

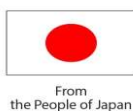
Consultancy to support the development of national legislation on family wellbeing (prevention and response to gender-based violence)

Report



Ashgabat, Turkmenistan

18-20 February 2025



1. Background and purpose

The purpose of the consultancy is to support the parliament and government of Turkmenistan to understand the need to adopt domestic violence legislation and to improve the current model law, in line with the most recent CEDAW recommendations. The model law was drafted between 2019 and 2021 and should where possible comply with international standards, include a gender perspective in order to protect women's rights, and address the issues of preventing and responding to gender-based violence.

In addition, the current legislative framework has gaps in the protection of women and girls in relation to domestic violence. Comprehensive domestic violence legislation should address some of these gaps and support better services and better outcomes for women and girls. However, legislation is only one part of integrated service delivery for women and girls. Although it can provide the framework for service delivery, it should be accompanied by, for example, training service providers, education for boys and girls and adequate funding for programs. This consultancy focuses on the legislation and provides recommendations on how to amend the model legislation in line with international standards. It also provides recommendations on continued engagement with various stakeholders to support long term changes and better outcomes for women and girls.

2. Proposed activities and agreed deliverables:

- 1- Desk review of the current legal framework, model law and other legislative frameworks in the region.
- 2- 2-day consultation for parliamentarians on 18-19 February 2025.
- 3- 1 day consultation for the inter-ministerial commission on human rights implementation on 20 February 2025.
- 4- Review of the model law and suggestions for amendments in line with consultations held in February 2025 and international standards and best practice.
- 5- Final report and recommendations.

3. An **inception report** was submitted on 15 January 2025 and approved.

4. The **2-day workshop** for parliamentarians and **1 day consultation** for the inter-ministerial group took place from 18-20 February 2025 in Ashgabat at the UN building. The agendas and participants for both of these are included in annex A. The detailed event reports for both are attached in annex B and C.

5. Proposals for changes to the model law:

I have made some suggestions and comments for changes to the model law, attached in annex D.

These suggestions attempt to bring the model law more in line with international best practice. However, the model law lacks various components and even with the suggested amendments, it does not meet international best practice. For example, specific references to gender and discrimination against women are missing and there are too few details on service provision which does not provide clear direction on how to implement some of the measures (see for example the [Ukraine Law](#) which is more in line with international best practice).

After discussions with UNFPA and AFPPD, a decision was made to keep the model law, as far as possible, instead of re-writing it. This is because the law has previously been discussed (in 2019-2021) with members of the government and parliament. The suggestions made are to try to align it as far as possible with international best practice and to remove or change some of the most challenging provisions for victims. Priority areas are identified below.

This approach has been taken on the basis that legislative change is a process and that having a law enacted should be seen as a success even if that law requires future amendments to bring it more in line with international standards.



Furthermore, adding too much detail may be detrimental to the process, because some of the additions might not reflect the level of services currently available and may appear burdensome for lawmakers at this stage.

Priority areas: The following is a list of some of the main challenges with the current law and engagement with stakeholders should focus on trying to amend/improve these aspects of the law as a priority:

- 1- Protective order regime: This is the key protection mechanism for victims and, as such, should be looked at as a priority.

1st issue: Emergency vs long term protection orders:

In the current model law, the protection orders are granted on an emergency basis for a maximum period of 10 days, with a 30-day extension.

Generally, and in line with international best practice, these measures should be split into emergency orders (that are immediate) and longer protection orders (that offer long term protection). This allows the police to issue an immediate order for protection for a maximum of 15-30 days. The matter is then referred to the court for a longer protection order (up to 3-6 months, and in some cases indefinite). The court makes a decision based on the views of both parties and the evidence before it, giving the opportunity to both sides to argue for or against the order.

2nd issue: Restrictions included in the protection order:

In the current model law, a protection order cannot exclude a perpetrator from the shared property.

However, protection order measures should include the possibility of banning the perpetrator from the family home to allow the victim to remain at home with the children in safety and without the threat from the perpetrator.

3rd issue: Cancellation of protection order

In the current model law, there are a number of references to the cancellation of the protection order (for example, article 20).

This should be removed as it is likely to lead to pressure on victims to apply for these cancellations.

2- References to reconciliation

In the model law, there are a number of references to reconciliation (article 17, 20, 23).

It is not international best practice to reconcile victims and perpetrators, because of the power imbalances between them. References to this should be removed to avoid having a legal framework that forces victims to reconcile with perpetrators.

3- References to analyzing the causes and conditions that lead to domestic violence

There are a number of references in the model law to analyzing the causes and conditions that lead to domestic violence (article 3, 8, 18)

This implies that domestic violence may be justified in certain circumstances or may be “caused” by certain behavior. This does not reflect international best practice and may lead to continued justifications for domestic violence. These references should be removed.

Additional legislative changes to be considered, as a priority:

- Criminalization of breach of a protection order and of domestic violence would support this legislation.
- Ensuring that victims of domestic violence fall within the category of those entitled to receive free legal aid (if it is available in Turkmenistan).

6. General Recommendations:

Capacity building:

- 1- Not all participants were happy with the new legislation or thought that domestic violence was a problem. Moving forward, UNFPA and AFPPD should try to identify champions and try to ensure that they are the ones invited to future events and meetings. This will be helpful in feeding back positive information to managers and decision makers about the need for this legislation. Even with those champions, continued training should be provided to ensure that there is a deeper understanding of what domestic violence is and how it impacts society.
- 2- From information received from participants during the 1-day consultation, police are already working on domestic violence prevention through discussions with families. It is unclear how this is happening and, on the basis of the discussions, it is unlikely to be done in a gender sensitive way. Further engagement with the police and training for police officers might be useful to understand what they are doing and to support better outcomes for survivors. This could be done before the legislation comes into force as it is already being done by the police.
- 3- Similarly, the Union of women of Turkmenistan is also doing prevention work. It is not clear how this is done and whether it is gender sensitive. As with the police, they may benefit from training and further engagement to better support survivors before the legislation comes into force.
- 4- Similarly, all service providers will require capacity building on survivor centered approaches regardless of how and when the legislation comes into force. For example, there was a long discussion around mandatory reporting of domestic violence cases by health professionals and a lack of understanding of why that might not be victim centered.

Legislative drafting:

- 1- Both sets of participants engaged with the process of reviewing the legislation. This is a positive step. There is a willingness to discuss this topic and a realization that Turkmenistan is the last country in the region without domestic violence legislation. This, together with the CEDAW recommendations and the desire to be compliant with international human rights standards should be used to push for this legislation.
- 2- UNFPA and AFPPD may want to advocate for the creation of a working group to develop and push for legislation. The following should be part of this working group: parliament, police, prosecutor, judges, health services, NGO, women's groups, education, office of the president, ombudsperson, state committee for statistics, and the institute of state, law and democracy.
- 3- This working group can be given initial training and then mentoring on the legislation and what it should include. It is apparent from the discussions that there is limited understanding on how domestic violence

impacts victims and why certain things might not be in the best interest of victims (ie- like reconciliation). It may be worth providing in-depth training before trying to amend the legislation.

- 4- A workplan for the working group can be drafted with members meeting regularly to discuss different aspects of the legislation, with the presence of UNFPA, AFPPD or an independent expert to guide those discussions. The outcome of these meetings would be an agreed draft of the legislation to be put forward to parliament for approval.
- 5- Where possible, champions should be identified in each government department and requested to attend on behalf of that department for the training sessions and drafting sessions.
- 6- UNFPA and AFPPD should continue to advocate for this legislation as the highest level with the government.

Annex A

Agenda

Workshop with representatives of the Mejlis of Turkmenistan on the development and improvement of gender responsive legislation to protect women from domestic violence

February 18-19, 2025

Venue – UN building

February 18, 2025		
Time	Sessions	Facilitators/Speakers
10:00 - 10:30	Opening. Agenda overview. Introduction.	AFPPD and UNFPA Representatives (country and regional offices)
10:30 - 11:00	Online address by the representative of the Office of the United Nations High Commissioner for Human Rights	Representatives of the OHCHR
11:30 - 11:15	Break	
11:15 - 13:00	What is domestic violence and its consequences on women, children, families, society. The prevalence of domestic violence globally	UNFPA Consultant
13:00 - 14:00	Lunch	
14:00 - 15:30	The prevalence of domestic violence in Turkmenistan. Results of the National Survey on the Health and Status of Women in the Family in Turkmenistan	UNFPA Consultant
15:30 - 15:45	Break	
15:45 - 17:00	GBV services to survivors	UNFPA Consultant
17:00 - 17:30	Questions and answers. Discussion and summing up the day	UNFPA Consultant

February 19, 2025		
Time	Sessions	Facilitators/Speakers
10:00 - 10:30	Review of the previous day	UNFPA Consultant
10:30 - 11:45	The role of legislation in preventing domestic violence	UNFPA Consultant
11:45 - 12:00	Break	
12:00 - 13:00	Introduction to international best practices	UNFPA Consultant
13:00 - 14:00	Lunch	
14:00 - 15:30	What should the Model Law on the Protection of Women from Domestic Violence include?	UNFPA Consultant
15:30 - 15:45	Break	UNFPA Consultant
15:45 - 17:00	Next steps. Questions and answers. Discussion and summing up of the workshop.	UNFPA Consultant

List of participants

Workshop with representatives of the Mejlis of Turkmenistan on the development and improvement of gender responsive legislation to protect women from domestic violence

February 18-19, 2025

Venue – UN building

Representatives of the Parliament of Turkmenistan

1.	Committee for Legislation and norms	3
2.	Committee for the protection of human rights and freedoms	3
3.	Committee for international and inter-parliamentary communications	3
4.	Committee for social policy	3
5.	AFPPD Representative	1
6.	UNFPA International Consultant	1
7.	UNFPA Staff	2

Agenda

Consultative meeting with representatives of the Working Group of the Interministerial Commission to ensure the implementation of Turkmenistan's international obligations in the field of human rights and international humanitarian law on international successful practices in ensuring the rights and protection of women from gender-based violence.

February 20, 2025

Venue – UN building

Time	Sessions	Facilitators/Speakers
10:00 - 10:30	Opening and greetings. Agenda overview. Introduction.	Representatives of the Institute of State, Law and Democracy of Turkmenistan, UNFPA
10:30 - 11:30	Brief information on the national legislation of Turkmenistan on ensuring the rights of women and girls	UNFPA Consultant
11:30 - 11:45	Break	
11:45 - 13:30	Presentation of international best practices on GBV legislation. Comments and suggestions on the GBV Module Law.	UNFPA Consultant
13:30 - 14:30	Lunch	
14:30 - 15:30	Discussions. Conclusions	UNFPA Consultant
15:30 - 16:00	Summing up the day. Closing of the meeting.	

List of participants

Consultative meeting with representatives of the Working Group of the Interministerial Commission to ensure the implementation of Turkmenistan's international obligations in the field of human rights and international humanitarian law on international successful practices in ensuring the rights and protection of women from gender-based violence.

February 20, 2025

Venue – UN building

1	Institute of State, Law and Democracy of Turkmenistan	1
2	Parliament (Mejlis) of Turkmenistan	1
3	Ministry of Foreign Affairs of Turkmenistan	
4	Ministry of Adalat of Turkmenistan	1
5	Supreme Court of Turkmenistan	1
6	General Prosecutor's Office of Turkmenistan	1
7	Ministry of Internal Affairs of Turkmenistan	
8	Ministry of Defense of Turkmenistan	1
9	Office of the Ombudsperson in Turkmenistan	1
10	Ministry of Health and Medical Industry of Turkmenistan	1
11	Ministry of Labor and Social Protection of Turkmenistan	1
12	Ministry of Education of Turkmenistan	1
13	Ministry of Finance and Economy of Turkmenistan	1
14	Ministry of Culture of Turkmenistan	1
15	State Committee for Statistics of Turkmenistan	1
1	Union of Women of Turkmenistan	1

6		
1 7	Youth Organization of Turkmenistan named after Makhtumkuli	1
1 8	National Trade Unions of Turkmenistan	1
1 9	National Red Crescent Society of Turkmenistan	1
2 0	Representative of UNFPA	1
2 1	International Consultants UNFPA	1
2 2	AFPPD Representative	1

Annex B

Workshop Report – Parliamentarians – 18-19 February 2025

Objectives:

- Understand domestic violence and its impact on victims, children, families and society.
- Understand the prevalence of domestic violence in Turkmenistan.
- Understand the services needed by victims of domestic violence.
- Understand how other countries use legislation to tackle domestic violence and best practice.
- Discuss a model law on domestic violence for Turkmenistan.

Participants:

Day 1 – 4, 1 from each of the following committees: committee for legislation and norms, committed of the protection of human rights and freedoms, committee for international and inter-parliamentary communication, and the committee for social policy. Three people from each committee were invited but only one person from each committee came.

Day 2 – 3, the person from the committee for social policy could not attend.

Venue and Date:

UN House, Ashgabat, 18-19 February

Summary of the sessions:

Day 1: The first day focused on understanding domestic violence and how it impacts society. This included defining domestic violence, and understanding its impact on women, children, families and society. In addition, using the prevalence survey from 2021 and the MICS 2019, participants discussed the prevalence of domestic violence in Turkmenistan. The executive director of Keikora (the only CSO in Turkmenistan providing services to survivors of violence) spoke to participants about services for survivors and the gaps in service delivery.

Day 2: The second day focused on domestic violence legislation. This included the role of legislation in preventing domestic violence, Turkmenistan's international human rights obligations linked to domestic violence legislation, international best practice for domestic violence legislation and the current proposed model law on domestic violence (developed in 2019-2021).

Methodology: both days were participatory and included activities, videos, presentations, and open discussions on the topics.

Training evaluation: The feedback was positive with various aspects of the workshop rated as good or excellent by all participants. Some participants wanted more training on this.

Lessons learnt:

Participants were willing to engage on this topic with lively discussions during all the sessions. In addition, participants spent some time looking at the model law and making recommendations for amendments. Although some of these amendments do not reflect international best practice, it is positive that participants were willing to provide feedback.

Some of the participants held views that were not necessarily gender sensitive or victim centered, including the belief that domestic violence could be justified in certain circumstances.

Using statistics from Turkmenistan, collected through the government, was helpful in demonstrating the extent of the problem but the participants sometimes failed to make the link between the statistics and the problem or the need to try to combat domestic violence.

This issue should continue to be worked on as there is a desire to engage in a legislative drafting process which should be used.

One session focused on next steps, and the participants suggested the creation of a working group to work on the legislation with representatives of parliament, police, health, NGOs, women's groups and education.

Annex C

Consultation Report – working group of the interministerial commission to ensure the implementation of Turkmenistan’s international obligations in the field of human rights and international humanitarian law – 20 February 2025

Objectives:

- Understand international best practice in combatting domestic violence against women and girls.
- Identify the gaps in the current legislative framework and proposed model law

Participants:

19 - from various government departments, trade unions, supreme court, prosecutor’s office, and youth organization (see full list provided in annex A).

Venue and Date:

UN House, Ashgabat, 20 February 2025

Summary of the sessions:

The day focused on international best practices for developing domestic violence legislation, as well as reasons for adopting domestic violence legislation.

In addition, the proposed model law was shared with the participants and they discussed proposals for amendments to the current model law. This was a lively discussion with participants disagreeing with each other about the content of the law. This was positive in showing that the participants were engaged on the topic as well as in highlighting some of the challenges that might be faced in the future consultations and adoptions of this legislation.

Methodology: a mixture of presentation, group work and open discussions were used to ensure participation.

Training evaluation: The feedback was positive. Most people found the consultation relevant for their work and learned new things. There were a few comments around the need to have a longer event or more of these events (and until the legislation is adopted). All of those who answered were happy with the consultation materials, discussion and speakers.

Lessons learnt:

As with parliamentarians, participants were willing to engage on this issue and discuss. They disagreed with each other. There were a number of participants who did not hold views that were gender sensitive or victim centered, often blaming victims for violence or justifying domestic violence in certain circumstances.

In addition, some participants talked about the work that they were doing in domestic violence prevention, for example through trade unions (the union of women in Turkmenistan) and the police. It might be useful to understand in more detail what they

are doing and how. It is unlikely to be gender-sensitive or victim-centered and they may benefit from training or further interventions.

For example, there is also currently mandatory reporting of DV cases by health authorities. Most participants did not see this as a problem for victims and as a result, there probably needs to be further sensitization on domestic violence for health care providers.

The representative from the ministry of internal affairs was confident that most of the work proposed under any new domestic violence legislation (such as the protection order) was already available and being done. It might be useful to understand what is being done, so that any future engagement with the ministry of internal affairs can show the value added of the domestic violence legislation, in comparison to the work that is currently being done. There might be some pushback from the police because they think they are already providing these services for victims.

Next steps: some of the representatives present at this consultation could become allies to push for the adoption of domestic violence legislation within their own ministries/departments.