the judge.
>
> Need of carrying out psychiatric examination for cases and according to the procedure, established by the laws of Turkmenistan can be the establishment for room in psychiatric hospital also.
>
> The room of the person in psychiatric hospital, except as specified, the stipulated in Clause 28 these Laws, is performed voluntary at its request or from its consent.
>
> The minor aged till 15 years is located in psychiatric hospital at request or with the consent of his parents or other legal representative. The person recognized in procedure established by the law incapacitated, is located in psychiatric hospital at request or with the consent of his legal representative. In case of objection of one of parents or in the absence of parents or other legal representative the room of the minor is carried out to psychiatric hospital according to the decision of guardianship and custody body which can be appealed in court. The received consent to hospitalization is drawn up by entry in medical documentation signed by the person or his legal representative and the psychiatrist."[26]

Article 39 of the 1993 *Law on Psychiatric Help* states that a patient must be voluntarily admitted to a "psychoneurological organization for social security", in conjunction with the judgment of the medical commission and psychiatrist. Minors, or those considered "incapacitated" may give consent via a guardian and this decision may be appealed in court,

> "Article 39. The establishments and procedure for room of persons in psychoneurological organizations for social security
>
> The establishments for placement to psychoneurological organization for social security are the application in person of the person suffering from alienation, and the conclusion of the medical commission with participation of the psychiatrist, and for the minor be elderly till 18 years or the person recognized in procedure established by the law as incapacitated, the decision of guardianship and custody

[25] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

[26] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

body, accepted based on the conclusion of the medical commission with participation of the psychiatrist. The conclusion shall contain data on availability at the person of the alienation depriving its possibilities to be in unspecialized organization for social security, and concerning the capable person - as well about lack of the establishments for statement before court of question of recognition its incapacitated.

The guardianship and custody body shall take measures for preservation of valuable interests of the persons placed in psychoneurological organizations for social security.

The decision of guardianship and custody body can be appealed in court according to the procedure, established by the legislation of Turkmenistan."[27]

Article 28 of the 2002 *Law on Health Protection of Citizens* states that medical care may be given without the consent of the patient if they are a danger to others, are "suffering from serious mental disturbances" or "have made socially dangerous acts",

"Article 28. Medical care rendering without consent of citizens
1. Medical care rendering without consent of citizens (legal representatives) is allowed on the establishments and according to the procedure, established by the legislation of Turkmenistan, concerning the persons having diseases, representing danger to the people around suffering from serious mental disturbances, and also the persons who have made socially dangerous acts.
2. The decision on carrying out physical examination and observation of citizens without their consent or consent of their legal representatives is accepted by the doctor (consultation), and the decision on hospitalization of citizens without their consent or consent of their legal representatives - kazyety.
3. Medical care rendering without consent of citizens (legal representatives), connected to carrying out anti-epidemic actions, is regulated by the Sanitary code of Turkmenistan.
4. Physical examination and hospitalization of the persons suffering from serious mental disturbances, are carried out without their consent according to the procedure, established by the Law of Turkmenistan "About the psychiatric help".
5. Stay of citizens in medical institution proceeds before disappearance of the establishments on which hospitalization without their consent, or according to the decision kazyeta is carried out.[28]

Article 50 of the 2002 *Law on Health Protection of Citizens* states that judicial and psychiatric examination is made in specialised state medical institutions, which the citizen undergoing the examination has the right to petition. The results of the examination may also be appealed,

"Article 50. Medicolegal and judicial and psychiatric examinations
1. The forensic medical examination is made in medical institutions of the state health care system by the expert of bureau of forensic medical examination, and in case of its absence - the doctor involved for production of examination based on the

[27] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014
[28] The Law of Turkmenistan "About health protection of citizens", 14 December 2002 of No. 157-II(current state on 29.8.2013) available at, http://cis-legislation.com/document.fwx?rgn=6772# accessed 12 March 2014

resolution of the investigator, the inspector, the prosecutor or determination kazyeta.
2. Judicial and psychiatric examination is made in specialized medical institutions of the state health care system.
3. The citizen (legal representative) has the right to petition before the organ which has prescribed medicolegal and judicial and psychiatric examinations, for including in structure of commission of experts (from its consent) the independent expert of the conforming profile.
4. The procedure for the organization and production of medicolegal and judicial and psychiatric examination is established by the legislation of Turkmenistan.
5. The conclusions of the organizations making medicolegal and judicial and psychiatric examinations, can be appealed in kazyet by the citizen (legal representative) according to the procedure, established by the legislation of Turkmenistan."[29]

Article 32 of the 1993 *Law on Psychiatric Help* states that the procedure for involuntary admission to a psychiatric hospital is instigated by a representative of the mental health facility in court and then authorised by a judge, taking into account "the motivated conclusion of the commission of psychiatrists" regarding the need to prolong the patient's stay,

"Article 32. References to the court of hospitalization in involuntary procedure

The question of hospitalization of the person in psychiatric hospital in involuntary procedure on the establishments, the stipulated in Clause 28th present of the Law, is solved in court on the location of mental health facility.

The statement for hospitalization of the person in psychiatric hospital in involuntary procedure is brought an action by the representative of mental health facility in whom there is person.

To the statement in which the establishments provided by the law for hospitalization in psychiatric hospital in involuntary procedure shall be specified, the motivated conclusion of the commission of psychiatrists about need of further stay of the person for psychiatric hospital is attached.

Accepting the statement, the judge at the same time authorizes for stay of the person in psychiatric hospital on the term necessary for treating of the legal statement."[30]

Article 33 of the 1993 *Law on Psychiatric Help* states that a patient has the right to participate in the judicial decision regarding their involuntary hospitalisation. If, according to a representative of the mental health facility, the patient's mental state prevents them appearing in court, they are then observed by the judge in mental health facility itself,

"Article 33. Treating of the statement for hospitalization in involuntary procedure

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[29] The Law of Turkmenistan "About health protection of citizens", 14 December 2002 of No. 157-II(current state on 29.8.2013) available at, http://cis-legislation.com/document.fwx?rgn=6772# accessed 12 March 2014
[30] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

In psychiatric hospital in involuntary procedure the judge surveys the statement for hospitalization of the person within five days from the moment of its acceptance in court house or in mental health facility.

The right personally to participate in judicial treating of question of its hospitalization shall be provided to the person. If on the data received from the representative of mental health facility, the mental state of the person does not allow it to participate personally in treating of question of its hospitalization in court house, the statement for hospitalization is surveyed by the judge in mental health facility.

Participation in treating of the statement of the prosecutor, the representative of the mental health facility petitioning for hospitalization, and the representative of the person concerning whom the question of hospitalization, surely is solved."[31]

Article 34 of the 1993 *Law on Psychiatric Help* states that the decision of the judge to extend a period of involuntary psychiatric hopitalisation may be appealed within ten days by the person placed in psychiatric hospital, his by the patient, their representative, the prosecutor, the head of the mental health facility, or an organisation which has "the right to protect the right of citizens",

"Article 34. The resolution of the judge according to the statement for hospitalization in involuntary procedure

Having surveyed the statement in essence, courts satisfies or rejects it.

The resolution of the judge on satisfaction of the statement is the establishment for hospitalization and further content of the person in psychiatric hospital.

The resolution of the judge in ten-day term from the date of removal can be appealed by the person placed in psychiatric hospital, his representative, the principal of mental health facility, and also the organization to which by the law or its charter (provision) the right to protect the right of citizens, or the prosecutor according to the procedure is provided, provided by the Code of civil procedure of Turkmenistan."[32]

Article 35 of the 1993 *Law on Psychiatric Help* states that a psychiatric patient who has been involuntarily admitted must be examined by "the commission of psychiatrists psychiatric organizations" at least once a month for the first six months to establish whether their stay needs to be prolonged. After six months this decision is "taken by administration of mental health facility to court" where a judge can extend the period of hopitalisation,

"Article 35. Hospitalization prolongation in involuntary procedure

[31] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

[32] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

Stay of the person in psychiatric hospital in involuntary procedure proceeds only during time of conservation of the establishments on which hospitalization has been carried out.

The person placed in psychiatric hospital in involuntary procedure, within the first six months not less often than once a month is subject to examination by the commission of psychiatrists psychiatric organizations for the solution of question on hospitalization prolongation. In case of hospitalization prolongation over six months commission examinations are carried out not less often than once in six months.

After six months from the moment of room of the person in psychiatric hospital in involuntary procedure the conclusion of the commission of psychiatrists about need of prolongation of such hospitalization is taken by administration of mental health facility to court. The judge according to the procedure, provided by Articles 32-34 of this Law, the resolution can extend hospitalization. Further prolongation of hospitalization is made by the judge annually.

The procedure for prolongation of hospitalization in the involuntary procedure, provided by part of the third this Article, extends and on persons to whom enforcement powers medical nature are applied by a court decision. Commission examination of such persons for check of possibility of change or the arrest of measures of medical nature and the statement from medical institution are carried out according to the proposal of the attending physician at any time, but is not more rare than once in six months."[33]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that she did not know of any legal provisions relating to forced confinement within a mental health institution but that that did "not exclude the practice".[34]

1.5 Criminal justice

1.5.1 Provisions related to fitness to appear in court

During the timeframe for this research we were unable to identify information concerning provisions related to fitness to appear in court within the sources consulted.

1.5.2 Provisions related to the defence of mental illness

Article 45 of the 1993 *Law on Psychiatric Help* states that psychiatric care and decisions of the medical commission which have violated the rights of citizens can be appealed can be appealed by the patient if they are thought to infringe on the "rights and legitimate interests of citizens" "according to the procedure of subordination to organ or the official" or in court,

[33] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014
[34] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

as established by legislation. T he diagnosis of mental disorders is not a subject of judicial appeal,

> "Article 45. Procedure for appeal
>
> Actions of medical workers, workers of social security and education on rendering of the psychiatric help, the infringing rights and legitimate interests of citizens, and also decisions of the medical commission on recognition of the person temporarily incapable owing to alienation to perform separate types of professional activity and activities, connected to source of enhanced danger, can be appealed higher according to the procedure of subordination to organ or the official, and in case of disagreement with the decision accepted on the claim - in court according to the procedure, established by the legislation for appeal of wrongful acts of state bodies and the officials infringing the rights interests of citizens.
>
> The claim can be submitted the person, whose rights and legitimate interests are broken in the course of rendering of the psychiatric help, his legal representative, and also properly the authorized representative of the public affiliation reacting according to the charter (provision).
>
> The diagnosis mental disorders is not subject of judicial appeal."[35]

Article 46 of the 1993 *Law on Psychiatric Help* states that the appeal procedure for psychiatric care which has violated the rights of citizens is regulated by legislation,

> "Article 46. Terms of appeal and claim treatment procedure
>
> Terms and claim treatment procedure on infringement of the rights and legitimate interests of citizens when rendering of the psychiatric help by it it is regulated by the legislation of Turkmenistan."[36]

Article 47 of the 1993 *Law on Psychiatric Help* states that those who break this law may be banned from practicing psychiatry or involvement in psychiatric treatment,

> "Article 47. Responsibility for violation of this Law
>
> For disturbance this the Law disciplinary, civil, administrative, criminal liability is established. The establishments, procedure for its applying and consequence are regulated by the current legislation of Turkmenistan.
>
> The persons who have broken the Law and principles of professional ethics, in the procedure established by the law can be deprived of the right to psychiatric practice as the doctor or the specialist participating in rendering of the psychiatric help."[37]

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[35] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

[36] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

[37] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

2. Treatment of individuals suffering from mental health conditions by state agents

2.1 Health care

Article 36 of the 1993 *Law on Psychiatric Help* states that all psychiatric patients have the right to meet the lawyer and the priest alone, to observe religious practices, to communicate with their legal representative, executive authority, prosecutor's office and court, "to write out newspapers and magazines", to earn a wage equal to that of other citizens if they participate in work, to speak with those in charge of their care regarding treatment, to access education if they are under eighteen. Patients also have the right to correspond without censorship, to use the phone if one is available, and to accept visitors,

> "Article 36. The rights and obligations of the patients being in psychiatric hospitals
>
> The establishments and the purposes of its room in psychiatric hospital, its rights and the rules established in hospital in tongue which he owns about what entry in medical documentation is made shall be explained to the patient. All patients being on treatment or inspection in psychiatric hospital, have the right:
>
> - to meet the lawyer and the priest alone;
>
> - to perform religious practices, to keep religious canons, including post, in coordination with administration to have religious attributes and literature;
>
> - to make without censorship (examination) of the claim and the statement in organs of the representative and executive authority, prosecutor's office, court and to the lawyer;
>
> - to write out newspapers and magazines;
>
> - to obtain on a level with other citizens reward for work according to its quantity and quality if the patient participates in productive work;
>
> - to address immediately to the chief physician or the manager of unit concerning treatment, inspection, the statement and keeping the temper, provided by this Law;
>
> - to get education according to the program of comprehensive school or special school for children with disturbance of intellectual development if the patient has not reached 18 years.
>
> Patients have also following rights, circumscribed proceeding their their mental state according to the reference of the attending physician, managing unit or the chief physician in interests of health or safety of patients or other persons;
>
> - to correspond without censorship;
>
> - to use phone (in the districts provided with necessary level of installation of telephones);

- to accept visitors;

- to have and acquire necessities, to use own clothes.

Patients who on the mental state are capable to adoption of the realized decisions, shall keep the regulations established for psychiatric hospitals.

Paid services (individual subscription to periodicals, communication services and others) are performed at the expense of the patient to whom they are presented."[38]

Article 37 of the 1993 *Law on Psychiatric Help* states that medical personnel within psychiatric hospitals are obliged to provide patients with "all types of medical care"; access to the text of the Law, contact details of the state and public bodies and officials to appeal to in the case of violation of their rights. Staff are also obliged to inform the relatives of patients who have been detained involuntarily within 24 hours and keep them updated on their condition and treatment,

"Article 37. Obligations of administration and medical personnel of psychiatric hospital

The administration and the medical personnel of psychiatric hospital shall frame conditions for exercise of the rights of patients, their relatives and the legal representatives provided by this Law, including:

to provide the patients who were in psychiatric hospital with all types of medical care;

- to provide access to the text of this Law, regulations of this psychiatric hospital, addresses and phones of the state and public bodies, organizations, the organizations and officials to which it is possible to address in case of disturbance of the rights of patients;

- to provide conditions for correspondence, the directions of claims and statements of patients in organs of the representative and executive authority, prosecutor's office, court, and also to the lawyer;

- within 24 hours from the moment of entering of the patient in psychiatric hospital in involuntary procedure to take measures for the notification of relatives living together with it, the legal representative or other person according to its indicating;

- to inform relatives or the legal representative of the patient, and in the absence of them - other person according to its indicating on changes of state of his health and emergencies with it;

- to ensure safety of the patients who were in hospital, to supervise content of sending and transfers;

[38] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

- to establish and explain to believing patients of rule who shall to be kept in interests of other patients who were in psychiatric hospital in case of execution of religious practices, and procedure for the invitation of the priest, to help in exercise of right to liberty of conscience of believers and atheists;

- to carry out other obligations established by this Law."[39]

On 8 January 2014 Russian daily news website *Turkmenistan.ru* reported that a speech made by President Gurbanguly Berdimuhamedov at a meeting with newly elected members of the Mejlis of Turkmenistan described the healthcare of the nation as "one of the most important vectors of public policy" and stated that MPs needed to "continue making laws regulating the activities of the health care system [ ] and provision of health services".[40]

2.1.1 Ill-treatment of individuals suffering from mental health conditions by health care professionals working in mental health care (chaining, beating, isolation, starvation, neglect, etc.)

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that there was "plenty of evidence" of ill-treatment of individuals suffering from mental health conditions by health care professionals working in mental health care in the "Russian language press"[41]

2.1.2 Discrimination against individuals suffering from mental health conditions by health care professionals in the delivery of health care not related to the person's mental illness

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that there were "some case studies of Russian survivors of mental clinics in Turkmenistan".[42]

2.2 Criminal Justice

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[39] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014

[40] Turkmenistan.ru, Speech delivered by President Gurbanguly Berdimuhamedov at a meeting with newly elected members of the Mejlis of Turkmenistan, 8 January 2014, http://www.turkmenistan.ru/en/articles/17557.html, accessed 6 February 2014

[41] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

[42] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

2.2.1 Treatment of criminal suspects suffering from mental health conditions

In March 2012 the *UN Human Rights Committee* stated that the Deputy Minister of Foreign Affairs of Turkmenistan Vepa Hadjiyev stated that "a blueprint for improving juvenile justice" was being developed with UNICEF, although there were few details available regarding its progress.[43]

In 2013 *Human Rights Watch* reported that independent human rights monitors had been repeatedly denied access to the country by the government. Observation of prisons was not permitted and no governmental or nongovernmental international organisation had access to monitor them. *Human Rights Watch* recommended that the UN Human Rights Committee should urge the government to allow "unfettered access" to places of detention for independent human rights monitors.[44]

2.2.2 Ill-treatment of individuals suffering from mental health conditions in prisons and other detention facilities (police stations etc.)

On 15 March 2012 the *United Nations Human Rights Committee* reported that Yazdursan Gurbannazarova, Director of the National Institute of Democracy and Human Rights stated that the government had “implemented progressive changes”, new laws and legal codes to provide rights to prisoners, juvenile detainees and patients of psychiatric institutions in compliance with the International Covenant on Civil and Political Rights. Gurbannazarova emphasised that criminal legislation was in keeping with international humanitarian law. The *United Nations Human Rights Committee* also stated that a commission to improve the country’s Constitution had been established by President Gurbanguly Berdimuhamedov.[45]

On 16 March 2012 the *United Nations Human Rights Committee* stated that the monitoring of the prison system was the responsibility of the Prosecutor’s office there was no independent prison inspection body. A commission comprised of representatives of NGOs, unions, democratic parties and local authorities, set up under the Presidential Decree of 31 March 2010, received 391 complaints in 2011. Over 11,000 citizens had been released from detention facilities since its creation,

> “It is clear that when there is a legal or unlawful detention, the detainee can make a complaint to the Procurator, or appeal to a special commission that has been set up under the State commission for law enforcement agencies,” she said. The Institute of Democracy and Human Rights also had a body to receive such complaints.

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[43] United Nations Human Rights Committee General Assembly, Human Rights Committee, 104th Session, Human Rights Committee notes Turkmenistan’s ‘New willingness’ to improve human rights record, but says gap remains between legal framework, implementation”,16 March 2012, http://www.un.org/News/Press/docs/2012/hrct743.doc.htm, accessed 14 February 2014

[44] Human Rights Watch, HRW Submission on Turkmenistan to the UN Human Rights Committee, 14 March 2012, http://www.hrw.org/news/2012/03/14/hrw-submission-turkmenistan-un-human-rights-committee, accessed 2 February 2014

[45] United Nations General Assembly HR/CT/742 Human Rights Committee 104th Session 2869th & 2870th Meetings, TURKMENISTAN POISED TO MOVE FORWARD WITH NEW LAWS TO BROADLY PROTECT HUMAN RIGHTS, AFTER IMPLEMENTING ‘PROGRESSIVE CHANGES’, HUMAN RIGHTS COMMITTEE TOLD, 15 March 2012, http://www.un.org/News/Press/docs/2012/hrct742.doc.htm , accessed 29 January 2014

Family members of the detainee were not arrested or detained "without a good foundation". Any detainee could complain to the bodies mentioned.[46]

In May 2012 *Amnesty International* stated that independent international governmental and non-governmental organisations were not allowed to monitor detention facilities, making it difficult to gain current and accurate information on conditions, and that an independent monitoring system should be established as a priority. The International Committee of the Red Cross visited an occupational therapy centre for detainees in 2011 and prison under the jurisdiction of the Ministry of Internal Affairs in April 2012 but did not have full access to all prisons and no other organisations had been invited to visit[47]

On 8 August 2012 news website *News Central Asia* reported that the Ministry of the Interior "continues to work to improve the situation" in detention facilities by monitoring the implementation of the provisions of the convention on prohibition of torture and providing adequate medical care and other facilities to the prisoners."[48]

In November 2013, news service *Alternative Turkmenistan News* reported that detainees in Bayramali Correctional facility MRK/16 in Mary province, where first time offenders are held had attempted suicide. The facility was reported to be severely overcrowded, with 3780 inmates in an area designed to hold 800.[49]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that there was "plenty" of evidence of ill-treatment of individuals suffering from mental health conditions in prisons and other detention facilities in "Russian language media and analytical newsletters".[50]

2.3 Housing

During the timeframe of this research we were unable to identify information concerning housing within the sources consulted.

3. Children

In an undated report on vitamin and mineral deficiency the *Micronutrient Initiative and UNICEF* stated that 40 to 60% of 6-to-24 month-old children were "at risk of disrupted

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[46] United Nations General Assembly, HR/CT/743 Human Rights Committee 104th Session 2871st & 2872nd Meetings, HUMAN RIGHTS COMMITTEE NOTES TURKMENISTAN'S 'NEW WILLINGNESS' TO IMPROVE HUMAN RIGHTS RECORD, BUT SAYS GAP REMAINS BETWEEN LEGAL FRAMEWORK, IMPLEMENTATION, 16 March 2012, http://www.un.org/News/Press/docs/2012/hrct743.doc.htm, accessed 1 February 2014

[47] Amnesty International, TURKMENISTAN: FOLLOW-UP PROCEDURE TO THE FORTY-SIXTH SESSION OF THE COMMITTEE AGAINST TORTURE, May 2012, http://www.amnesty.org/en/library/info/EUR61/004/2012/en, accessed 2 February 2013

[48] News Central Asia Turkmenistan: Information on women's prison, juvenile detention centre, other matters, 8 August 2012, http://www.newscentralasia.net/2012/08/08/turkmenistan-information-on-womens-prison-juvenile-detention-centre-other-matters/ , accessed 30 January 2014

[49] Alternative Turkmenistan News, November 2013 quoted in Amnesty International, Turkmenistan, An "Era of Happiness" or more of the same repression?, December 2013, http://www.amnesty.org/en/library/asset/EUR61/005/2013/en/eea24e52-27e9-4965-a89f-3263f4210958/eur610052013en.pdf, accessed 2 February 2013 (unable to source original)

[50] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

brain development" as a result of iron deficiency, presenting a "significant but unmeasured burden on health services, educational systems, and on families caring for children left disabled or mentally impaired."[51]

On 27 October 2011 Turkmen website *The Chronicles of Turkmenistan*, part of the *Turkmen Initiative for Human Rights*, stated that schoolchildren from Dashogu with "developmental defects" were exempt from attending daily rehearsals for Turkmenistan's Independence Day celebrations.[52]

On 11 October 2013 Turkmen website *The Chronicles of Turkmenistan*, part of the *Turkmen Initiative for Human Rights*, stated that "a significant percentage" children had drug addicts as parents and were physically or mentally disabled,

> "[ ] What is the solution? Highly qualified psychologists are needed but there are none of them. At least the number of psychologists who are capable of rendering assistance at least to the majority of children with problems is limited. Are there any school clubs or NGOs working with children? They used to be functioning before. [ ] Instead you are offering CHYARE! This is "entertainment" for relatively healthy (for the time being) children. Hours-long lining up under the sun, in rainy or windy weather… Daily marching and rehearsals, which are exhausting for vulnerable children's bodies."[53]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that children were "not exempted from the poor conditions in mental clinics".[54]

3. Children

3.1 Education

3.1.1 Discrimination and ill-treatment of children suffering from mental health conditions by education professionals

Article 38 of the *Constitution of Turkmenistan* states that the right to education is guaranteed to all citizens,

> "Article 38: Every citizen has the right to education. Secondary education is compulsory; everyone is entitled to receive it in public schools free of charge.[55]

In 2012 the *USDOS Human Rights Report* stated that children with mental disabilities are placed in boarding schools, in each province and in Ashgabat, by the government which aimed to provide education and potential employment but in practice did neither. A lack of

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[51] Micronutrient Initiative and UNICEF, Vitamin and Mineral Deficiency, A Damage Assessment Report for Turkmenistan, undated, http://www.micronutrient.org/vmd/CountryFiles/TurkmenistanDAR.pdf , accessed 29 January 2014
[52] The Chronicles of Turkmenistan, Better not to be born pretty, 30 October 2011, http://www.chrono-tm.org/en/2011/10/better-not-to-be-born-pretty/, accessed 27 January 2014
[53] The Chronicles of Turkmenistan, Turkmen Initiative for Human Rights, Generation "Ch", 11 October 2013, http://www.chrono-tm.org/en/2013/10/generation-ch/, accessed 7 February 2014
[54] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[55] The Constitution of Turkmenistan (approved by Khalk Maslahaty on 26 September 2008), Article 37, available at http://www.wipo.int/wipolex/en/text.jsp?file_id=254618, accessed 6 February 2014

qualified teachers and appropriate facilities resulted in some students with disabilities having no access to education. No students with disabilities were permitted to attend university. The protection of the rights of those with disabilities was the responsibility of the Ministry of Social Welfare, which also provided venues and support for NGOs working with persons with disabilities.[56]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that she believed there was evidence of discrimination or ill-treatment of children suffering from mental health conditions by education professionals but had not researched the cases besides "few private cases" she knew herself.[57]

3.2 Orphanages

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that discrimination or ill-treatment of children suffering from mental health conditions within orphanages was "a common practice almost all over the post-Soviet space" which she knew of through published articles and her own experiences in the region.[58]

4. The use of forced treatment or institutionalization as a punitive measure

In 2010 Turkmen website *The Chronicles of Turkmenistan*, part of the *Turkmen Initiative for Human Rights* reported that a case had been documented in which "owners of an apartment were forced to leave it and were placed to a compulsory treatment in a detoxication clinic. The apartment was taken by another person and they lost any right to get it back."[59]

In February 2010 Central Asian “citizen-journalism network” *NewEurasia Citizen Media* stated that imprisonment and torture in Turkmenistan attract more attention as methods of repression than the abuse of psychiatry for political purposes which, according to Farid Tuhbatullin, the chairman of the Turkmen Initiative for Human Rights, remains in force as it allows for removal and punishment of dissenting individuals without the need for a criminal charge. Activists Durdymurat Khojamuhamedov and Gurbandurdy Durdykulyev, Radio Free Europe correspondent Sazak Durdmuradov and Nurmukhammet Agaev, “accused of having advertised an “enemy radio station””, were all at one time victims who had later been released.

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[56] US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2012, Turkmenistan, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper, accessed 9 January 2014
[57] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[58] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[59] The Chronicles of Turkmenistan, The more people we send to jail – the better!, 21 December 2010, http://www.chrono-tm.org/en/?id=1559, accessed 10 February 2014

In February 2010 *NewEurasia Citizen Media* also stated that authorities were trying to legitimise the legal use of punitive psychiatry and that there could be many other, currently unknown, cases in mental institutions across the country in which victims may also have been "forcibly injected with mind altering drugs",

> "A source acquainted with the situation remarked to me on condition of anonymity: "It was certainly a positive step when Turkmenistan abolished the death penalty in 1999. But people who have fallen out of the grace of the regime are buried alive in pyschiatric facilities and prisons in an utmost inhuman and immoral way."[60]

In 2011 the *Turkmen Initiative for Human Rights (TIHR) and Turkmenistan's Independent Lawyer Association (ILA)* reported that two occupational therapy rehabilitation centres, near the city of Tedjen and in Karabogaz village, in fact serve as detention facilities for those undergoing "compulsory alcohol and substance abuse rehabilitation, pursuant to the court's decision" including forced labour as treatment for addiction.[61]

In April 2011 the *USDOS* stated that there had been no reports that year of the authorities detaining individuals in psychiatric hospitals as punishment. However, homosexuality was reportedly "considered a mental disorder", and some homosexuals were sent for "treatment" in psychiatric institutions.[62]

On 2 April 2011 US Central Asian news website *Eurasianet.org* stated that Amangelen Shapudakov had been summoned to police headquarters and later detained in a psychiatric facility near his home in the district of Magtymguly,

> "An official at a psychiatric facility in the regional capital of Balkanabat confirmed to Radio Azatlyk that Shapudakov had been committed at least 10 days ago for medical exams and was expected to remain at the hospital for another month. Magtymguly police officers have also confirmed that he was institutionalized. Shapudakov had earlier complained of harassment and police posted photos in public places suggesting he was a criminal."[63]

On 11 April 2011 Central Asian "citizen-journalism network" *NewEurasia Citizen Media* stated that authorities had forcibly detained 80-year-old activist Amangelen Shapudakov in a psychiatric hospital after he accused a local official of corruption as part of "an ongoing crackdown". *NewEurasia Citizen Media* stated that "Turkmenistan's psychiatric hospitals are notorious for being used as veritable gulags to confine and torture government critics and opponents." [64]

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[60] New Eurasia Into the iris of insanity: dissent, psychiatry, and the true face of Turkmen totalitarianism, 24 February 2010, http://www.neweurasia.net/politics-and-society/into-the-iris-of-insanity-dissent-psychiatry-and-the-true-face-of-turkmen-totalitarianism/, accessed 6 February 2014

[61] Turkmen Initiative for Human Rights (TIHR) and Turkmenistan's Independent Lawyer Association (ILA), Compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, TURKMENISTAN Alternative NGO report to the UN Committee against Torture (CAT): to be submitted for the review of Turkmenistan, CAT, 46th Session, 2011, http://www2.ohchr.org/english/bodies/cat/docs/ngos/TIHR_ILA_FIDH_Turkmenistan_CAT46.pdf , accessed 10 February 2014

[62] US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2012, Turkmenistan April 8, 2011, http://turkmenistan.usembassy.gov/hrr2010.html, accessed 9 January 2014

[63] Eurasia.net, Sifting the Karakum Turkmenistan, Turkmen RFE Contributor Forcibly Detained in Psychiatric Hospital, 2 April 2011 http://www.eurasianet.org/node/63212, accessed 27 January 2014

[64] NewEurasia Citizen Media, Turkmenistan's downward spiral, 11 April 2011, http://www.neweurasia.net/politics-and-society/turkmenistans-downward-spiral/, accessed 6 February 2014

In 2012 *Human Rights Watch* stated that in March the editor of "Turkmen World" magazine Jumageldi Mulkiyev was removed from his position after returning from holiday in Iran and forcibly detained in a psychiatric hospital for eight days [65]

In 2012 *Amnesty International* stated that Amangelen Shapudakov had been detained for 40 days in a psychiatric hospital from 7 March after an interview with the Turkmen language service of Radio Free Europe/Radio Liberty, Radio Azatlyq, in which he accused a local government official of corruption. *Amnesty International* stated that the authorities continued to use incarceration in psychiatric hospitals "to silence dissent"[66]

In 2012 German private foundation *Bertelsmann Stiftung* reported that journalists working for foreign news services were "frequently beaten, arrested and put in psychiatric clinics or sentenced to long terms of imprisonment".[67]

On 24 January 2012 *EurasiaNet* stated that the "dumping of nonconformists into "psychiatric facilities"" characterised descriptions of Turkmenistan's human rights record in by international monitoring organisations.[68]

On 26 January 2012 US NGO *Freedom Now* reported that human rights activists, journalists and members of the Turkmenistan Helsinki Foundation Annakurban Amanklychev and Sapardurdy Khadzhiev, currently serving a seven year prison sentences after being convicted on "fabricated charges", had been subjected to torture and other physical abuse by the government while in prison, including the forcible injection of psychotropic drugs and denial of medical care.[69]

In March 2012 the review of Turkmenistan under the International Covenant on Civil and Political Rights submittedto the United Nations Human Rights Committee by the *Turkmen Initiative for Human Rights (TIHR)* and *International Partnership for Human Rights (IPHR)* stated that several contributors to the Turkmen language service of Radio Free Europe/Radio Liberty, Radio Azatlyk, have been subjected to persecution, including forcibly confinement in psychiatric facilities.[70]

In May 2012 the *Commission on Security and Cooperation in Europe: U.S. Helsinki Commission* reported that there were five Turkmen Jehovah's Witness conscientious objectors known to be held in the Seydi labor camp where prisoners had been subject to "psychiatric abuse".[71]

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[65] Human Rights Watch, World Report 2012, http://www.hrw.org/world-report-2012/world-report-2012-turkmenistan, accessed 2 February 2014

[66] Amnesty International World Report 2012, http://www.amnesty.org/en/region/turkmenistan/report-2012, accessed 2 February 2014

[67] Bertelsmann Stiftung, Bertelsmann Stiftung Transformation Index (BTI), 2012, http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Turkmenistan.pdf, accessed 4 February 2014

[68] EurasiaNet, Sifting the Karakum, Turkmenistan Still Human Rights Nightmare – Watchdog 24 January 2012 http://www.eurasianet.org/node/64889 accessed 5 February 2014

[69] Freedom Now, COMMUNICATION TO THE HUMAN RIGHTS COMMITTEE, TURKMENISTAN SESSION, 26 January 2012, http://www2.ohchr.org/english/bodies/hrc/docs/ngos/FreedomNow_Turkmenistan_HRC104.pdf, accessed 28 January 2014

[70] Turkmen Initiative for Human Rights (TIHR) and International Partnership for Human Rights (IPHR), Submission to the United Nations Human Rights Committee104th Session, New York, Review of Turkmenistan under the International Covenant on Civil and Political Rights, 12-30 March 2012, http://www2.ohchr.org/english/bodies/hrc/docs/ngos/IP_Turkmenistan_HRC104.pdf , accessed 6 February 2014

[71] Commission on Security & Cooperation in Europe: U.S. Helsinki Commission, Briefing :: Political Prisoners in Central Asia, May 15, 2012, http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewTranscript&ContentRecord_id=527&ContentType=H,B&ContentRecordType=B&CFID=0&CFTOKEN=0, accessed 6 February 2014

On 24 May 2012 US Central Asian news website *Eurasianet.org* stated that Annakurban Amanklychev and Sapardurdy Khadzhiev had been subjected to the forced injection of psychotropic drugs injections in prison and eyewitness accounts stated that their health has "seriously deteriorated."[72]

In June 2012 US NGO *Freedom House* stated that torture and psychotropic substances are sometimes used to extract confessions used as the basis for convictions,

> "The Office of the Prosecutor General dominates a legal system in which judges and lawyers play a marginal role. The Prosecutor General remains a political appointee whose primary function is repression rather than oversight. As in the former Soviet Union, convictions are generally based on confessions that are sometimes extracted by forcible means, including the use of torture and psychotropic substances. The Prosecutor General is unofficially charged with the task of collecting compromising materials on other officials in the event that the leadership chooses to dismiss or demote them."[73]

In 2013 *Human Rights Watch* reported that imprisonment continues to be used "as a tool for political retaliation", stating that Geldymyrat Nurmuhammedov, a former government minister and critic of the government, had been sent to a detention center "to allegedly undergo six months of forced treatment for drug addiction, even though he had no history of drug use"[74]

In 2013 *Human Rights Watch* also reported that the government harassed and detained those who opposed it and continued "some of the worst human rights practices that were hallmarks of the Soviet era – forcibly detaining dissidents in psychiatric facilities" and recommended that it stop using imprisonment and forced psychiatric incarceration to retaliate against political opponents.[75]

On 15 May 2013 *Radio Free Europe Radio Liberty* reported that it was unable to obtain any information about Turkmen Service correspondent Rovshen Yazmuhamedov, detained on 6 May in Turkmenabat but believed him to be held without charges, "possibly under psychological and physical duress, and likely in connection with his journalism," at a detention center run by the Interior Ministry's Directorate No. 6, which deals with organized crime and terrorism-related cases.

On 15 May 2013 *Radio Free Europe Radio Liberty* also reported that, following an interview in which he discussed his harassment after sending letters relating to local corruption to state authorities, Amangelen Shapudakov went missing for three weeks from the village of Sakgar in March 2011 and was found forcibly incarcerated in a psychiatric hospital.[76]

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[72] Eurasianet.org, Turkmenistan: How Berdymukhamedov Can Send a Substantive Reform Message, 24 May 2012, http://www.eurasianet.org/node/65454, accessed 28 January 2014
[73] Freedom House, Nations in Transit 2012 - Turkmenistan, 6 June 2012, available at http://www.refworld.org/docid/4fd5dd2446.html , accessed 2 February 2014
[74] Human Rights Watch, World Report 2013, http://www.hrw.org/world-report/2013/country-chapters/turkmenistan, accessed 2 February 2014
[75] Human Rights Watch, World Report 2013, http://www.hrw.org/world-report/2013/country-chapters/turkmenistan, accessed 2 February 2014
[76] Radio Free Europe Radio Liberty, Ten Days After Detention, Fate Of RFE/RL Turkmen Correspondent Is Unknown, 15 May 2013, http://www.rferl.org/content/ten-days-after-detention-fate-of-rferl-turkmen-correspondent-is-unknown/24987367.html, accessed 2 February 2014

In May 2013 *Human Rights Watch* stated that in March 2011 80 year old Radio Free Europe/Radio Liberty contributor Amangelen Shapudakov had been detained and forcibly confined to a psychiatric facility for 43 days by authorities.[77]

In December 2013 *Amnesty International* reported that former government minister Geldimurat Nurmuhammedov had been released in July that year, following pressure from foreign governments and NGOs, after nine months of "medical" treatment" in a drug rehabilitation centre. Nurmuhammedov was detained and sent for six months treatment in October 2012 for "an alleged drug addiction problem" despite having no history of drug use, prompting fears he would be subjected to forced medical treatment. His family were not allowed to visit him during this time. In December 2011 Nurmuhammedov had criticized the ruling Democratic Party of Turkmenistan, calling it an "unlawful institution" in an interview with Radio Free Europe/Radio Liberty. [78]

In December 2013 *Amnesty International* also reported that the forcible administration of psychotropic drugs was among the methods of torture and ill-treatment reported over the past ten years, and that forced administration of drugs also occurred in prisons,

> "It remains extremely difficult to receive and verify information about human rights abuses occurring in places of detention in Turkmenistan.There are no monitoring visits by independent organizations to detention facilities. Former prisoners are generally fearful and reluctant to speak about conditions inside prisons and especially about torture and other ill treatment. Amnesty International has, however, received recent information from credible sources about torture and ill-treatment being used in high security prisons in Turkmenistan. One report relates to a prisoner overhearing someone in a nearby cell being forced to swallow pills and having threats made against his family."[79]

4.1 Abuse of provisions on forced confinement to mental health institution

In 2012 *Human Rights Watch* stated that the government used fabricated charges to incarcerate human rights activists and independent journalists in prisons or psychiatric hospitals. *Human Rights Watch* stated that Turkmen justice system was "notorious" for its lack of transparency and closed trials, particularly in cases involving political opponents.[80]

4.1.1 On the basis of a person's political opinions

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[77] Human Rights Watch, Turkmenistan: Journalist Arrested, 11 May 2013, http://www.hrw.org/news/2013/05/10/turkmenistan-journalist-arrested, accessed 2 February 2014

[78] [78] Amnesty International, Turkmenistan, An "Era of Happiness" or more of the same repression?, December 2013, http://www.amnesty.org/en/library/asset/EUR61/005/2013/en/eea24e52-27e9-4965-a89f-3263f4210958/eur610052013en.pdf, accessed 2 February 2013

[79] Amnesty International, Turkmenistan, An "Era of Happiness" or more of the same repression?, December 2013, http://www.amnesty.org/en/library/asset/EUR61/005/2013/en/eea24e52-27e9-4965-a89f-3263f4210958/eur610052013en.pdf, accessed 2 February 2013

[80] Human Rights Watch, World Report 2012, http://www.hrw.org/world-report-2012/world-report-2012-turkmenistan, accessed 2 February 2014

In 2013 Turkmen website *The Chronicles of Turkmenistan*, part of the *Turkmen Initiative for Human Rights*, stated that former government minister Geldimurat Nurmuhammedov had been "trying to register a group to present a candidate at the parliamentary elections" in December that year at the time of his arrest and subsequent forced drug treatment.[81]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that there was "plenty of evidence" of mistreatment on the basis of a person's political opinions.[82]

4.1.2 On the basis of a person's religion or religious practices

On 21 October 2010 Norwegian human rights organisation *Forum 18* reported that Protestant Pastor Ilmurad Nurliev had been sentenced to four years imprisonment in Seydi labour camp, in which there had been claims that psychotropic drugs had been used to torture inmates. Nurliev was convicted "swindling", a charge his wife and congregation state was fabricated to "punish him for his religious activity". His wife, Maya Nurlieva, stated that the court ruling that that Nurliev be given forced treatment for drug addiction in prison was "unjust and a slander." *Forum 18* also reported that in September 2010 Ahmet Hudaybergenov, a Jehovah's Witness and conscientious objector to compulsory military service, was sentenced to a year and a half, also in Seydi labour camp[83]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that there was "plenty of evidence" of mistreatment on the basis of a person's religion or religious practices.[84]

4.1.3 On the basis of other grounds not related to the person's mental health needs

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that there was "plenty of evidence" of mistreatment on the basis of grounds not related to the person's mental health needs.[85]

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[81] The Chronicles of Turkmenistan, Turkmen Initiative for Human Rights, 2013, quoted in Amnesty International, Turkmenistan, An "Era of Happiness" or more of the same repression?, December 2013, http://www.amnesty.org/en/library/asset/EUR61/005/2013/en/eea24e52-27e9-4965-a89f-3263f4210958/eur610052013en.pdf, accessed 2 February 2013 (unable to source original)
[82] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[83] Forum 18 News Service, TURKMENISTAN: "They didn't even allow him to kiss me", 21 October 2010, http://www.forum18.org/archive.php?article_id=150 , accessed 28 January 2014

[84] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

[85] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

5. Societal attitudes and discrimination by members of society / non-state agents

5.1 Ostracization, stigmatization

In an undated report the *World Health Organisation Regional Office for Europe* reported that its technical assistance "will also focus on raising awareness on the role of social determinants and inequalities on mental health."[86]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that "any illness particularly mental health patients are considered a shame for the family, since the members of the family with a mental patient will not be considered for marriage".[87]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that mental illness "considered to spoil a family" and that family members with mental health problems are "usually kept within the house and care for these members are not appropriate within the house in case these patients are not thrown out of the families."[88]

5.2 Employment

Article 6 of the 1993 *Law on Psychiatric Help* states that citizens may be "acknowledged unsuitable" for some forms of "professional activity" for a period of no more than five years if they are considered a danger to others as a result of mental illness,

> "Article 6. Restriction of accomplishment of separate types of professional activity and activities, connected to source of enhanced danger
>
> The citizen can be temporary (for the term of no more than five years and with the right of the subsequent re-examination) is acknowledged unsuitable owing to alienation to accomplishment of separate types of professional activity and activities, connected to source of enhanced danger. Such decision is accepted by the medical commission authorized on those by organ of health care, based on assessment of state of health of the citizen according to the list of medical contraindications and can be appealed in court.
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> The list of medical contraindications for exercise of separate types of professional activity and activities, connected to source of enhanced danger, affirms the Cabinet of Ministers of Turkmenistan. The Section of the list concerning psychiatric

[86] World Health Organisation Regional Office for Europe, Areas of Work, undated, http://www.euro.who.int/en/countries/turkmenistan/areas-of-work, accessed 30 January 2014

[87] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

[88] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

> contraindications, periodically (is not more rare than once in five years) is reviewed taking into account cumulative experience and scientific achievements."[89]

In 2012 the *USDOS Human Rights Report* stated that discrimination against those with intellectual or mental disabilities in accessing state services including employment, education and health care is prohibited by law but this was not observed in practice due to "strong cultural biases". People with disabilities who received financial assistance from the government were not permitted to apply for jobs within the government, the country's largest employer, as they were thought of as employed. The government support given to persons with disabilities was reportedly insufficient for basic needs.[90]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that "there is no employment for these people [those suffering from mental illness] at all".[91]

6. Availability of mental health care

6.1 Availability of appropriate mental health care

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that there were "mental clinics" in each large city and oblast but that these were inappropriate and in "dire conditions",

> "There are mental clinics in each big city usually one for a city, one for oblast'(district) usually located in the center of oblast'. They are not appropriate mental clinics and are underfinanced and until now mental clinics are used also as prisons for politically minded persons or political prisoners. Mental clinics even in oblast centers are in dire conditions and methods of physical punishment of patients are known to be severe and life endangering".[92]

6.1.1 Availability in the capital and other urban centres

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that clinics were available "in the capital and urban centers" but were inappropriate for "delivering proper medical care in terms of medical supply, personnel, and hygiene".[93]

6.1.2 Availability in rural areas

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[89] The Law of Turkmenistan "About the psychiatric help", 1 October 1993 of No. 869-XII (current state on 18.04.2009) available at http://cis-legislation.com/document.fwx?rgn=5263, accessed 12 March 2014
[90] US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2012, Turkmenistan, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper, accessed 9 January 2014
[91] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[92] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[93] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014

In 2012 German private foundation *Bertelsmann Stiftung* reported that health care and social work are financed by the state, and had improved after President Berdymukhamedov brought doctors back into hospitals and reopened health care facilities in rural areas closed by his predecessor, Niyazov.[94]

On 16 March 2012 the *United Nations Human Rights Committee* stated that a national rural living conditions programme, along with other projects was in place and included health initiatives to improve medical care in rural areas.[95]

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that rural areas did not have "mental clinics or doctors for the patients with mental illnesses".[96]

6.2 Costs and accessibility of treatment (both public and private)

On 7 January 2010 US Central Asian news website *Eurasianet.org* stated that according to local and international observers the "overwhelming majority of the population will never get near" newly built health facilities and doctors state that access is only possible "with the payment of substantial bribes, despite the fact that the services are officially free",

> "As many new facilities have opened up and purported top-of-the-line care is offered, the reality of the situation has escaped the hyperreality of Ashgabat. Everything is new, cheap, and effective in the capital. Hardly anything exists outside of it. [ ] Berdymukhamedov's administration continues to prioritize political control over public health".[97]

In 2012 German private foundation *Bertelsmann Stiftung* reported that patients were often made to pay bribes for care in new facilities, medical staff did not have adequate training to use available technology and overall access to medical facilities remained problematic, particularly outside the capital.[98]

On 1 April 2012 the US *Overseas Security Advisory Council (OSAC)* reported that a lack of training combined with inadequate equipment with and facilities "severe shortages of basic medical supplies" resulted in poor medical care and infrastructure.[99]

In January 2013 the *World Health Organisation (WHO) Regional Office for Europe* stated that Turkmenistan is the only Commonwealth of Independent States (CIS) country to have more family doctors than the European average of 60.4 per 100,000 population.[100]

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[94] Bertelsmann Stiftung, Bertelsmann Stiftung Transformation Index (BTI), 2012, http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Turkmenistan.pdf, accessed 4 February 2014
[95] United Nations General Assembly, HR/CT/743 Human Rights Committee 104th Session 2871st & 2872nd Meetings, HUMAN RIGHTS COMMITTEE NOTES TURKMENISTAN'S 'NEW WILLINGNESS' TO IMPROVE HUMAN RIGHTS RECORD, BUT SAYS GAP REMAINS BETWEEN LEGAL FRAMEWORK, IMPLEMENTATION, 16 March 2012, http://www.un.org/News/Press/docs/2012/hrct743.doc.htm, accessed 1 February 2014
[96] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014
[97] Eurasia.net, Turkmenistan: Public Health Remains in Critical Condition, 7 January 2010, http://www.eurasianet.org/departments/insightb/articles/eav010810.shtml accessed 2 February 2014
[98] Bertelsmann Stiftung, Bertelsmann Stiftung Transformation Index (BTI), 2012, http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Turkmenistan.pdf, accessed 4 February 2014
[99] Overseas Security Advisory Council (OSAC), Turkmenistan 2012 OSAC Crime and Safety Report, 1 April 2012, https://www.osac.gov/pages/ContentReportDetails.aspx?cid=12289, accessed 2 February 2014

In an interview with CORI in March 2014 *Dr Turaeva-Hoehne*, lecturer and associated researcher at the Max Planck Institute for Social Anthropology reported that the accessibility of mental health treatment did not depend on cost but on the availability of well trained personnel, medicine and equipment,

> "The accessibility of mental care does not depend on the costs for a treatment but on its quality and availability of well trained personnel and medicines as well as equipment. There is not enough qualified medical personnel and if there are some they are underfinanced and there is no incentive for them to work, the same goes for the medical supply and equipment together with general conditions of the so-called clinics which can be at times compared to empty old unrenovated buildings without proper heating and access to running water".[101]

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[100] World Health Organisation (WHO) Regional Office for Europe. European Health for All Database. January 2013.available at: http://www.euro.who.int/en/what-we-do/data-and-evidence/databases/european-health-for-all-database-hfa-db2, accessed 3 March 2014

[101] CORI Interview with Dr Turaeva-Hoehne, conducted via written correspondence in response to written questions. 3 March 2014