



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/3/TKM/1  
15 September 2008

ENGLISH  
Original: RUSSIAN

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HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Third session  
Geneva, 1-15 December 2008

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Turkmenistan**

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\* The present document was not edited before being sent to the United Nations translation services.

## Introduction

Turkmenistan is situated in Central Asia, to the north of the Kopetdaga Mountains, between the Caspian Sea to the west and the Amu Darya River to the east. It extends 1,100 kilometres from east to west and 650 kilometres from north to south, amounting to 491.2 square kilometres. To the north Turkmenistan borders on Kazakhstan, to the east on Uzbekistan, to the south on the Islamic Republic of Iran and to the south-west on Afghanistan. Turkmenistan is made up of 5 provinces or administrative regions (*velayat*), the city of Ashgabat, which is the capital of the State and is equal in status to a province, 22 cities, 49 districts (*etrap*), and towns and villages (*aul*).

The greater part of the country is desert.

The population of Turkmenistan at the end of 2006 amounted to 5,402,200 persons. The average population density is 11.0 persons per square kilometre. If desert areas are excluded, population density in the inhabited regions is 50 persons per square kilometre. Some 42.1 per cent of the population lives in cities, and some 57.9 per cent in rural areas. Women constitute 50.2 per cent of the population, and men, 49.8 per cent.

### A. Methodology and consultation process

1. The national report of Turkmenistan for the present review was prepared in accordance with paragraph 5 (e) of General Assembly resolution 60/251 concerning the establishment of the Human Rights Council, adopted on 15 March 2006. It was compiled taking into account the General Guidelines for the Preparation of Information under the Universal Periodic Review, contained in Human Rights Council resolution 5/1 of 18 June 2007.
2. Multi-candidate presidential elections were held for the first time in Turkmenistan in February 2007, with the participation of international observers; Gurbanguly Berdimukhamedov was elected as head of State. The Government of Turkmenistan has made cooperation with international organizations, especially the United Nations, a foreign policy priority and expressed its commitment to fulfil its international obligations. In this respect, it welcomes open and constructive dialogue with all United Nations human rights mechanisms.  
  
The present report is based on materials from the ministries, State committees and departments of Turkmenistan whose responsibilities include tackling issues related to guaranteeing and realizing human rights, and information from voluntary organizations.
3. The preparation of national reports on the status of implementation of international human rights instruments for submission to the United Nations treaty bodies has been entrusted to an Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations, pursuant to a presidential order of 24 August 2007. The Commission's activities are coordinated by the Turkmen National Institute of Democracy and Human Rights in the Office of the President of Turkmenistan.
4. The Interdepartmental Commission includes representatives of the parliament (*Majlis*) of Turkmenistan, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of the Economy and Development, the Ministry of Education, the Ministry of Health and the Medical Industry, the Ministry of Social Welfare, the Ministry of Culture and Television and Radio Broadcasting, the Council on Religious Affairs in the Office of the President, the State Statistics Committee, the Turkmen National Institute of Democracy and Human Rights in the Office of the President, the National Trade Union Centre, the Gurbansoltan-eje Women's Union and the Makhtumkuli Youth Organization.

5. (1) Efforts to familiarize the general public with the content of the report began during drafting. The Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations held a number of interdepartmental meetings and consultations with international experts invited by United Nations agencies. The draft report was transmitted to ministries, State committees and departments, and voluntary organizations, whose comments and wishes were taken into account in preparing the final version.

(2) The report offers a brief review of the situation in Turkmenistan, which is undergoing wide-ranging reforms in the following areas: alignment of national legislation, including the Constitution, with the international standards to which Turkmenistan is a party; reinforcement of national capacity to monitor and protect human rights; improvement of living conditions, particularly in rural areas; enhancement of public awareness of and access to human rights through the establishment of legal advice bureaux providing legal services; and strengthening of the mechanism for considering communications and reports from citizens alleging violations of their rights.

## **B. Normative and institutional mechanisms for the protection of human rights**

### **I. CONSTITUTIONAL AND NORMATIVE MEANS OF PROTECTING RIGHTS AND FREEDOMS**

6. Standards for protecting human rights and freedoms consistent with the Universal Declaration of Human Rights are incorporated in section II of the Constitution (arts. 16-44). The Constitution embodies the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which Turkmenistan is a party.

7. The Constitution establishes the inviolability and inalienability of human rights. No one has the right to deprive a person of any of his or her rights and freedoms, or to restrict his or her rights, except as provided in the Constitution and laws.

The enumeration in the Constitution and laws of certain human rights and freedoms may not be used to deny or restrict other rights and freedoms.

Citizens are guaranteed judicial protection of their honour and dignity, and of their personal and political rights and freedoms, as stipulated in the Constitution and laws.

Citizens have the right to complain to the courts about any actions of State bodies, voluntary organizations or officials that violate the law, constitute an abuse of authority or infringe on their rights and freedoms.

Citizens have the right to bring judicial proceedings seeking reparation for material or moral injury caused to them by illegal actions of State bodies, other organizations, their employees or private individuals.

The exercise of the civil rights and freedoms provided in the Constitution may be temporarily suspended only in a state of emergency or in wartime, in accordance with the procedure and limits specified in the Constitution and laws.

8. Article 9 of the Constitutional Act on the Permanent Neutrality of Turkmenistan states that the human being is the supreme value of society and the State. Turkmenistan recognizes and

respects the core democratic rights and freedoms of individuals and citizens accepted by the international community and enshrined in the norms of international law and is creating political, economic, legal and other guarantees of their enjoyment in practice.

The Constitution of Turkmenistan guarantees the equal rights of all nations and peoples, and freedom of religion and confession.

### **Judicial protection**

9. Under the Constitution, State authority is founded on the principle of the separation of legislative, executive and judicial power. Judges are independent, are subject only to the law and are guided by their inner conviction. The function of the judiciary is to uphold civil rights and freedoms and the legally protected interests of the State and society. Judicial power is exercised by the Supreme Court and other courts provided for by law. The establishment of extraordinary tribunals and other structures having the powers of a court is not permitted.

10. In accordance with the Judicial System and Status of Judges Act of 29 May 1991, the administration of justice in Turkmenistan is based on the equality of citizens before the law and the courts, irrespective of their origin, social, official or property status, race and ethnicity, sex, education, language, political views, attitude towards religion, type and nature of occupation, residence and other circumstances.

11. The Constitution of Turkmenistan guarantees citizens judicial protection of their honour and dignity, and of their personal and political rights and freedoms. They have the right to bring judicial proceedings seeking reparation for material or moral injury caused to them by illegal actions of State bodies, other organizations, their employees or private individuals.

12. The right to petition the courts for a retraction of information prejudicial to citizens' rights and legally protected interests, and to seek compensation for losses or reparation for material or moral injury, is provided for by civil law (Civil Code of 17 July 1998, art. 16).

13. An act enabling citizens to challenge in court actions of State bodies, voluntary organizations, local government bodies and officials that violate their constitutional rights and freedoms was adopted on 6 February 1998, with a view to preventing the commission of any such actions.

14. The Complaints by Citizens and Procedure for their Consideration Act was adopted on 14 January 1999. It obliges State and other bodies, enterprises and organizations, regardless of their form of ownership, to entertain and consider by a specified date reports, complaints and other applications from citizens alleging violations of, derogations from or obstacles to the exercise of their rights.

15. Reports, applications and complaints from citizens are considered by the relevant offices of the ministries and departments.

16. (1) On 20 December 1996, Turkmenistan acceded to the Optional Protocol to the International Covenant on Civil and Political Rights. All individuals subject to its jurisdiction have the right to submit a written communication to the Committee on Civil and Political Rights if they consider that any of their rights enumerated in the Covenant has been violated and they have exhausted all available domestic remedies.

(2) Training is conducted regularly for members of the country's judiciary and practising jurists (prosecutors and lawyers), in cooperation with international organizations (the Organization for Security and Co-operation in Europe (OSCE), the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the European Union TACIS programme and the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)) and with the participation of international experts, on issues relating to national and international legal protection of human rights and freedoms.

### **Human rights protection in criminal law**

17. Recently, Turkmenistan has taken many practical measures focusing on the human dimension. To improve the procedure for considering complaints from citizens about actions by law enforcement agencies and put into practice the principles of the rule of law and the equality of all citizens before the law, on 19 February 2007, the President of Turkmenistan established in his office a State commission to consider such complaints. This was the first step towards the reform of the Turkmen legal system.

Turkmenistan's criminal law is based on its Constitution and on the universally recognized principles and norms of international law. The Criminal Code is aimed at protecting the individual, civil rights and freedoms, the interests of society and the State, property, public order, the independence, constitutional structure and neutrality of Turkmenistan, peace, security from criminal attack and at preventing crime.

18. To ensure that these tasks are carried out, Turkmenistan's criminal law embodies the foundations and principles of criminal liability, defines the socially dangerous acts that constitute offences and establishes penalties and other sanctions for committing such acts. On 28 December 1999, Turkmenistan acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. In implementation of the Protocol, the Constitution of Turkmenistan has abolished the death penalty, which had been removed from the list of penalties stipulated in the Criminal Code.

19. The Code of Criminal Procedure establishes that a citizen is presumed innocent until proven guilty under the procedure provided for by law, in a court judgement that has become final.

20. Suspects, accused persons, defendants, convicted and acquitted persons have the right to protection. Lawyers and other persons provide legal assistance to citizens and organizations during legal proceedings in civil, commercial and criminal cases and in cases concerning administrative violations.

21. The purpose of correctional labour law is to ensure the enforcement of penalties, the reform and re-education of criminals, the prevention of further offences and the eradication of crime. The enforcement of penalties is not intended to cause physical suffering or be degrading.

## **II. INSTITUTIONAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS**

22. One of the main committees in the Turkmen parliament is the Committee on the Protection of Human Rights and Freedoms. Its terms of reference include monitoring the consistency of domestic human rights legislation with the international instruments to which Turkmenistan is a party, drafting new human rights bills and participating in seminars, conferences and training courses to promote awareness of human rights.

23. The development of democratic processes and the protection of human rights are encompassed in the terms of reference of the Turkmen National Institute of Democracy and Human Rights, established in the Office of the President on 23 October 1996.

24. The commission referred to in paragraph 17 above was instituted by a presidential decree of 19 February 2007 with a view to the realization of the constitutional rights and freedoms of the individual and the maintenance of international human rights standards.

25. A large number of pardons are currently being granted in Turkmenistan at the initiative of the President. As a result of work by the above-mentioned commission, 11 persons were pardoned by a presidential decree of 9 August 2007; 9,013, including 158 foreign nationals, by a presidential decree of 29 September 2007; 1,269, including some foreign nationals, by a presidential decree of 13 February 2008; and more than 900, including some foreign nationals, by a presidential decree of 6 May 2008.

26. The Commission referred to in paragraph 3 above was set up to ensure the effective implementation of international standards at national level and their incorporation into Turkmen legislation, and to prepare national reports on compliance with relevant United Nations human rights instruments. The Commission is a standing interdepartmental advisory body responsible for coordinating the efforts of ministries, State committees, departments, local authorities, enterprises, institutions and organizations to fulfil Turkmenistan's international human rights obligations.

Among the Commission's main tasks are preparing and submitting national reports to the appropriate United Nations committees, facilitating Turkmenistan's accession to international instruments on human rights and freedoms, monitoring, and drafting proposals to bring Turkmen legislation into line with international standards.

27. A State commission was established on 28 November 2007 to align national legislation with international law; the commission will function on a standing basis.

28. A constitutional commission was set up in April 2008 to draft proposals for enhancing the Constitution of Turkmenistan. The new provisions are intended to reflect current realities in the life of society and the State, and to facilitate the country's advance along the path of progressive reform.

29. In the political system of Turkmenistan, an important role is played by civil society institutions. Non-governmental organizations, voluntary associations, trade unions and creative unions take an active part in democratic processes, protecting civil rights and freedoms, and determining national economic, social and cultural policy. The law provides for the most prominent voluntary associations in Turkmenistan - the Democratic Party, the Gurbansoltan-eje Women's Union, the Makhtumkuli Youth Organization, the Atamurat Niyazov Veterans' Council, the Humanitarian Association of World Turkmen, the trade unions and other non-governmental organizations - to be represented in all the country's elected bodies. Members of these voluntary associations may be elected to the Turkmen parliament and local government bodies, thus enabling them to take a direct part in drafting programmes for the social, economic and cultural development of Turkmenistan.

### **III. INTERNATIONAL OBLIGATIONS**

30. Turkmenistan is a fully-fledged member of the international community. It joined the United Nations on 2 March 1992 and OSCE on 9 July 1992. In the years since independence, it has acquired the status of permanent neutrality by virtue of a special General Assembly resolution

of 12 December 1995. In the Declaration on the International Obligations of Turkmenistan in the Field of Human Rights, of 27 December 1995, the State reaffirmed its steadfast commitment to the fulfilment of its international obligations in the field of human rights.

31. Turkmenistan acknowledges the precedence of the universally recognized rules of international law, including the Universal Declaration of Human Rights. It has ratified more than 100 conventions, among them approximately 40 basic international human rights instruments. These include the International Covenant on Civil and Political Rights and the First and Second Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

On 15 July 2008, Turkmenistan acceded to the Convention on the Rights of Persons with Disabilities of 13 December 2006.

Accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women is under consideration.

32. In accordance with article 6 of the Constitution, Turkmenistan acknowledges the precedence of the universally recognized norms of international law. This is reflected in special articles incorporated into all Turkmen laws specifying that the international instruments to which Turkmenistan is a party take precedence over domestic legislation.

Under article 7 of the Civil Code, “if an international agreement to which Turkmenistan is party establishes rules other than those envisaged in civil law, the rules of the former shall apply”.

Other laws too contain a similar provision regarding the precedence of international norms.

#### **IV. COOPERATION WITH INTERNATIONAL ORGANIZATIONS IN THE FIELD OF HUMAN RIGHTS**

33. The Government of Turkmenistan has made cooperation with international organizations a foreign policy priority and expressed its commitment to fulfil its international obligations. In this respect, it welcomes open and constructive dialogue with international organizations.

Turkmenistan has consistently advocated strengthening the authority of the United Nations in the international arena as the organization called on to lead the global processes of uniting nations, on the basis of the principles of equality and mutual respect, and developing positive trends towards the creation of a non-confrontational, non-violent model of the world.

34. The long-term partnership between the United Nations and Turkmenistan, which has seen the country take a most active role in developing United Nations programmes, has, at the same time, transcended the parameters of traditional cooperation. Today, Turkmenistan has become firmly established as a peacemaking centre with huge capacity and experience in conflict prevention and resolution. This was demonstrated by, for example, Turkmenistan’s role in the settlement of the civil confrontation in Tajikistan and the active assistance it has been rendering to the Afghan people in building a new, peaceful life.

35. The next step forward in this fruitful partnership to strengthen general security and stability was the decision by the United Nations General Assembly to open in Ashgabat, on 10 December 2007, a Regional Centre for Preventive Diplomacy, which is intended to be a reliable United Nations outpost in Central Asia and an effective tool for maintaining peace and ensuring sustainable development in the countries of the region.

36. Sustainable human development is the keystone of Turkmenistan's cooperation with United Nations agencies. This is precisely the objective towards which the Millennium Development Goals, as set forth in the special Declaration signed by 189 countries, including Turkmenistan, at the Millennium Summit in autumn 2000, are primarily directed.

37. On 29 March 2005, a plan of action was signed between the Government of Turkmenistan and the major United Nations agencies accredited to Ashgabat - the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and UNICEF - as part of the United Nations Development Assistance Framework for 2005-2009 (UNDAF). In this document, the completion of global tasks in the context of the Millennium Development Goals adopted by the United Nations is closely intertwined with Turkmenistan's national priorities and interests, as specified in the national programme entitled "Strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020".

Joint efforts under UNDAF cover the following areas: local government, health care, education, rights of the child, widespread introduction of information and communication technologies, environmental protection, the fight against drug trafficking, border management and control, and assistance to refugees and migrants.

38. The United Nations is represented in Turkmenistan by such entities as UNDP, UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNFPA, the World Health Organization (WHO) and UNODC.

39. Thanks to an effective partnership with UNICEF, UNFPA and WHO, tangible steps have been taken to develop and enhance health care in Turkmenistan. According to WHO data, Turkmenistan is the leader in the Central Asia region in terms of childhood immunization coverage.

40. In order to prevent and eliminate iodine- and iron-deficiency-related diseases, Turkmenistan, in cooperation with foreign partners, has implemented a range of large-scale foodstuff enrichment projects, focusing particularly on flour and salt. As a result, it has become the first country in the Commonwealth of Independent States (CIS) and Central Asia, and the fourth in the world, to be acknowledged by all as having achieved universal iodization of salt to generally accepted international standards.

41. A UNHCR office was opened in Ashgabat in 1995. Turkmenistan has demonstrated its commitment to the practical fulfilment of its humanitarian obligations towards refugees by acceding to the Convention relating to the Status of Refugees and the Protocol thereto, and by developing appropriate national legislation.

In accordance with the Constitution and the Refugees Act, Turkmenistan grants the right of asylum to persons who are persecuted in their countries for reasons specified in relevant international legal instruments. The implementation of the Convention relating to the Status of Refugees and the Refugees Act, and cooperation between the Government of Turkmenistan and the UNHCR office, have resulted in the extension, unprecedented in its scope and significance, of



Turkmen citizenship and permits to reside in Turkmenistan to more than 16,000 displaced persons and refugees. In accordance with a presidential decree of 4 August 2005, 13,245 refugees living in Turkmenistan have received Turkmen citizenship.

In accordance with a presidential order of 4 August 2005, 3,053 refugees have received permanent residence permits in Turkmenistan.

42. (1) Close cooperation between UNODC and the State Coordinating Committee to Combat Drug Addiction attached to the Cabinet of Ministers is manifested in regular workshops for law enforcement and Customs officials and the provision of material and technical assistance to State entities.

(2) The Government actively entered into constructive dialogue with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2007. The High Commissioner, Ms. Louise Arbour, visited Turkmenistan in May 2007.

(3) In March 2007, the Government invited the Special Rapporteur on freedom of religion or belief for a visit, which is to take place in September 2008.

(4) A joint OHCHR/UNDP project initiated by the Government on building reporting capacities in Turkmenistan is nearing completion. This project, in the course of which constructive dialogue was established and continuous consultations were held on the preparation of national reports, was launched in May 2007.

(5) On the initiative of the Government of Turkmenistan, a joint project was launched with UNDP in July 2008 on "Improving the electoral system in Turkmenistan"; UNDP is working with the parliament to enhance local government in line with international standards.

(6) In order to strengthen constructive dialogue with the United Nations on human rights protection and the further development of democratic processes, the Government is cooperating with OHCHR, the European Commission and UNDP on a joint project to build the national capacity of Turkmenistan in the promotion and protection of human rights for 2008-2011.

(7) Within the framework of the UNDAF, joint projects are being conducted with UNICEF to improve the juvenile justice system and early childhood development, and with UNFPA to produce periodic reports under the Convention on the Elimination of All Forms of Discrimination against Women and improve family law and the legislation governing reproductive health issues.

### **C. Achievements and challenges in the field of human rights in Turkmenistan**

43. Turkmenistan is a socially oriented State. The domestic policies of the country's new leadership are aimed at bringing a decent standard of living and security to the population, protecting citizens' rights and freedoms, developing democratic processes and institutions, establishing a civil society and effecting fundamental reform of the entire system of social relations, including the legal system.

Since 1993, Turkmenistan has provided its citizens, without charge, with gas, electricity, water, table salt, medical care, and the opportunity to receive free secondary and higher education. By a resolution of the People's Council of Turkmenistan of 25 October 2006, the use by citizens, free of charge, of natural gas, electricity, drinking water and salt has been extended until 2030. Token charges have been set for municipal services, telephone service and public transport.

From its first days in office, the new Government has embarked on a course of comprehensive major reform in education, health care and social security, and improvement of the welfare of the population, including persons living in remote areas.

### **1. Right to work**

44. Labour relations in Turkmenistan are governed by the Labour Code, ratified by the Act of 28 June 1972, as amended on 1 October 1993. In addition to the Labour Code, there are also numerous laws and regulations on employment and social issues.

Establishing a strategy for social and economic development that gives priority to increasing the standard of living and quality of life of the Turkmen people requires fundamentally new approaches; accordingly a new labour code has been drafted. The new draft is based on the Constitution, the current Labour Code, the basic principles and norms of labour law as set forth by the International Labour Organization (ILO), which Turkmenistan joined in 1993, and international practice in regulating labour relations and the norms of international law.

45. Agriculture is the main source of employment in Turkmenistan, thanks to a favourable climate, available land, demography - more than half of the population lives in rural areas, and the national objective of food self-sufficiency. The attainment of this objective has been greatly facilitated by the implementation of land reform in villages and the increase in the size of the private plots turned over to families for farming.

46. There has recently been a substantial increase in employment in a number of branches crucial for the country's economic development. Employment in industry has grown considerably (by 80 per cent). The distribution of jobs in industry has altered substantially in favour of the processing sector, attesting to a shift away from raw-material production.

The proportion of the economically active population seeking work in Turkmenistan (through labour exchanges or independently) remains low: 6.4 per cent in 2006, compared with 4 per cent in 1996.

Able-bodied citizens of working age who require social protection but cannot compete in the labour market on equal terms are afforded extra employment safeguards, stipulated in article 12 of the Employment Act of 12 November 1991. The beneficiaries include young persons, lone parents and parents raising large families of minor children or children with disabilities, people approaching retirement age (women of 53 years or over, and men of 58 years or over), war veterans, persons with disabilities, the long-term unemployed, and individuals released from penal institutions.

These safeguards take the form of specially created jobs and businesses employing persons with disabilities, rehabilitation centres, training programmes and so forth.

Under the Employment Act, local authorities can set enterprises, institutions and organizations annual hiring quotas of up to 5 per cent of all available posts, and require the establishment of special posts for persons with disabilities.

47. Labour exchanges conduct daily registration of citizens seeking job advice and help them to choose suitable work and find employment. They advertise job vacancies through the media and help employers select the staff they require; they advise leaders and keep them informed of labour market conditions. Periodically, together with the local authorities (*khyakimlik*), businesses and organizations, they organize jobs fairs.

In 2006, 103,900 persons registered at labour exchanges, 2.8 times as many as in 1997. The proportion of citizens finding work through a labour exchange has been rising from 30.4 per cent in 1997 to 48.2 per cent in 2006.

48. Job seekers are given vocational training, retraining or skills upgrading on referral by the employment service, at the service's own training centres or at other training establishments. In making referrals for training, preference is given to unemployed persons with dependants and previous work experience, and to people discharged from the Armed Forces, the border guards, or the internal, railway or other uniformed forces. Time spent in vocational training, retraining or skills upgrading is counted towards the total length of uninterrupted service.

49. Professional workers in Turkmenistan are trained at 17 higher education institutions, 8 of which have been opened in the years since independence, 16 specialized secondary education establishments and 134 vocational schools.

50. One type of vocational training establishment is the vocational school. Training of the regular labour force takes place at vocational primary schools and directly on the job. In 2006, 60,300 persons were admitted to vocational primary schools, twice as many as in 1996. In the same year, 61,800 skilled workers completed training at such schools, a 2.4-fold increase compared with 1996. Over the entire period under review, 499,500 skilled workers were trained at vocational primary schools.

51. At State enterprises alone, 32,600 workers upgraded their skills or received vocational training in 2006.

52. In accordance with the Leave Act of 12 June 1997, Turkmen workers receive paid leave of 24 calendar days per annum. Pregnancy and maternity leave for women is paid through their workplace. Citizens are given time off with pay for weddings and funerals.

53. Social assistance is provided to large and low-income families, disabled persons and older persons living alone. Orphans are fully provided for by the State.

The non-State sector is now playing a larger role in providing social services in health care, education and culture. The quantity and variety of paid services available to the population has grown.

54. The Social Security Code was adopted in March 2007, with a view to improving the country's social security system. The measures it envisages seek further increases in the living standards for pensioners, benefit recipients and other categories of the population in need of social protection.

The Code has expanded social security entitlements. Since its introduction, citizens not entitled to a pension have received benefits immediately on reaching retirement age, rather than five years later as was formerly the case. Owing to the Code, social protection measures now cover virtually the entire population requiring them.

55. To stimulate the birth rate, the Code has introduced a State maternity benefit. The right to receive childcare benefit has been reviewed; the benefit is now paid to persons caring for a child up to one and a half years of age.

56. Wages, grants, pensions and benefits are increased almost every year. Professors' and teachers' pay was raised by 40 per cent as of September 2007, taking into account a review of their workload; grants for students and pupils were increased by the same amount. Beginning on 1 January 2008, the base pay and salaries of staff in State-sector institutions, independent enterprises and voluntary organizations have been raised by 10 per cent.

57. The legislation of Turkmenistan guarantees access to employment for foreign nationals living in the country and governs the conditions of and mechanism for such access. Foreign nationals enjoy the same rights and have the same duties in labour relations as Turkmen citizens.

58. Article 1 of the Employment Act prohibits administrative imposition of compulsory labour, except where provided for by Turkmen legislation. The fact that a citizen is voluntarily unemployed may not serve as grounds for administrative, penal or other action against him or her.

59. The Strategy for the Economic, Political and Cultural Development of Turkmenistan for the Period up to 2020 and the President's National Programme for the transformation of social and living conditions in villages, towns, cities, districts and district centres over the period by 2020 serve as tools for the State management of employment and labour market processes. New jobs will be distributed as part of the efforts to equalize the level of social and economic development in different parts of the country, taking into account the availability of natural resources and the size of the economically active population.

## **2. Right to education**

60. (1) The recommendations of the United Nations Committee on the Rights of the Child concerning Turkmenistan's national report on compliance with the Convention on the Rights of the Child are being taken into account and gradually put into practice as education policy is improved. The main objectives of the President's new education policy are to establish a better system for training the national labour force, to provide education that meets international standards and to satisfy the growing needs of the country's economy for highly qualified professionals capable of participating in social and political reform.

(2) Radical reforms are under way in education in Turkmenistan. In order to improve the education system and bring it into line with international standards, a presidential decree set the length of study at 10 years in secondary education, 5 years in higher education and 6 years in medical subjects and certain arts subjects from the academic year beginning on 1 September 2007.

(3) As these innovations were introduced in education, appropriate changes were made to the Education Act.

Article 13, paragraph 1, of the Act provides that "10-year general secondary education, which is the foundation of instruction, shall offer citizens the opportunity to acquire deep knowledge in accordance with the requirements of the age, for the proper development of their creative abilities, and the raising of their level of culture and physical fitness".

(4) On 24 May 1996, Turkmenistan ratified the Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region of 21 December 1979, and the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific of 16 December 1983. In the context of reforms in education and science, the new Government also confirmed that education certificates issued in foreign countries would be recognized in accordance with international standards.

61. Among the first decrees issued by the new President of Turkmenistan to realize the objectives envisaged were the Decree of 15 February 2007 on enhancing the education system in Turkmenistan, the Decree of 4 March 2007 on improving the work of educational institutions and the Decree of 30 March 2007 on raising education sector salaries and student grants. These documents set out the aims and purposes and indicate ways of improving the work of educational institutions, as well as defining new academic standards for all levels of instruction and education.

62. Pursuant to these texts, education sector salaries and student grants are currently being increased, teachers' workloads have been reduced, limits of 25 pupils per class have been set for secondary schools, and boarding schools have been opened in the provinces for children from remote districts. New subjects have been introduced: study of the laws governing the development of society and the foundations of legal, moral, economic, political and environmental culture, social science classes, physical education and foreign languages.

63. Turkmenistan has established an extensive network of education institutions allowing children to receive primary, secondary and special education. These include preschool facilities, schools, higher education institutions, vocational secondary schools and residential schools for children with disabilities, all of which are maintained by the State.

64. Secondary schools and higher education institutions are equipped with modern multimedia and computer technology and employ interactive teaching methods, thus enabling young Turkmen to receive a world-class education, enrich their inner world, broaden their horizons and learn about the achievements of science.

65. Turkmenistan's policy on children calls for de jure and de facto protection of the rights and legitimate interests of children, an absence of discrimination on any grounds, and restoration of children's rights when these are violated. The policy applies equally to children in towns and rural districts, to boys and girls, and to all other vulnerable groups of children. The universality of citizens', including children's, rights and freedoms, is statutorily enshrined in the Rights of the Child (Safeguards) Act of 5 July 2002, article 3 of which stipulates that all children living in Turkmenistan have equal rights, irrespective of their ethnicity, sex, language, faith, education, place of residence, circumstances of birth, state of health or other factors.

66. The fact that education is free and generally accessible ensures high levels of education and literacy among the people of Turkmenistan. According to data from the 1995 population census, 98.8 per cent of the population aged 15 years or over is literate. Of every 1,000 persons aged 15 years or over, 92 have higher education, 9 have incomplete higher education, 166 have specialized secondary education, 477 have general secondary education, 183 have incomplete secondary education and 48 have primary education.

67. The country currently has 1,711 secondary schools, attended by more than 1 million children. There are also 17 vocational secondary establishments and 17 higher education institutions, with a total of more than 18,000 students.

68. In Turkmenistan, every 17- to 18-year-old (depending on when they complete secondary education) has access to higher education subject to success in the competitive entrance examination. Higher education is provided free of charge.

69. In 2008, the intake of students in higher education institutions was increased, and 18 new subjects were introduced, including Italian language and literature, Chinese language and literature, Korean, Spanish, agrochemistry and soil science, plant protection, mechanized land improvement

and animal husbandry, global financial markets and insurance, circus and variety arts, international law, international relations and diplomacy, international economic relations, international journalism, trade, global financial markets and industrial engineering. The introduction of the new subjects at a number of the country's higher education institutions enabled 4,000 students to be admitted, 385 more than in the 2007 academic year.

70. Pursuant to the reforms and the recommendations of the United Nations Committee on the Rights of the Child, more young people are being sent by the Government to study in higher education institutions abroad. Agreements have been signed at State and government level to this end. During official visits by the Presidents of the Russian Federation and Kazakhstan, the issue of cooperation was addressed in bilateral agreements signed on humanitarian matters, including education.

In 2007, students were admitted to various higher education institutions in the Russian Federation: the I.M. Gubkin State Oil and Gas University in Moscow, the Ufa State Oil Technical University, the Tomsk Polytechnical University, the Tyumen Oil and Gas University and the Almeteyev Oil Institute. In accordance with intergovernmental and interdepartmental agreements, more than 1,000 young men and women became students at prestigious foreign institutions of higher learning.

Currently, over 1,500 young people from Turkmenistan are studying at educational establishments in the Russian Federation, Turkey, China, Malaysia, Romania and other foreign countries.

71. There are now more than 100 secondary schools specializing in teaching foreign languages, including 80 specializing in English, 13 in German, and 7 in English and German. Assistance with language teaching is provided by centres for language study and computer literacy attached to secondary schools and to provincial and district education departments.

72. To offer social support and adjustment to disabled children, the State maintains educational, medical and rehabilitative institutions where disabled children can receive instruction, vocational training and education appropriate to their state of health (Rights of the Child (Safeguards) Act, art. 31).

With a view to creating educational conditions conducive to children's development, boarding schools have opened in the provinces so that children from villages remote from cultural centres and railway stations who have received a primary education can continue their studies in the senior grades, pursuant to the Presidential Decree of 4 March 2007 on enhancing the education system in Turkmenistan.

73. Children lacking one or both parents are supported by the State. There is an "Orphans' Palace" in Ashgabat and an orphans' home in Balkanabat, Balkan province, where children are looked after entirely at the expense of the State. Turkmenistan raises orphans in families: there is, for example, a family-style home in Turkmenabat, Lebap province, where eight children are cared for in a family environment.

74. Stateless and refugee children, migrants and the children of foreign citizens living in Turkmenistan have the same entitlement to education as Turkmen citizens. At present the refugees, including child refugees, who arrived in Turkmenistan in 1991-1997 have taken up permanent residence in Turkmenistan and enjoy all the rights of Turkmen citizens.

75. There are a variety of free courses available to vulnerable children from large families, children missing one or both parents, former refugee children, invalid children etc., supported by the State, voluntary and international organizations: computer literacy, English language, sewing, cookery, applied ethnic arts and so forth.

76. Educational institutions at all levels are State establishments; the private sector is represented in the form of students following a variety of courses of study: entrepreneurship, foreign languages, the fundamentals of psychology, computer literacy, study and work using the Internet and so forth.

### **3. Right to health**

77. The health system is undergoing a complete reform. There are modern, highly equipped diagnostic and specialized hospitals, built since independence, in operation in the capital. Modern diagnostic centres have been built and brought into operation in all provinces. Modern medical centres with the latest equipment will be built in the capital and the provinces. In 2007 the Government signed an order to construct mother-and-child health-care centres in all provinces (there is already one in operation in the capital). Children's sanatoriums have been built and are already in operation in the resort areas of the country.

The attainment of health for all is underpinned by a shift in basic emphasis from in-patient treatment to primary health and medical care. One trend in the provision of primary medical care has been the introduction of the family-based principle of service delivery. The WHO concept was adopted in 1996, and the family-based principle of service delivery has been being phased in since then. The related regulatory standards have been drawn up and introduced.

A chair of family medicine has been established at the Turkmen State Medical Institute. The category of family doctor has been added to the hierarchy of medical specializations and medical functions at health-care institutions.

78. The Ministry of Health and the Medical Industry has drawn up, in the light of WHO recommendations, a National Safe Motherhood Programme, 2007-2011, to improve the health of women of child-bearing age and their offspring by introducing modern methods of monitoring and dealing with pregnant, parturient and post-partum women and newborns.

79. As a result of the health reforms and the various programmes that have been carried out, maternal and child morbidity and mortality have decreased significantly, the quality of patient care has improved, the number of medical services offered has grown markedly, and incidence of disease among the general population has nearly halved.

80. Breastfeeding is a tradition among the indigenous population of Turkmenistan. Currently 97.9 per cent of children are breastfed, 41.4 per cent of them exclusively so until they are six months old. The 10 principles of successful breastfeeding have been brought into practice under a national programme in perinatal facilities, and 59 hospitals (90 per cent of the total) have won the status of "child-friendly hospital".

81. The live-born and still-born criteria recommended by WHO have been brought into health-care practice since January 2007. About 80 per cent of specialists having to deal with this problem will have been specially trained on the subject by mid-2008. A course on "fundamentals of care and reanimation for new-borns" will promote the successful introduction of the new criteria. Periodic lectures are given on the topic so that specialists (midwives and gynaecologists, neonatologists and reanimation experts) can refine their knowledge.

82. An immunization and prophylaxis programme extending to 2020 has been introduced to improve epidemic control. Thanks to dynamic measures, Turkmenistan was awarded a certificate in 2002 for halting the circulation of indigenous wild poliovirus.

83. Steps are now being taken to eradicate measles and rubella. Turkmenistan has adopted a measles and congenital rubella prevention programme under which, since 2007, combined inoculations against measles, rubella and mumps at the ages of 12-15 months and 6 years have been added to the national preventive vaccination schedule.

84. A national strategic plan for the eradication of malaria, 2008-2010, has been drawn up and approved pursuant to the commitment Turkmenistan has undertaken under the Tashkent Declaration "The move from malaria control to elimination", adopted at the first congress on the regional initiative, 18-20 October 2005.

85. Healthy living has been made a compulsory subject at school in order to foster a healthy lifestyle and prevent illness; "Health for all" features appear in all the mass media (newspapers, magazines and other publications, the radio and television); advertising of alcoholic beverages and tobacco products in the media is banned and a law prohibiting smoking in public places has been adopted; there has been mass distribution of popular scientific/medical literature and other useful information in the form of visual aids and pamphlets on living a healthy lifestyle.

86. Overall mortality in 2006 was 5.5 per 1,000 head of population, whereas in 1997 it had been 7 per 1,000. Between 1995 and 2005, according to Ministry of Health and the Medical Industry figures, maternal mortality fell by 83 per cent.

Average life expectancy for both men and women is trending upwards. In 2006 it stood at 72.9 years for women and 66.2 years for men.

#### **4. Right to life and improved living conditions**

87. An extensive programme of housing construction is under way. Citizens are becoming the owners of better planned, more comfortable homes on beneficial terms; part of the costs of acquisition are paid by the future owner's workplace.

88. One of the main steps taken by the State to encourage the development of small and medium-sized towns, especially in rural areas, has been the approval by the President of his National Programme for the transformation of social and living conditions in villages, towns, cities, districts and district centres by 2020. The objective of the Programme is a fundamental improvement in living conditions for people living in the countryside and small towns, the development of physical infrastructure and the social development of rural settlements, villages, small towns and district centres. The Programme will be carried out in three phases, 2008-2010, 2011-2015 and 2016-2020. Overall investment in the Programme is estimated at about \$US 4 billion.

The Programme calls for modern district social and economic infrastructure to be built: hospitals, convalescent homes and health centres, preschool institutions, secondary schools, cultural centres, sport schools and sporting facilities, water and sewage networks, wells, roads, gas pipelines, electricity supply lines and installations, improved communications and housing. Construction of 5,222,400 square metres of high-comfort housing is planned by the year 2020.



## 5. Women's and children's rights

89. The recommendations of the United Nations Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women are being taken into account and gradually implemented as issues relating to the rights of women and children in Turkmenistan are addressed. The Turkmen Constitution proclaims that men and women are equal in all areas of social and political life. Article 18 stipulates that men and women in Turkmenistan shall have equal civil rights. Violation of equality on grounds of sex is illegal.

90. Women currently make up 50.2 per cent of the population, and men, 49.8 per cent. Sixteen per cent of the members of parliament are women, and women are represented in elective and executive bodies at all levels of government.

91. (1) The Women's Equality (State Guarantees) Act was passed in December 2007. This implements the Convention on the Elimination of All Forms of Discrimination against Women. It is intended to promote the attainment of the main principles of Turkmen policy on human rights, eradicate all forms of discrimination against women, bring about the general development and advancement of women, and establish State guarantees for women's exercise of human rights and freedoms in the political, economic, social, cultural and other spheres on an equal footing with men. It gives a legislative definition of discrimination against women.

(2) Events (lectures, training sessions and consultations) are being held in the capital and the provinces, with UNDP, UNFPA and UNICEF backing, to increase awareness of women's and children's rights and the production of national reports for submission to the United Nations treaty bodies among the general public, representatives of State bodies and members of the Interdepartmental Commission.

(3) Every year, on the International Day of the Child, the Government and the UNICEF office in Turkmenistan jointly conduct a National Children's Forum attended by children from all provinces of the country.

92. Turkmen legislation reveals a concern about women and children, offering them certain advantages in occupation and employment, working conditions and labour protection. The principal pieces of regulatory legislation in this regard are the Social Security Code, the Code of Labour Laws, the Employment Act, the Labour Protection Act, the Young People's Right to Work (Safeguards) Act, the Leave Act and the Rights of the Child (Safeguards) Act.

93. The Social Security Code prescribes a one-off benefit payment upon the birth of a child and a monthly maintenance allowance until the child is 18 months old, as a means of providing welfare support for families with newborn children and encouraging families to have more children.

94. Under the Code of Labour Laws, pregnant women engaged in farm work in the fields work a reduced working day of six hours but continue to be paid the average wage. Refusing to hire pregnant women or reducing their pay on the grounds that they are pregnant or have children aged under 3 years (16 years if the child is an invalid, 14 if the (healthy) child's mother is single) is prohibited.

The Code calls for enterprises employing a large proportion of women to lay on services for women. Such enterprises, where a full working day is observed, offer crèches and kindergartens, rooms for breastfeeding, and ladies' rooms.

95. Under the law, fathers raising children without their mothers and the foster parents (guardians) of minor children are eligible for the safeguards and benefits extended to women in connection with motherhood.

96. A presidential decree extending the rights of citizens attaining the age of 16 years was adopted in 2002. This authorizes such citizens to enter into employment relationships with businesses, organizations and institutions under various systems of ownership.

97. The Young People's Right to Work (Safeguards) Act was passed in 2005. This envisages measures to protect children against economic exploitation involving the use of violence and prohibits situations that could endanger a child's health, prevent a child from receiving an education, harm a child's health or physical, mental or spiritual development, or prevent a child from exercising his or her freedom of conscience.

The Act prohibits the conclusion of a contract of employment with a child under the age of 16 years; children who have reached the age of 15 years (instead of the 14 years that previously applied) can take a job with the written permission of one of their parents, but only if the job will not hamper their continuation of studies at school.

98. As far as rights are concerned, workers under the age of 18 years are assimilated to minors and enjoy the benefits in terms of labour protection, working hours and leave that are established by the Code of Labour Laws and other employment legislation.

99. Anyone under 18 can be employed only after undergoing a medical check-up; thereafter they are subject to a mandatory check-up, conducted during working hours and paid at the average wage rate, before they reach the age of 18. Employees under 18 cannot be assigned to night work, overtime work or work on public holidays.

100. Employees under 18 can be sacked by management only with the assent of the Commission on Minors' Affairs; the overall dismissal procedure must also be observed. In individual cases, dismissal is not permitted without placement in other employment.

101. Employment contracts with workers aged under 18 can be rescinded at the request of the minors' parents, adoptive parents or guardians, the tutorship or guardianship authorities or other bodies responsible for monitoring compliance with labour legislation, if continuation of the contracts would endanger the minors' health or infringe their legitimate interests.

102. The Labour Protection Act makes special provision for individual categories of worker (women, young people, the disabled) and for workers engaged in heavy work or work in dangerous or harmful conditions.

#### **D. Promotion and protection of human rights: raising awareness**

103. (1) Turkmenistan devotes great attention to the circulation of information about national and international legal texts on human rights and freedoms. Ad hoc Parliamentary and Cabinet issuances, newspapers and magazines distributed by subscription or sold retail provide the general public with full details in Russian and Turkmen of laws and other legislation relating to human rights and freedoms and of the international agreements to which Turkmenistan accedes. Regulatory acts relating to human rights and freedoms which are not brought to public notice are invalid from the moment of their adoption.

(2) Long-term humanitarian programmes are being conducted, in conjunction with the offices of international organizations and foreign embassies accredited to Turkmenistan, to heighten public awareness of the fundamental international agreements on human rights and freedoms.

(3) The texts of conventions and agreements are published in Turkmen and Russian. Their substance is regularly explained in the mass media; there are special radio and television broadcasts, and articles and reviews appear in newspapers and magazines.

(4) The Government is planning to provide all segments of the population with Internet access in the very near future. All educational institutions are being equipped with up-to-date computer technology and Internet access under government programmes.

(5) Since 2008 it has been possible to subscribe to and obtain periodicals from foreign countries, notably the Russian Federation, anywhere in Turkmenistan.

104. The ministries of foreign affairs, justice, culture and broadcasting and education, the State Statistics Committee, the Higher Science and Technology Council, the National Democracy and Human Rights Institute within the Office of the President, higher institutions of learning and voluntary organizations in Turkmenistan, with backing from United Nations agencies (UNICEF, UNDP, OHCHR, UNFPA), OECD, IOM and a number of other international organizations in Turkmenistan, publish collections of international texts and national legislation on human rights and freedoms, run joint seminars, round tables, conferences and presentations in the capital and all provinces for the staff of State entities working in the human rights domain.

The National Democracy and Human Rights Institute within the Office of the President periodically issues a magazine entitled *Demokratiya I Pravo* ("Democracy and Law") in Turkmen, Russian and English. In collaboration with a variety of ministries and government departments and with backing from the offices of United Nations agencies in Turkmenistan, it has issued 18 compilations, including "International Decisions on Human Rights", "Human Rights and the Administration of Justice in Turkmenistan", "Women's Rights in Turkmenistan", "Refugee Rights in Turkmenistan", "The Rights and Duties of Foreigners in Turkmenistan", and "Protection of Personal Rights and Freedoms in Turkmenistan".

### **E. Main priorities and concluding provisions**

105. (1) The new Government of Turkmenistan has stepped up international cooperation, giving priority to dialogue with the United Nations. It is following an "open door" policy, complying unswervingly with all international commitments it has undertaken and implementing the recommendations of United Nations human rights treaty bodies. It pays special attention in its foreign policy to the preparation and presentation to the treaty bodies of national reports.

(2) In the light of actual circumstances and with the agreement of the OHCHR regional office, the schedule for the submission of reports to United Nations treaty bodies has been approved as follows:

- (a) Common core document in mid-2008;
- (b) Universal periodic review in September 2008;
- (c) Initial report on the status of implementation of the International Covenant on Economic, Social and Cultural Rights at the end of 2008;

(d) Initial report on the status of implementation of the International Covenant on Civil and Political Rights at the end of 2009;

(e) Initial report on the status of implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the end of 2009;

(f) Sixth and seventh reports on the status of implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in mid-2010;

(g) Periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the end of 2010;

(h) Periodic report on implementation of the Convention on the Rights of the Child at the end of 2010.

(3) The Turkmen Government has produced and sent to the relevant United Nations committees a series of national reports on compliance with international law, including the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child; it has also sent feedback on the recommendations made by United Nations committees (under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child).

(4) Work on the common core document and the national report on implementation of the International Covenant on Civil and Political Rights is now under way.

106. (1) The long-term work plan of the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations calls for a draft national human rights programme which it is proposed to produce under the joint OHCHR, European Commission and UNDP project to enhance Turkmenistan's national capacity to promote and protect human rights. The work plan also calls for a series of State-level events to mark the sixtieth anniversary of the Universal Declaration of Human Rights.

(2) The Interdepartmental Commission is preparing proposals to refine operations in the State statistical authorities with a view to the accomplishment of the reforms referred to above, the provision to national and international entities of the fullest, most reliable possible information, and the conduct of comparative analyses.

107. The reforms being undertaken by the new Government in Turkmenistan are a dynamic process. The principal objectives are greater well-being for the people, a better standard of living, universal protection for human rights and freedoms, the development of democracy and unswerving compliance with international obligations. At all stages, the construction of a new, democratic, secular, law-abiding State has been accompanied by legal regulation of all aspects of life in society and this, in turn, has helped to lay the national legislative foundations of a sovereign Turkmenistan. The foundation-laying process is now gradually giving way to structural refinement so as to afford maximum opportunity to exercise the civil rights and freedoms guaranteed under national and international standards. Decisions by the President to bring the Turkmen legal system into line with international standards have helped to expedite the refinement process. Since the primacy of the law needs to be further entrenched as an important condition for the observance and full exercise of civil rights and freedoms, the Turkmen parliament is working on drafts of a code of criminal procedure, a code of civil procedure, a penal enforcement code, a family code, and bills on the administration of justice and the status of judges, the procuratorial system, the legal profession and so forth.

108. (1) Signing the Amnesty Act of 29 September 2007, the President remarked on the need to reform the penitentiary system. As the legislature works on the draft penal enforcement code, it will be guided by article 10 of the International Covenant on Civil and Political Rights (the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status); the 1955 Standard Minimum Rules for the Treatment of Prisoners; the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); the 1997 Economic and Social Council Guidelines for Action on Children in the Criminal Justice System; article 27 of the Convention on the Rights of the Child (the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time); article 40 of the same Convention (States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law); and the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which States are supposed to incorporate into their legislation, and according to which States should establish an independent office to receive and investigate complaints made by juveniles deprived of their liberty and assist in the achievement of equitable settlements.

(2) As work on the bill to govern the legal profession proceeds, account will be taken of the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the document of the 1990 Copenhagen Meeting of the Conference on the Human Dimension of CSCE, paragraph 5.17 (any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require); and the Basic Principles on the Role of Lawyers, adopted at the Eighth United Nations Congress in 1990.

(3) As part of the reform of the juvenile justice system, the Interdepartmental Commission (see above, para. 3) of the Turkmen parliament has put forward institutional proposals, but has also suggested that the current Criminal Code, dating from 12 June 1997, needs to be improved as regards the decriminalization of offences committed by minors. Account must be taken of the Convention on the Rights of the Child, the Guidelines for Action on Children in the Criminal Justice System, the Beijing Rules, and more. The Commission suggests dialogue with UNICEF on this topic.

(4) As the new Family Code is drafted, account will be taken of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, especially as regards the raising of the marriageable age from 16 to 18 years.

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