

Annual Project Progress Report

Project title: Strengthening the institutional capacity of the Ombudsperson's Office of Turkmenistan

Output ID: 00107768

Project ID: '00107467

Implementing partner: Ombudsperson's Office of Turkmenistan

Period covered in this report: 01.01.2021

Date of last Annual Report: 31.12.2021

Date of the last Project Board meeting:04.02.2021

Date of last Quality Assurance and rating: Design stage 2020; Overall rating: Needs Improvement; Decision: Approve with qualifications: The project has issues that must be addressed before the project document can be approved. Any management actions must be addressed in a timely manner.

1. Project Performance

Please state the expected Output of the Project, set indicators and corresponding CP Outcome (as per project document/AWP):

Project Output 1: The institutional capacity of the Ombudsperson's Office is strengthened.

Output indicators:

- 1.1 Draft Roadmap for obtaining accreditation of the Ombudsperson's Office in GANHRI.
- 1.2 Draft normative legal act to strengthen the institutions of the Ombudsperson's Office.
- 1.3 The capacity of the staff of the Ombudsperson's Office in the area of complaint mechanisms in line with the Paris Principles.

Output targets:

- 1.1. The Draft of the Roadmap for obtaining accreditation in GANHRI developed

b) Were the indicators and output achieved? Yes X No Partially

c) If no or partially, please explain why?

1.2. The Draft normative legal act to strengthen the institutions of the Ombudsperson's Office developed.

b) Were the indicators and output achieved? Yes X No Partially

c) If no or partially, please explain why?

1.3. The capacity of the 80% staff of the Ombudsperson's Office in the area of complaint mechanisms in line with the Paris Principles strengthened.

b) Were the indicators and output achieved? Yes X No Partially

c) If no or partially, please explain why?

Project Output 2: Cooperation between the Ombudsperson's Office and law enforcement agencies has been strengthened by raising the awareness of law enforcement officials, especially bodies,

2. Progress Reporting

Project Output 1: The institutional capacity of the Ombudsperson's Office is strengthened.

1.1 Roadmap for obtaining accreditation of the Ombudsperson's Office in GANHRI was developed.

On October 1-2, 2021, the workshop on "Roadmap for accreditation to the Global Alliance of National Human Rights Institutions (GANHRI)" was delivered for the Ombudsperson's Office (OO) of Turkmenistan in the online format with the involvement of Professor Alan Miller, former special envoy of GANHRI. Prof. Miller presented the specifics of the GANHRI accreditation process, offering guidance to prepare the country for application. During the workshop, the Ombudswoman and her staff were very actively asking all the questions concerning the NHRI in the process of accreditation.

As a result of the workshop, Prof. Miller prepared Roadmap for accreditation to the Global Alliance of National Human Rights Institutions (GANHRI) with Recommendations that were provided to the Ombudsperson's Office via NV № 588 dated 11.10.2021. The Roadmap states that the Ombudsperson Office shall file an application for GANHRI accreditation and clearly identifies the preparatory steps to be undertaken by the Ombudswoman to prepare for the Dialogue with SCA of GANHRI.

<https://turkmenportal.com/blog/40158/v-ashhabade-dlya-apparata-ombudsmena-prohodit-seminar-po-akkreditacii-ganpzu>

<https://turkmenistan.gov.tm/ru/post/57531/apparat-ombudsmena-turkmenistana-nameren-vstupit-v-globalnyj-alyans-nacionalnyh-pravozashchitnyh-institutov>

<https://ashgabat.in/2021/10/01/apparat-ombudsmena-razrabatyvaet-dorozhnyu-kartu-dlya-akkreditacii-globalnym-alyansom-nacionalnyh-pravozashchitnyh-institutov/>



1.2. The Draft normative legal act to strengthen the institutions of the Ombudsperson's Office developed.

The Recommendation on making amendments additions to the acting legislation of Turkmenistan to strengthen the Ombudsperson's Office work was developed by national expert Jumamyrat Gurbanov and provided to the Ombudsperson's Office in Turkmenistan for its further submission to the Parliament of Turkmenistan (Milli Gengesh). The Recommendations on making amendments and additions to the acting Law of Turkmenistan on Ombudsperson are briefly as below:

1. To the Article 10 of the above-mentioned law, recommended adding the clause on "conflict of interest" where the Ombudsman is obliged to report in the manner prescribed by decrees of the President of Turkmenistan about the cases of personal interest in the performance of official duties, which leads or may lead to a conflict of interest, as well as take measures to prevent or resolve such a conflict,
2. To the Article 19 part 1 on Functions of Ombudsperson, recommended adding the clause "observance of the rights and freedoms of women, children and entrepreneurs", to the part 2 of the same article on investigation of complaints, recommended adding the clause "restoration of violated rights and freedoms of women, children, and entrepreneurs",
3. To the Article 21 part 1, recommended adding the clause "The Ombudsman considers complaints about decisions or actions (inaction) of state authorities, local authorities, enterprises, institutions, and organizations, regardless of their organizational and legal forms and forms of ownership and their officials, violating the rights, freedoms and legitimate interests of citizens of Turkmenistan and those in the territory of Turkmenistan of foreign citizens and stateless persons, and has the right to conduct checks on them",
4. To the Article 26, part 1, paragraph 2 recommended adding the clause that "the refusal to accept a complaint about consideration must be motivated. Refusal to accept a complaint about consideration is not subject to appeal",

Project Output 2: Cooperation between the Ombudsperson's Office and law enforcement agencies has been strengthened by raising the awareness of law enforcement officials, especially bodies, judges carrying out investigative functions and functions for the execution of sentences and lawyers about the norms of international human rights law.

2.1. More than 40 representatives of law enforcement agencies, judges and lawyers were trained who are aware of international norms and standards in the field of human rights and the activities of the Ombudsperson's Office.

As a result of the workshops on November 11-12, 2021, on International Practice and Norms of Interaction of National Human Rights Institutions with Law Enforcement Agencies, Bar Associations, and International Human Rights Institutions more than 20 representatives of the Parliament of Turkmenistan (Milli Gengesh and Mejlis), law-enforcement agencies, lawyers and staff of the Ombudsperson's Office were trained. During the workshop international expert Mr. Iiskola shared best international practices on the cooperation of the Ombudsman with law enforcement agencies in other countries based on specific cases. The discussed cases were aimed to demonstrate in detail the work of the Ombudsperson in other countries in investigations, visits, requests for material, instructions for expert research, and proposals to initiate (disciplinary or administrative or criminal proceedings) against an official who has violated human rights and freedoms. The cases discussed during the workshop were aimed to share international practices in applying Article 18 (1), in Chapter IV "Ombudsman's competence" in the Law on Ombudsman of Turkmenistan.

During the workshop participants also discussed the use of the Standard Minimum Rules (SMR) for the treatment of prisoners and investigations of inhuman or degrading treatment and the role of Ombudsperson in investigating the application of SMR in other countries.

On November 18-19, 2021, more than 20 pax from Parliament (Milli Gengesh, Mejlis), judiciary system, lawyers discussed international best practices and norms of the interaction of National Human Rights Institutions with a judicial system. International expert Mr. Iiskola discussed with participants international cases on the application of Article 19 (2) of the Law of Turkmenistan on the Ombudsman in comparison with similar norms in other countries.

In consequence of two strategic workshops, Mr. Iiskola came up with significant recommendations on the further development of the Ombudsperson's work such as:

- the review of regulations, instructions, Codes of Conducts, Standard Operating Procedures (SOP), Ethical Norms, etc. of law-enforcement agencies to streamline them to be following the best international practices regarding fundamental civil and human rights reflected in international conventions and other principles and recommendations,

- to in future hand over such and similar cooperative duties to a possible Human Rights Centre (HRC) with mandate and function to carry out such activities,
- to consider establishing by law a Human Rights Centre (HRC), linked administratively with the Ombudsperson's Office, and the Human Rights Centre would have a Human Rights Delegation (or Steering Board) appointed by the Ombudsman and chaired by the director of HRC (see more details in a separate paper "HUMAN RIGHTS CENTRE - TURKMENISTAN") and other.

Recommendations will be send to the Ombudsperson's Office via diplomatic channels to advocate consideration of the recommendations for further application.

1000 copies of Brochure on “A FEW WORDS ABOUT THE ACTIVITY OMBUDSMAN” was published and disseminated to government agencies, human right information centers in velayats, and civil society organizations of Turkmenistan.

Please summarize the main achievements during the project cycle:

1. Development of the Roadmap for the Office of Ombudsperson on GANHRI accreditation.
2. Development of Recommendation on cooperation of the Office of Ombudsperson with law-enforcement agencies, judiciary system, and Bar Associations of Turkmenistan.
3. Arrangement of the participation of the Ombudsperson`s Office staff at the 26th Annual General Meeting (AGM) of the Asia Pacific Forum of National Human Rights Institutions (APF) and interactive dialogue held by APF with members of the United Nations Working Group on Discrimination Against Women and Girls on “Women and Girls’ sexual and reproductive health rights in Crisis”.
4. Arrangement of the participation of the Ombudsperson`s Office staff at the two-day Virtual Meeting 2021 of TriPartite Partnership of UNDP, GANHRI, and OHCHR to Support National Human Rights Institutions (NHRIs) Annual Review and Partnership Platform. The annual TriPartite Partnership (TPP) meeting to support NHRIs aimed to foster closer collaboration between the UN system and NHRIs, their Regional Networks, and the Global Alliance of National Human Rights Institutions (GANHRI).

3. Project Risks and Issues

The project Risk Log is maintained throughout the project implementation to capture potential risks to the project and associated measures to mitigate risk. The Project Manager shall maintain and update the Risk Log and ensure that risks are identified, communicated and managed effectively.

A number of potential risks are listed below.

Description of risk	Type and category	Risk management actions	Current situation
COVID-19 travel restrictions	External risk	Agree on Project Board meeting the reallocation of saved money for travel to any other additional activities in the framework of the Project Document activities	One planned activity not delivered due to COVID-19 travel restrictions <i>Ongoing</i>

