



# Economic and Social Council

Distr.: General  
26 July 2018  
English  
Original: Russian  
English, French, Russian and  
Spanish only

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## Committee on Economic, Social and Cultural Rights

### Sixty-fourth session

24 September–12 October 2018

Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant**

## List of issues in relation to the second periodic report of Turkmenistan

Addendum

## Replies of Turkmenistan to the list of issues\*

[Date received: 4 June 2018]

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\* The present document is being issued without formal editing.



## **Replies to the list of issues in relation to the second periodic report of Turkmenistan on the implementation of the International Covenant on Economic, Social and Cultural Rights**

### **I. General information**

1. Turkmenistan, which is introducing legal reforms, is implementing the provisions of the International Covenant on Economic, Social and Cultural Rights in its national legislation. In the period since the last report, a set of measures has been implemented with the aim of further strengthening the legal foundations of Turkmen society and guaranteeing the political, economic, social and cultural rights of its citizens. The realization of the rights recognized in the Covenant, the furtherance of its aims and the fulfilment of its provisions are being achieved through the adoption of legislation and mechanisms for its implementation.

2. On 14 September 2016, the Turkmen parliament adopted a constitutional Act approving the new version of the Constitution. The new version of the Turkmen Constitution includes one new chapter (Economy and Financial and Credit System), 28 new articles and amendments and additions to 107 articles. The rights and freedoms of the citizens of Turkmenistan have been significantly expanded.

3. The Constitution of Turkmenistan provides for judicial protection for the honour and dignity of all persons and for the rights and freedoms laid down in the Constitution and laws. Everyone has the right to file complaints in court regarding decisions and actions of State bodies, public associations, local government bodies and officials. The country's Basic Law guarantees the right to claim compensation in a court of law for material or moral damage resulting from the unlawful actions of State bodies, other organizations or their officials, or individuals.

4. The right of access to justice is recognized as a fundamental human and civil right in Turkmenistan. The legal reforms undertaken in the country over the past decade include the adoption of the Code of Criminal Procedure, the Code of Civil Procedure and laws of Turkmenistan on the Court, on the Legal Profession and Legal Activity and on the Ombudsman and others.

5. Turkmen legislation relating to the independence and impartiality of the judiciary is based on the Constitution of Turkmenistan and international legal standards, including the international human rights conventions to which Turkmenistan is party.

6. Under the Constitution, judicial power in Turkmenistan is vested only in the courts. The independence of the judiciary is guaranteed under the Constitution of Turkmenistan. In article 98, it is clearly stated that the courts are independent, being subject only to the Constitution of Turkmenistan and to the law. Interference by any party in the work of the courts is not permitted and incurs responsibility as laid down by the law.

7. In addition, the Act of Turkmenistan on the Courts also provides that a judge has no obligation to anyone to provide explanations about the case under consideration or a case in progress. The independence and inviolability of judges are guaranteed by law. No criminal cases may be brought against a judge, and a judge may not be arrested without the agreement of the President of Turkmenistan. The inviolability of judges applies to the judge's person, place of residence and work, official and personal transport and other property. It is not permitted to detain or summon judges or assessors in the performance of their duties as court assessors or to take administrative action against them.

1. We should note that, in order further to enhance the office and independence of the judiciary, a Decree of the President of Turkmenistan dated 18 March 2017 approved the State Concept for the Development of the Judicial System for the period 2017–2021. The decree, following international practice, provided for the preparation of provisions on the duration of a judge's powers, the procedure for the

nomination of candidates for the post of judge and the rights and responsibilities of judges and court officials. The main tasks involved in the concept include: improving the quality of justice; guaranteeing access to justice; guaranteeing the openness and transparency of justice; guaranteeing the independence of judges and their subordination only to the Constitution and the law.

2. Pursuant to article 9 of the Constitution, Turkmenistan recognizes the primacy of generally accepted norms of international law. In that regard, if an international treaty to which Turkmenistan is party establishes norms other than those contained in national laws, the rules of the international treaty shall apply.

3. The newly revised Constitution (art. 81, para. 8) provides for the election by parliament, on the proposal of the President of Turkmenistan, of an authorized representative for human rights in Turkmenistan. The Ombudsman's activities complement existing public agencies for the protection of human and civil rights and freedoms.

8. On 23 November 2016, the Turkmen Parliament adopted the Act on the Ombudsman, determining the powers, rights, duties and the basic elements and guarantees of the Ombudsman's activities. The Act entered into force on 1 January 2017. On 20 March 2017, the parliament of Turkmenistan elected the Ombudsman of Turkmenistan on a competitive basis, and then established his Office.

According to the Act, the Ombudsman and his deputy have the right to personal integrity and, in the exercise of their powers, are independent and are not answerable to any State bodies or officials. In the exercise of their powers, the Ombudsman is independent and does not represent any State body, official, political party or other voluntary association.

The decisions of the Ombudsman reflect his freedom from political bias pursuant to his legal position under the Constitution, laws, international instruments to which Turkmenistan is a party and the universally accepted standards of international human rights law.

The activities of the Ombudsman and his Office are financed from the Turkmenistan State budget.

The law guarantees the independence of the Ombudsman, in line with international requirements relating to the status of national human rights institutions with a mandate that also covers the economic, social and cultural rights of citizens.

In accordance with article 18 of the Act, the Ombudsman shall:

1. Freely and without prior notification visit Government authorities, local government bodies, enterprises, institutions and organizations, irrespective of their organizational and legal form and forms of ownership, as well as correctional and other specialized establishments, pretrial detention facilities, detention facilities, the Armed Forces of Turkmenistan, other military forces and military institutions, and shall inspect their activities, either alone or in collaboration with competent State bodies, officials or civil servants;

2. Request and obtain from officials of State authorities, local authorities, enterprises, institutions and organizations, irrespective of their organizational and legal form and forms of ownership, any documents, materials and other information and explanations he requires;

3. Commission competent State bodies and scientific organizations to conduct expert research on matters requiring clarification;

4. Address proposals to independent State bodies or officials for the initiation of disciplinary, administrative or criminal proceedings against an official who has violated human rights and freedoms;

5. Exercise other powers provided for by this Act and other laws and regulations of Turkmenistan.

## II. Issues relating to the general provisions of the Covenant (arts. 1–5)

### Maximum available resources (art. 2 (1))

#### List of issues (E/C.12/TKM/Q/2), paragraph 4

(a)

#### Household living standards according to a living standards survey in Turkmenistan, 2011, percentages

No.	Indicator of well-being of the population	Percentage of population with incomes below the relative indicator, according to the survey	
		without subsidies	with subsidies
1.	50 per cent of mean (median) consumption	10.3	5.8
2.	Daily consumption at \$1.25 per person PPP	0	0
3.	Daily consumption at \$2.15 per person PPP	0.19	0
4.	Daily consumption at \$2.50 per person PPP	0.27	0
5.	Daily consumption at \$4.30 per person PPP	2.65	0.27
6.	Daily consumption at \$5.00 per person PPP	3.3	0.47

(b)

#### State budget revenues, Turkmenistan, millions of manat

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
State budget revenues	10 080.0	11 767.8	10 169.9	15 078.8	21 078.7	20 561.2	22 201.8	20 819.1	16 162.1	23 800.5

(c)

9. The Tax Code of Turkmenistan defines the types of tax and their features in terms of taxable items and taxation rates. The following types of tax have been defined: value added tax, property tax, corporation (business income) tax for legal persons, income tax for physical persons, excise tax, oil and gas royalties.

For value added tax, the Code stipulates a tax rate of 15 per cent.

10. For exported goods, a zero rate of value added tax is applied (except for natural gas, oil and petroleum products), which involves not only exemption from tax, but also reimbursement of the tax paid to suppliers of raw materials and other materials. This helps to stimulate the export of goods, making them more competitive in the global market and encouraging the inflow of foreign currency into the country.

Incentives have been introduced for individual types of socially relevant goods.

11. The Tax Code of Turkmenistan lays down a procedure for value added tax credit, based on the following principles:

- The credit applies to value added tax paid not only to suppliers of goods, works and services, but also in relation to supplies of basic materials and immaterial assets;
- The credit applies to the actual amount of tax paid by the payer for products, works and services during the reporting period.

In order to calculate this tax and other taxes, the accrual method is used. This method, widely used in international practice, uses the time of creation of the products (goods), works or services and the shipment of the products (goods).

12. In relation to property tax, the general principle has been established that the tax will be calculated at a rate of 1 per cent of the value of the property. However, the tax base includes only the basic production inputs and working materials assets used for production.

13. In the Tax Code, the following new provisions related to corporation (business income) taxes for legal persons have been introduced:

- The base assumed for calculating the business income tax is the total gross income minus total deductions, i.e. allowable expenses;
- The taxable profits are determined by the proceeds of the sale of goods, works, services calculated on the accrual basis;
- Expenses are assumed to be the deductions during the period to which they relate;
- Losses from a previous year may be taken forward, but for no more than three years.

The Code establishes two rates of income tax:

- 8 per cent for non-State-owned enterprises;
- 20 per cent for other enterprises.

14. For individual entrepreneurs and small businesses, a simplified tax system has been introduced, in which the tax is payable at a single rate of 2 per cent of gross income.

15. A single rate of 10 per cent has been set for taxation of individual income (income tax), regardless of the person's income, with a system of deductions from taxable income above the non-taxable minimum.

16. The payers of excise duty are legal and physical persons exercising taxable activities or importing excisable goods into the customs territory of Turkmenistan.

In the system of applied excise duties, there is a procedure for calculating and paying excise duty on both the importation and the production of excisable goods. Accordingly, excise duty is calculated from the customs value and the cost of manufacture (minus value added tax) at a differential rate determined by the type of goods in question.

The following excise rates (expressed as a percentage of the manufacturing cost) have been set for manufactured products:

- Beer — 10 per cent;
- Alcoholic beverages, depending on their alcohol content — between 15 per cent and 40 per cent;
- Gasolines, diesel — 40 per cent.

The following excise rates have been set for imported goods:

- Beer — 50 per cent of the customs value, but not less than 4 manat per litre;
- Alcoholic beverages — 100 per cent of the customs value, but not less than 20–30 manat per litre, depending on their alcohol content;
- Spirits — \$4 per litre;
- Tobacco products — 30 per cent of the customs value, but not less than \$0.5 per pack;
- Other manufactured tobacco products and manufactured tobacco substitutes — \$10 per kilogram;
- Passenger cars — \$0.3 per cubic centimetre of engine capacity.

17. The payers of oil and gas royalties are legal and physical persons — individual entrepreneurs engaged in mining or the extraction and use of underground (terrestrial) water to extract chemical elements and compounds on the territory of Turkmenistan.

The tax rate for gas has been set at 22 per cent, and that for crude oil at 10 per cent, of the total volume produced.

For other minerals, tax on the profit made is calculated at rates varying from 30 per cent to 50 per cent depending on the profit made, which must be more than 15 per cent. The tax rates set for the period of development and exploitation of mineral deposits are reduced by 50 per cent, for no more than three years.

18. The Code provides for tax subsidies and tax exemptions.

19. A procedure has been established for the taxation of income from gambling at a flat rate.

(d)

#### Structure of State budget expenditure, Turkmenistan

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
State budget expenditure as a percentage of gross domestic product (GDP)	10.9	17.6	13.8	14.6	14.7	16.9	17.0	17.3	14.1	7.9
Expenditure on education as a proportion of total State budget expenditure (percentage)	25.3	17.0	24.0	23.4	24.3	25.6	27.4	23.1	23.4	21.1
Expenditure on health care as a proportion of total State budget expenditure (percentage)	8.7	6.3	7.6	7.3	6.8	6.4	6.6	6.9	7.8	8.9
Expenditure on utilities as a proportion of total State budget expenditure (percentage)	8.1	14.9	15.6	17.7	18.9	19.5	20.7	21.9	13.9	21.8
Expenditure on water supply as a proportion of total expenditure on utilities (percentage)	10.3	4.2	4.5	3.8	3.3	2.9	3.7	4.1	6.8	3.6
Expenditure on housing and community development as a proportion of total expenditure on utilities (percentage)	28.2	79.6	72.2	77.3	80.9	83.2	83.0	81.1	69.3	83.7
Expenditure on public health activities as a proportion of total expenditure on utilities (percentage)	4.1	1.3	1.6	1.4	1.2	1.0	0.9	1.0	1.9	1.0

(e)

#### State budget expenditure, Turkmenistan, millions of manat

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
State budget expenditure	5 375.3	10 124.2	8 877.5	12 179.9	14 694.6	18 852.9	21 101.0	21 693.1	17 831.2	23 785.4
Including:										
Education	1 361.5	1 721.3	2 128.9	2 849.9	3 569.6	4 820.6	5 781.1	5 011.4	4 170.9	5 028.9
Health care	468.4	639.4	672.4	894.9	996.7	1 207.6	1 400.2	1 496.2	1 386.0	2 122.5
Housing and communal economy	433.2	1 505.8	1 383.2	2 153.2	2 773.4	3 679.7	4 374.7	4 752.9	2 476.4	5 194.3
Of which										
Water supply	44.6	62.8	62.5	81.1	92.5	108.5	161.6	194.5	167.6	188.7
Housing construction and community development	122.2	1 199.1	999.3	1 663.4	2 243.6	3 061.5	3 632.9	3 856.1	1 715.1	4 347.8
Public health activities, including measures to limit and monitor environmental pollution	17.6	19.7	21.5	30.1	32.6	37.1	40.4	47.3	46.4	51.0

## **Non-discrimination (art. 2 (2))**

### **Paragraph 5**

20. The Constitution of Turkmenistan and all national legislation contain provisions prohibiting discrimination.

21. The Constitution of Turkmenistan guarantees equal human and civil rights and freedoms and the equality of individuals and citizens before the law and the courts, irrespective of nationality, skin colour, sex, origin, financial or official status, place of residence, language, attitude to religion, political beliefs or any other circumstances. As Turkmen citizens, members of ethnic minority groups, including various national and social groups of the population, are guaranteed all the rights and freedoms provided by the Constitution and laws of Turkmenistan (Constitution, art. 28).

22. The Constitution also establishes that men and women in Turkmenistan have equal rights and freedoms and equal opportunities to exercise them. Gender-based violations of equality are punishable by law (Constitution, art. 29).

23. The Act on Education (4 May 2013) contains norms that guarantee citizens all the necessary conditions for obtaining an education, irrespective of nationality, skin colour, sex, origin, property or official status, place of residence, language, attitude to religion, political beliefs or other circumstances, as well as age and health status. The State arranges for citizens with special needs, i.e. persons with physical and (or) mental impairments, to receive education in mainstream educational establishments (inclusive education). Special institutions have been set up for children who, for health reasons, are unable to participate in mainstream education, with special teaching methods, treatment for developmental defects and measures of social integration (Constitution, art. 4).

24. The standards enshrined in the law are applied in practice. For example, some educational institutions operate jointly with foreign partners: the joint Turkmen-Russian A.S. Pushkin secondary school, the Ashgabat International School, the Oguz Khan University of Engineering Technology, the International University for the Humanities and Development and others. Foreign students also study at higher education and secondary specialized educational institutions in Turkmenistan, and student exchanges take place. These are all clear examples of ensuring non-discrimination in education.

25. The Turkmen Social Protection Code (19 October 2012) sets out the standards for employment, education and vocational training for persons with disabilities (Social Protection Code, chapter 23 (arts 131–139)) and the right to housing of persons with disabilities (chapter 25 (arts. 147–152)). Under the Code, the education and health authorities must provide preschool and extracurricular education for children with disabilities and general secondary education for persons with disabilities, and assist in the vocational training of persons with disabilities in accordance with the person's individual rehabilitation programme.

26. The education and health authorities must arrange for the education of disabled children of preschool age and the provision of the necessary rehabilitation assistance in mainstream preschool institutions so that children with disabilities may attend.

27. For disabled children whose health prevents them from attending mainstream preschool institutions, specialized preschools have been established.

28. General secondary education and primary, secondary and higher vocational education for persons with disabilities are provided in mainstream educational institutions or, if appropriate, in the special educational institutions provided for by the Turkmenistan Act on Education.

29. Persons with category I or II disabilities for whom a medical and social commission of experts concludes that training in primary, secondary and higher vocational training institutions is not appropriate are accepted into such establishments without taking an examination.

Persons with category III disabilities, where other conditions are equal, enjoy priority in admission to primary, secondary and higher vocational schools.

30. While persons with disabilities are in education in secondary and higher vocational education institutions, they receive full State grants and scholarships.

31. When their education is complete, they will be assigned to work, taking into account working conditions and their individual programmes.

32. The education and other State authorities arrange for access to extracurricular education for children with disabilities.

33. The education authorities organize educational activities for children with disabilities who have undergone treatment in hospitals, treatment and prevention facilities or rehabilitation centres.

34. Other prime examples of the resolution of social problems are provided by the approval of the presidential decree on the action plan on ensuring the full realization in Turkmenistan of the rights of persons with disabilities to work and employment of 14 October 2016 and the presidential decree on the construction of apartment buildings and upgrading of neighbouring areas for people with disabilities and other persons in particular need of social protection in the Akhal, Balkan, Dashoguz, Lebap and Mary regions and the City of Ashgabat.

35. The State guarantees relating to employment pursuant to the Turkmenistan Act on Employment of the Population (18 June 2016) guarantee everyone equal rights and opportunities to gain a profession and obtain work, remuneration appropriate for the quantity and quality of work done and advancement in their profession; legal protection against any form of discrimination, unjustified refusal to employ a person and illegal dismissal or termination of an employment contract (art. 6).

36. The Labour Code of Turkmenistan (18 April 2009) prohibits discrimination in labour relations (art. 7) prohibits the restriction of employment rights or the acquisition of privileges on the basis of ethnicity, skin colour, race, sex, origin, property or official status, place of residence, language, age, attitude to religion, political views, party affiliation or lack of affiliation to any political party, or other circumstances unrelated to the professional qualities of employees or the results of their work.

#### **Paragraph 6**

37. Information about close relatives is provided when a citizen is employed in order to comply with the provisions of article 22 of the Turkmenistan Labour Code and the Turkmenistan Act limiting the simultaneous employment of relatives in State executive and administrative bodies, which prevents the simultaneous employment (service) in State executive and administrative bodies, or in the same State enterprise, organization or institution of persons who are closely related by blood or by marriage (parents, spouses, siblings, sons and daughters, and also spouse's parents, siblings and children), if their work (service), if in their work one of them directly reports to or is under the control of the other. The holding of elective office is exempted from this rule.

38. The constitutional principle of equality of human and civil rights and freedoms regardless of nationality is enshrined in the Turkmenistan Labour Code, Social Protection Code, Act on Employment and other laws and regulations of Turkmenistan.

39. Employment, labour and social statistics do not include data on the ethnicity of citizens, since all citizens, including ethnic minorities, have the right to equal participation, both in employment and in pension and social security matters.

### **Equality for men and women (art. 3)**

#### **Paragraph 7**

40. In Turkmenistan, a gender policy is in force, intended to strengthen the principles of equal participation of women and men in the social, political, economic, social and cultural

spheres. Appropriate legislative and practical conditions have also been established. The constitutional principle of equal rights and freedoms for men and women is the basis for the national regulatory frameworks that prohibit discrimination on the grounds of sex (see information on paragraph 5 of the list of issues).

41. The Turkmenistan Act on State guarantees for equal rights and equal opportunities for women and men, adopted on 18 August 2015, establishes State guarantees of equal rights and equal opportunities for women and men in all spheres of State and public life. The State guarantees and takes all measures to ensure gender equality in the areas of health care, education, science, culture, labour and social protection.

42. Over 45 per cent of all those employed in the country's economy are women. Currently, 23.8 per cent of managerial positions are occupied by women. We should note that 31, or 24.8 per cent, of the 125 members of the sixth convocation of the Turkmen parliament are women. The Speaker of the parliament is a woman. Women are also members of representative and executive bodies of the Government at all levels. Of the 240 members of the provincial people's councils (khalk maslakhaty) of the city of Ashgabat, 20.42 per cent are women. Of the 1,200 members of the district and municipal people's councils, 26 per cent are women, and of 5,900 members of local councils — 22.05 per cent are women.

43. The level of women's participation in the labour market reflects their level of economic activity. In 2016, women accounted for 42.8 per cent of the economically active population and 45.1 per cent of the number of people actually employed. In 2015, these figures were 42.6 per cent and 44.9 per cent, respectively.

44. Of the number of people registered with public employment agencies in 2017, women accounted for 30 per cent; in 2015 this figure was 29 per cent. Of all women registered in 2017, 89.2 per cent were in work, compared with 89.3 per cent in 2015.

45. Under the Turkmenistan Education Act, Turkmen citizens are guaranteed access to education irrespective of their sex.

46. The general requirements for the admission of Turkmen citizens to educational institutions are the same for both males and females and are regulated by the Education Act and model clauses on educational institutions of various types (general and vocational), adopted in 2014.

47. Both general secondary and vocational education are available to both male and female applicants.

The percentage of women among students in higher vocational education was 34.1 per cent in the academic year 2013/14, 35.1 per cent in the academic year 2014/15, 35.5 per cent in the academic year 2015/16, 36.1 per cent in the academic year 2016/17 and 37.2 per cent in the 2017/18 academic year; in other words, it is increasing every year.

### **Paragraph 8**

48. The national action plan on gender equality 2015-2020 was adopted on 22 January 2015 and is being successfully implemented. The plan is a comprehensive document that defines the strategic objectives for promoting gender equality in order to create the necessary conditions for the further expansion of women's participation in the sociopolitical, socioeconomic, cultural and humanitarian life of our country.

49. Specific tasks are identified in the plan, with the structures required for their development and implementation in the advancement of gender equality in various aspects of women's lives.

50. The plan comprises 14 main objectives and over 60 actions.

Implementation of the plan is coordinated by the interdepartmental commission on compliance with the international obligations undertaken by Turkmenistan in the field of human rights and international humanitarian law.

The measures provided for in the plan are financed from the State budget.

### **III. Issues relating to specific provisions of the Covenant (arts. 6–15)**

#### **The right to work (art. 6)**

##### **Paragraph 9**

51. In accordance with article 6 of the Labour Code of Turkmenistan, every citizen has the exclusive right to use his or her capabilities for productive and creative work and to engage in any activity not prohibited by the law of Turkmenistan.

52. The State guarantees on employment pursuant to the Turkmenistan Employment Act provide for a free choice of occupation, type of employment and place of work, for the creation of healthy and safe working conditions, for the guarantee of equal rights and opportunities for everyone in accessing employment, for remuneration corresponding to the quantity and quality of work done and for advancement in the person's career; legal protection against any form of discrimination, unjustified refusal to employ a person or illegal dismissal or termination of an employment contract.

53. The system of residence registration therefore does not preclude access to employment.

54. In order to regulate labour relations, meet the demand for workers among employers in Ashgabat and improve recruitment practices, a presidential decision of 13 February 2016 approved a procedure for the registration of physical persons entering Ashgabat for the purposes of employment, under which Turkmen citizens, as well as foreign nationals resident in Turkmenistan and stateless persons resident in the city of Ashgabat for the purposes of employment but without residence permits or registration in Ashgabat, may be employed (or self-employed) by obtaining a work permit from the Ministry of Labour and Social Protection in Ashgabat.

55. The procedure for issuing a work permit is intended to make it easier for employers to recruit the persons concerned and provide suitable living conditions in Ashgabat.

##### **Paragraph 10**

56. In order to create wide-ranging opportunities and suitable conditions for the realization of the constitutional right of citizens to work and to improve the availability of decent work and the development of productive forces, the President of Turkmenistan adopted, in May 2015, a decree approving the programme to improve the range of employment opportunities and create new jobs in Turkmenistan for 2015–2020 and a plan of action for the implementation of this programme.

57. In 2017, 74,000 persons were registered with public employment agencies; in 2015, this figure was 80,300. The proportion of citizens in employment in 2017 was 92 per cent; in 2015 it was 92.2 per cent. For information on employment among women, see information on paragraph 7 of the list of issues.

58. The slight decrease in the number of citizens approaching employment agencies and the number found employment by them reflects the creation of favourable conditions for citizens to engage in self-employment and, in particular, their active participation in small- and medium-sized businesses.

59. In 2015, the proportion of persons employed in the non-State sector of the economy was 75.6 per cent of all employed persons, while in 2016 the figure was 75.8 per cent. In 2015, persons employed in the private sector accounted for 61.6 per cent of those employed in the non-State sector; in 2016, the figure was 62.7 per cent.

60. Individual entrepreneurs who have not created a legal entity account for approximately 27 per cent of all economically active persons.

61. Statistical data on the employment of children are presented in paragraph 14 of the present report.

62. Labour and employment statistics do not include data on the ethnic origin of citizens, since all citizens living in Turkmenistan, including ethnic minorities, have the right to equal participation in the labour market. The constitutional principle of equality in human and civil rights and freedoms regardless of nationality is enshrined in the Turkmenistan Labour Code, Social Protection Code, Employment Act and other laws and regulations of Turkmenistan.

### **Paragraph 11**

63. Pursuant to the Turkmenistan Employment Act, the guarantees afforded by the State to every citizen include a free choice of occupation, type of employment and place of work, and legal protection against any form of discrimination.

64. In order to improve the living standards of persons with disabilities, ensure their full right to work and create the appropriate conditions for them to work, a presidential decision of October 2016 approved a plan of action to achieve the full realization of the rights in the area of labour and employment of persons with disabilities in Turkmenistan for the period 2017–2020.

65. According to data from a statistical survey, employed persons with disabilities accounted for 0.5 per cent of all workers in large and medium-sized enterprises in 2016; in 2015 this figure was 0.47 per cent.

66. According to the Pension Board of Turkmenistan, as at 1 January 2018, the number of employed persons with disabilities was 5.9 per cent of the total number of persons with disabilities; as at 1 January 2017, the figure was 5.8 per cent.

67. Under the above-mentioned plan of action, in respect of the early identification of disabling diseases, activities are planned for the prevention of such diseases and the enhancement of measures to rehabilitate persons with disabilities.

68. A draft act on public procurement of goods produced by associations of persons with disabilities has been prepared. It is also planned to create the conditions for persons with disabilities to participate fully in small and medium-sized business activities. A procedure has been drawn up for vocational training for persons with disabilities, following their personalized rehabilitation programmes.

69. Work is in progress in collaboration with the Ministry of Road Transport of Turkmenistan to introduce “welfare taxi” services. With the Ministry of Education, consideration is being given to adding a “social worker” specialism to the list of specialists to be trained at secondary and tertiary vocational education establishments in Turkmenistan.

70. Every year, new facilities, including community facilities, are introduced in Turkmenistan that meet international standards on the access of vulnerable groups to the social infrastructure.

71. In January 2017, a presidential decision was adopted on the construction in the provinces and the city of Ashgabat of housing for people with disabilities and other persons in particular need of social support. Accommodation is provided free of charge.

72. Comfortable buses have been introduced in the urban public transport system, taking into account accessibility for vulnerable population groups.

## **The right to just and favourable conditions of work (art. 7)**

### **Paragraph 12**

73. Pursuant to article 49 of the Constitution of Turkmenistan, employees have the right to receive remuneration commensurate with the quantity and quality of work done. This remuneration may not be less than the minimum wage established by the State. Specific articles of the Labour Code comply with this constitutional standard.

74. The principle of equal pay for work of equal value is no mere formality, but is applied in social and legal practice, i.e. the amount and types of remuneration are

determined through an objective assessment of the work done, irrespective of the worker's sex. Practical measures for the realization of this principle are the qualifications system for different types of work and payment based on an objective assessment; the use of different types of pay, incentives, fees and other supplementary payments or benefits; avoidance of situations in which a different system was applied to work of equal value.

75. According to the official Government statistics, women are paid fairly well in the various sectors of the economy of Turkmenistan. In 2015, women's pay in the Turkmen economy as a whole was 13 per cent lower than men's; in 2016 the figure was 12 per cent, and in 2017 it was 10.6 per cent.

76. Some differences in the average pay of men and women in certain sectors are largely due to the amount of time worked and the characteristics of work performed in special conditions.

77. For example, women's pay in mining and quarrying, cargo transport and storage, repair of motor vehicles and engines and construction is between 13 and 26 per cent lower than men's.

78. Because of the special conditions of work and the continuous process of production it is predominantly men who are employed in these sectors. Accordingly, various bonuses and allowances are paid in addition to the standard rate of pay (salary) for work in these conditions.

79. The highest proportion of working women is to be found in economic activities such as manufacturing (light industry/food), agriculture, forestry and fisheries (excluding tenants and farmers), health care and social services, education, the arts, information and communications, hospitality and other activities in which women's pay is only 5–10 per cent below that of men.

80. In the light of the changes in the labour legislation of Turkmenistan, it is now permitted to recruit women with children under the age of three years (or a disabled child under the age of 18 years), to perform night work, to work overtime, at weekends, on non-working holidays or memorial days and to engage in shift work, with their consent. In practice, women frequently make use of their right to refuse these types of work.

81. In order to reconcile their work and their family responsibilities, women more frequently adopt a "flexible" work schedule than men: a part-time work day (week), temporary work, etc.

This has some effect on women's pay.

82. In various sectors of the economy, women occupy different posts from men. However, where women perform work of equal value to that of men, the principle of equal pay for work of equal value applies.

**Average pay of workers in large and medium-sized enterprises by type of economic activity and gender, 2017 (results of a one-off survey)\***

	<i>Men</i>	<i>Women</i>
Average	1 431.9	1 279.9
Mining and quarrying	1 976.7	1 462.7
Manufacturing	1 282.6	1 088.2
Electric power, gas, steam and air conditioning	1 376.1	1 221.7
Water supply, purification, waste processing and extraction of recyclable materials	1 328.6	1 262.7
Construction;	1 276.9	1 112.8
Wholesale and retail trade; repair of motor vehicles	1 086.0	864.1
Transportation and warehousing	1 532.1	1 158.7
Hotels and restaurants	1 225.7	1 138.8
Information and communications	1 339.8	1 251.2

	<i>Men</i>	<i>Women</i>
Finance and insurance	1 638.4	1 505.3
Real estate	1 206.5	1 178.8
Professional, scientific and technical activities	1 535.9	1 320.7
Administrative and support activities	1 232.1	1 062.0
Government administration and defence; compulsory social security	1 889.3	1 325.1
Education	1 474.3	1 396.0
Health care and social services	1 424.3	1 270.1
Art, entertainment and leisure	1 225.8	1 051.3
Other service activities	1 270.0	1 057.0

### **Paragraph 13**

83. The State provides various mechanisms for achieving a balance between professional and family life, for both women and men. Thus, in certain conditions, guarantees and benefits granted to women in connection with motherhood (relating to night work, overtime, work on weekends, non-working holidays and memorial days, preferential work regimes, travel and other guarantees and benefits) are extended to fathers and persons acting in their stead (guardians, caregivers). Leave to care for a child up to the age of three years may be granted to the person who is actually caring for the child, including the father.

84. As noted in previous reports, the Labour Code provides for restrictions on the employment of women in harmful and/or hazardous (extremely harmful and/or extremely hazardous) working conditions, as listed in the Code, with the exception of non-physical work or sanitary and domestic services. The list is currently being reviewed in collaboration with the Ministry of Health and the Medical Industry of Turkmenistan and other competent bodies.

85. In order to promote women's employment, the possibility is being considered of removing the restrictions on the recruitment of certain categories of women in certain circumstances, depending on their physiological condition.

### **Paragraph 14**

86. Article 49 of the new version of the Constitution introduced a rule on the prevention of forced labour and the worst forms of child labour.

87. In June 2016, a change was made in the Labour Code, changing the minimum age for admission to employment to 18 years and stating that schoolchildren or students may work only with the approval of their parents or the care and guardianship authorities and the approval of the leaders of the educational institution concerned. Corresponding amendments have been made to the Social Protection Code and the Acts on State guarantees of the rights of the child and on road safety.

88. Of all persons registered with employment offices in 2013, children under 18 accounted for 1.2 per cent; in 2014 the figure was 0.4 per cent, in 2015 it was 0.3 per cent, in 2016 it was 0.1 per cent and in 2017 it was 0.08 per cent.

89. According to the annual statistical survey for 2014, covering 703,000 persons employed in large and medium-sized enterprises in Turkmenistan, there were 34 children under the age of 16 years (0.005 per cent); in 2015, there were 19 out of 721,000 persons (0.003 per cent) and in 2016 there were 12 out of 705,000 persons (0.002 per cent) under 16 years of age.

90. The Government of Turkmenistan has adopted national measures to prevent child labour, particularly in the cotton sector.

91. In the area of preventing the use of forced labour, Turkmenistan is committed to constructive dialogue with respected international organizations, as demonstrated by the visit to Turkmenistan in December 2015 of the Assistant Director-General of the

International Labour Organization (ILO) and Regional Director for Europe and Central Asia. During the visit, a number of meetings were held in ministries, departments and voluntary associations, at which the implementation of the fundamental ILO conventions ratified by Turkmenistan was discussed.

92. In February 2016, a formal meeting took place between the Director-General of the ILO and senior officials of the Ministry of Foreign Affairs of Turkmenistan. In March 2016, a round table was held in Ashgabat, with the participation of an expert on international labour standards of the ILO regional office in Moscow, on applying ILO international labour standards.

93. At the invitation of the Government of Turkmenistan, a working visit by ILO representatives to Turkmenistan took place in September 2016 as part of technical cooperation activities. The visit was led by the head of the section on the implementation of the conventions on child labour and forced labour of the ILO International Standards Department, a senior expert on international labour standards and labour law of the ILO Bureau for Eastern Europe and Central Asia, and an ILO expert on child labour and education.

94. Turkmenistan became one of the first countries in the world to begin consultations aimed at adapting the Sustainable Development Goals (SDGs), adopted in 2015.

95. The consultations identified targets and indicators under the SDGs covering key development priorities for the Government of Turkmenistan.

96. Tasks and activities were elaborated for Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), including target 8.7 (Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms). Activities and appropriate indicators are planned, including preventive measures against forced labour, modern slavery and human trafficking. SDG targets and indicators have been included in the national socioeconomic development programmes of Turkmenistan, as well as other national programmes, action plans and sectoral development programmes.

97. The draft national plan of action for children 2018–2022 includes measures to implement preventive measures for the prohibition and elimination of the worst forms of child labour, awareness-raising, special surveys and other activities connected with this topic.

## **Trade union rights (art. 8)**

### **Paragraph 15**

98. Membership of trade unions and the procedure and principles for establishing trade unions are governed by the Constitution, the Turkmenistan Act on trade unions and their rights and guarantees of trade union activity (09 November 2013), as well as the statutes of the trade unions of Turkmenistan.

99. Minimum requirements exist for membership of trade unions. In particular, under article 7 of the trade union statutes, any citizen of Turkmenistan who recognizes the trade union statutes, fulfils the requirements, registers with the primary trade union and pays the membership fees may become a member. The minimum number of persons required for the establishment of a primary trade union has been set at five.

100. Thus, the right to establish and join a trade union is a voluntary right; everyone has the freedom to join or refrain from joining a trade union, take part in trade union activities and withdraw from membership. At present (as at 1 January 2018), 1,138,000 people were trade union members.

101. Pursuant to article 19 of the statutes, the National Trade Union Centre is the governing body of the Turkmen trade union movement and takes action between

congresses, which are convened every five (5) years. The National Trade Union Centre brings together the trade union movement of Turkmenistan and coordinates the activities of new trade union entities.

102. Turkmenistan has 14 trade union entities, established along sectoral lines: agro-industrial workers, aviation and communications workers, road transport and road management workers, workers in State institutions, railway workers, health-care workers, utility workers, workers in culture, sport, tourism and public organizations, education and science workers, oil and gas workers, construction and industrial workers, textile workers, commercial workers and entrepreneurs and energy supply workers.

103. The sectoral trade union entities are headed by chairs of councils. Their legal basis is the Regulation on sectoral trade union organizations. According to the Regulation, the chairs of councils are elected by the trade union congress for a period of five (5) years. Sectoral trade union organizations have their own members and staff (experts). As at 1 January 2018, the aviation and communications workers' union had 20,900 members, the education and science workers' union had 192,900 members, etc. The largest sectoral trade union organization is now the agro-industrial workers' union, which has over 487,800 members.

104. The freedom to hold assemblies, rallies and demonstrations in the manner prescribed by law is guaranteed by article 43 of the Constitution.

105. In Turkmenistan there is no legislation on the right to strike. There has not been a single case of strike action during the entire period of Turkmenistan's independence. A strike is one of the measures used to resolve collective labour disputes and ensure that employers accede to certain demands expressed by workers. The mechanism for regulating collective labour disputes is laid down in a separate chapter, chapter 2, of section XVI of the Labour Code.

## **The right to social security (art. 9)**

### **Paragraph 16**

106. Depending on the items included in the consumer basket for certain categories of the population, a presidential decree is adopted every year, stipulating the minimum wage, which acts as the reference point for the establishment of pay rates and salaries of employees of enterprises, organizations and institutions, regardless of their organizational and legal form or form of ownership. This decree also establishes the basic values used to calculate the level of State benefits and the minimum pension.

107. The Employment Act provides for the development of procedures for recognizing a person as unemployed, registration of an unemployed person and removal of registration, which are approved by the Cabinet of Ministers. When a person has been recognized as unemployed, he or she is guaranteed unemployment benefit. In order to implement that guarantee, it is planned to establish a State fund to promote employment; the procedure for its establishment and the use of its funds will be approved by the Cabinet of Ministers. Draft regulations on this matter, including the procedure for determining and setting the amount of unemployment benefit, are currently under consideration by the competent authorities.

108. We should note the effectiveness of measures to increase real incomes in Turkmenistan. The good figures in this area over recent years have been achieved through consistent (annual) increases in wages, pensions and State allowances and grants, effective State pricing policies, effective support for private initiatives and a range of supplementary social benefits. The reduction to a minimum of the consumer price index has ensured a positive trend in the growth of nominal and real incomes.

## **Protection of the family, mothers and children (art. 10)**

### **Paragraph 17**

109. In accordance with the Act on State guarantees for equal rights and equal opportunities for women and men, the State guarantees equal rights for women and men in respect of protection from sexual assault, abduction and trafficking (art. 24). The perpetrators of such acts are criminally liable under the Criminal Code. The Code is the basis for improving national legislation on these issues and for further legislative work aimed at preventing violence against women in all its forms.

110. In Turkmenistan, there is no specific law on violence against women and the law does not provide for the offence of “domestic violence”. However, the Criminal Code criminalizes unlawful acts committed in the home. Relevant legal provisions provide for liability for wrongful acts intended to violate the honour and dignity of the person, cruel treatment and various types of injury, including acts committed against women.

111. One of the objectives of the national action plan on gender equality 2015–2020 is to analyse the legislation with a view to adopting legislation to criminalize violence and conducting a survey on the prevalence, causes and consequences of all forms of violence against women, including domestic violence. In partnership with the office of the United Nations Population Fund (UNFPA) in Turkmenistan, workshops have been conducted to devise a survey methodology and familiarize participants with the laws of other countries in the field of domestic violence and with their practice, through study visits.

112. As part of the study on the prevention of gender-based violence, the interdepartmental commission on compliance with the international obligations undertaken by Turkmenistan in the field of human rights and international humanitarian law and its working group were familiarized with the concept for inter-agency response to gender-based violence, with the participation of an UNFPA international expert from Romania.

113. Currently, a questionnaire survey on the prevalence of violence against women and its root causes is being developed. The State Committee on Statistics of Turkmenistan is carrying out preparatory work for conducting a survey based on the number of family medical facilities listed by the Ministry of Health and the Medical Industry of Turkmenistan, which will yield a list of selected households for the survey.

114. Based on the results of the study, proposals will be developed on amendments and additions to the existing national legislation, or the feasibility of developing draft legislation on domestic violence will be assessed.

## **Right to an adequate standard of living (art. 11)**

### **Paragraph 19**

115. All the national socioeconomic development programmes of Turkmenistan and other national programmes, action plans and sectoral development programmes, laws and regulations provide for strategic interventions to prevent deterioration in the living standards of the population, including through effective measures of social security and social protection.

116. Evidence of the effectiveness of the measures taken in this regard is the fact that Turkmenistan is a country with a per capita income above the average.

### **Paragraph 20**

117. The efforts made under the framework programme for the provision of clean drinking water to the country’s inhabited localities by 2020 have improved access to drinking water. The percentage of household members using improved drinking water sources has increased from 70.8 per cent (Multiple Indicator Cluster Survey (MICS) 3, 2006) to 82.8 per cent (MICS5, 2015–2016). In urban areas, access is virtually universal at 97.8 per cent, while in rural areas it is 73.2 per cent.

**Indicators related to improved drinking water**

<i>Indicator</i>	<i>Unit of measurement</i>	<i>Of which:</i>		
		<i>Total</i>	<i>Urban</i>	<i>Rural</i>
<i>A</i>	<i>B</i>	<i>1</i>	<i>2</i>	<i>3</i>
Volume of water treated at wastewater treatment plants	thousands of m <sup>3</sup>	3 996 96.5	362 887.1	36 809.4
Of which: drinking water treated to standard quality	thousands of m <sup>3</sup>	3 559 46.5	346 265.0	9 681.5

118. In accordance with the Sanitary Code, the State sanitary and epidemiological service of the Ministry of Health and the Medical Industry of Turkmenistan conducts continual sanitary and epidemiological surveillance of household and drinking-water quality according to State standards (GOST).

119. Drinking-water samples are analysed at the 78 certified laboratories located in subordinate institutions of the State sanitary and epidemiological service in all regions for compliance with the State standard for microbiological, chemical and organoleptic indicators.

120. The percentage of the population that has access to improved sanitation remains persistently high at 99 per cent (MICS5, 2015–2016).

121. A wide range of measures is being carried out in Turkmenistan for the prevention and control of communicable diseases. Systematic records are kept of patients suffering from intestinal infections and viral hepatitis A and E, and members of infection-prone population groups are vaccinated against hepatitis A.

122. Over the period 2010–2017, the incidence of hepatitis A declined by 27 per cent, that of dysentery by 9 per cent and that of typhoid to merely isolated cases, and poliomyelitis has been eradicated.

123. In 2015–2016, Turkmenistan conducted the fifth round of the multiple indicator cluster survey. Questionnaires in the survey included questions on the use of improved water sources and access to improved sanitation. Information on the use of improved water sources and access to improved sanitation can be found in the final report, available on the website of the United Nations Children's Fund (UNICEF — [www.mics.unicef.org/surveys](http://www.mics.unicef.org/surveys)).

**Paragraph 21**

124. The Housing Code of Turkmenistan provides for termination of the right of ownership of residential property in cases where the land on which the property is built is seized for State or social purposes. In the case of such demolition, an owner living in the property with family members or other persons permanently resident there are either offered an alternative dwelling in good condition and of equal value or are paid compensation to the value of the demolished property, household outbuildings and other structures and cultivated areas. Within the established standards, the owner may be granted land for the construction and provision of services for an individual property and paid the equivalent value of the demolished property, household outbuildings and other structures and cultivated areas. Pending the construction of an individual dwelling under private ownership, temporary accommodation will be provided through a rental contract for a period not exceeding three years.

**Right to physical and mental health (art. 12)****Paragraph 22**

125. Within the primary health-care system, there are 31 urban health clinics, 918 rural health centres and 607 rural health clinics which form part of the district hospital system. With their network of day-patient facilities, the health clinics are able, on an outpatient

basis, to provide a number of the medical services performed in hospitals. Every year, more than 41,000 persons receive treatment in these day-patient facilities.

126. The provision of health care is rendered increasingly more effective both by providing home-based services and by optimizing inpatient care.

127. Centrally managed and comprehensive medical facilities and a number of highly specialized clinics operate in the capital for the systematic provision of high-tech medical services consistent with international quality standards. A number of centres, in the areas of diagnostics, cardiology, internal diseases, diseases of the head and neck, dentistry, ophthalmology, neurology, surgery and endocrinology, have been brought together under a single administration system, as well as the Ene Mähri perinatal centre.

128. The administration system for infectious disease centres brings together centres for tuberculosis prevention, dermatology and venereology, infectious diseases, AIDS prevention and haematology, with a centralized laboratory.

129. Specialized clinics in Ashgabat and comparable facilities in the provinces include diagnostics; emergency response; oncology; maternal and child health; together with the Ene Mähri perinatal centres, they form a network of health institutions which each specialize in a given area. The specialized clinics and centres coordinate the work performed by corresponding services in the different regions of the country.

130. Over the period 2010–2017, approximately 30,000 items of innovative equipment manufactured by world-class companies were supplied to health-care facilities.

131. Over the period 2010–2017, the number of hospitals was increased to 120 through the opening of high-technology medical centres. The number of hospital beds increased from 20,636 to 22,574. By rationalizing the use of inpatient places and through the full examination of patients prior to their admission to hospital, it has been possible to cut the average hospital stay from 15.4 to 6.4 days.

132. For the provision of accident and emergency services, over the period 2009–2017 State budget funds were used to buy 579 ambulances equipped with communications equipment, GPS mobile terminals and other technology.

The Extreme Medicine Centre has been equipped with a specialized Super Puma AS332L2 helicopter.

133. To ensure implementation of the State programme for the development of the medical industry in Turkmenistan over the period 2011–2017, six new plants have been commissioned for the manufacture of finished drugs and medical appliances, most of which are included in the list of medicines available to the public on prescription at reduced rates.

134. An important priority of the State policy is to organize sanatorium and spa treatment or recreation for citizens. The State has invested more than \$200 million under the State programme to upgrade the physical infrastructure and technical facilities of health resorts. The number of residential places during the period 2010–2017 has increased by 37 per cent (from 2,391 to 3,266), and the number of citizens making annual trips to the resorts has increased by 45 per cent (from 61,696 to 89,198).

135. Indicators of health coverage: immunization coverage to prevent common childhood infections remains consistently high, at an average of more than 95 per cent (2010–2017) As part of the national immunization programme, since 2016 children have been vaccinated against human papillomavirus, with coverage of 98.8 per cent.

136. The proportion of births attended by skilled health personnel was 99.9 per cent; antenatal care coverage (at least one visit) was 99.9 per cent (MICS5, 2015–2016).

137. The Government of Turkmenistan has a strict policy on drug control and prevention of drug abuse. Comprehensive activities are conducted in close cooperation with law enforcement agencies, educational institutions, health-care services, community-based organizations and the media.

138. In 2017, the Act on narcotic drugs, psychotropic substances and precursors and counteracting illicit trafficking was updated. Currently, the sixth national workplan on the

widespread introduction of healthy lifestyle principles and the guarantee of health security for the period 2016–2020 is being implemented.

139. Particular attention is being paid to the protection and promotion of young people's health and the promotion of negative attitudes towards unhealthy habits. Healthy lifestyles are increasingly prestigious in the country.

140. The Government cooperates with the United Nations Office on Drugs and Crime (UNODC), having signed a memorandum of understanding on cooperation in the field of drug control in the Central Asian region.

141. In collaboration with the Central Asia Drug Action Programme (CADAP) training workshops are held on prevention and treatment of addiction to psychoactive substances. With the assistance of CADAP and UNICEF, a pilot programme has been developed for the prevention of high-risk behaviour and prevention of drug use among young people in Turkmenistan.

#### **Paragraphs 23 and 24**

142. The reproductive health service includes reproductive health centres for women, men and adolescents. Services are provided at three levels: by specially trained family doctors in rural health centres and 104 reproductive health units; by six regional centres; and by the National Reproductive Health Centre. The population is provided with family planning services, contraceptives and advice and information materials on reproductive health. Ten brands of contraceptives are included in the list of essential medicines.

143. Pursuant to the 2013 memorandum of understanding between the Government of Turkmenistan and UNFPA, since 2017 the country has moved over entirely to government procurement of modern contraceptives.

144. Specialists from the reproductive health care service, working jointly with women's and youth organizations and with support from UNFPA, are conducting a range of campaigns, training sessions and workshops to promote women's reproductive rights and to heighten awareness about available reproductive health services.

145. The CHANNEL management information system enables the National Reproductive Health Centre to monitor in real time the use of methods and types of contraceptives, to assess the required level of stock throughout the country, prepare annual orders and distribute materials to the regions. This system is available in 83 per cent of units offering family planning service.

146. Contraceptives are not used in Turkmenistan for birth control but to improve health, including the reproductive health of women at risk. The coverage of the various types of contraception for women of childbearing age was 35 per cent in 2010 and 24 per cent in 2017.

147. In order to improve the health of expectant mothers, a new tool was introduced in 2013 for assessing the quality of the services provided in the area of family planning, groups at risk were defined and a new sectoral reporting form was introduced, with an indicator that determines the level of contraceptive prevalence among high-risk women. A reproductive health passport for mothers has been introduced. Thanks to extensive work by the reproductive health units to improve women's health and promote the rational use of contraceptives, combined with the higher birth rate, it has been possible to improve the contraception coverage of women at risk from 21 per cent (2013) to 71.4 per cent (2017).

148. Over the past five years (2013–2017), the abortion rate declined by 14 per cent; the rate in the age group up to 20 years has declined by a factor of two, and in the age group 35 years and above by 30 per cent.

149. Matters relating to the reproductive health of young people have been highlighted in the study on the needs of young people for adolescent reproductive health services, carried out in 2008 by the Ministry of Health and the Medical Industry and UNFPA. Awareness of contraception among teenagers proved to be moderately high, while their knowledge of means of protection against HIV/AIDS and sexually transmitted infections was found to be inadequate.

150. An evaluation of the availability and accessibility of (different types of) contraceptives in reproductive health facilities and the pharmacy network (2013) showed that modern contraceptives are generally available in public and private health facilities, most of which offered three or more contraceptive methods.

151. International sample surveys on health behaviour in school-aged children (HBSC surveys) carried out in Turkmenistan among schoolchildren aged 15 (2011) and among schoolchildren aged 13 and 17 (2013) included a module on reproductive health.

152. Turkmenistan has made significant progress in reducing maternal mortality through policies to strengthen health systems and empower women.

153. The reduction in mortality and morbidity among women is due to improvements in socioeconomic conditions, the quality of services in maternity facilities and the work done to improve the health of women of childbearing age; changes to clinical interventions to reflect the latest achievements of science and international guidelines; and the introduction of effective perinatal technologies as part of the World Health Organization (WHO) Safe Motherhood Initiative.

154. Over the past seven years, the WHO standards on the provision of medical assistance in obstetrics have been incorporated into national clinical protocols (over 40 protocols) and guidelines, which are followed by over 70 per cent of the maternity hospitals across the country. They have been introduced into the curriculum of the medical university. Improvements have been made to the infrastructure and health and safety conditions in most medical institutions; a reliable supply of basic medicines has been assured; intrapartum and neonatal technology packages recommended by WHO have been introduced and these have made it possible to boost neonatal survival rates for infants weighing between 500 and 1,500 grams from 15.5 per cent (in 2005, prior to the country's adoption of the standards for the registration of live births and stillbirths) to 57.8 per cent (2017). The early antenatal care coverage rate (up to 12 weeks) is 99 per cent.

155. Through the extensive application of effective perinatal technologies, it has been possible to reduce prenatal and postnatal haemorrhaging and cases of late gestosis. The proportion of deliveries by Caesarean section, as a contingency to reduce perinatal and maternal mortality, was 9.5 per cent in 2015, which is below the figure recommended by WHO (15 per cent). In many health establishments, the number of radical obstetric interventions and the use of blood products have been reduced, which in turn has helped to cut expenditure on drugs.

156. According to figures from the Ministry of Health and the Medical Industry, over the past seven years the maternal mortality rate has decreased by a factor of 1.5; in 2017, it was 4.4 per 100,000 live births.

#### Maternal mortality ratio, 2010–2017

	2010	2011	2012	2013	2014	2015	2016	2017
Maternal mortality rate per 100,000 live births	6.9	5.9	3.8	3.1	3.0	3.0	3.6	4.4

157. Almost all births take place in maternity facilities and are attended by qualified staff. This figure remains persistently high, at 99.9 per cent of all births (the proportion of home births is 0.1 per cent).

#### Proportion of births attended by skilled health personnel, 2010–2017, per cent

	2010	2011	2012	2013	2014	2015	2016	2017
Proportion of births attended by skilled health personnel, 2010–2017, per cent	99.9	99.9	99.9	99.9	99.9	99.9	100.0	99.9

158. Since 2014, health services in this area have been divided up by regions and a three tier perinatal service has been established; perinatal centres have also been equipped with the necessary equipment and specialized vehicles; operational algorithms have been devised for use by family doctors, obstetricians and gynaecologists in dealing with obstetric emergencies.

159. The WHO technique for analysing critical obstetric cases has been introduced. In 2015, some 30 critical cases were analysed in five pilot districts.

160. In 2015, seminars for obstetrician-gynaecologists and statisticians were conducted on the classification of preventable maternal mortality in Ashgabat and five provinces, reaching 120 specialists.

161. Twenty-six clinical protocols were developed for the most relevant topics in the area of care and resuscitation of newborns. All physicians and nurses working in maternity units are trained in these protocols and perfect their skills in a simulation centre. Twenty-one specialists have been trained in data collection for the BABIES Matrix and for a tool for improving the quality of neonatal services.

#### Information about public health expenditures

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Total health expenditure as a percentage of GDP	2.1	2.2	2.4	2.2	2.7	2.8
State budget expenditure on health as a percentage of GDP	1.1	1.0	1.1	1.1	1.2	1.1
Public health expenditure as a percentage of total health expenditure	72.4	75.5	73.3	70.8	72.5	69.9

#### Paragraph 25

162. Efforts to prevent HIV/AIDS are led by the National AIDS Prevention Centre, five regional AIDS prevention centres and 36 specialized diagnostic laboratories.

163. Cost-free and compulsory testing is carried out in Turkmenistan for HIV infection of donors and recipients, pregnant women, medical professionals who have contact with body fluids, patients requiring prompt treatment and those with cancer, tuberculosis, hepatitis B and C, herpes and other infectious diseases.

164. Since 2007, an information resource centre for women whose behaviour puts them at risk has been in operation, based at the AIDS Prevention Centre and receiving financial support from the United Nations Development Programme (UNDP) and UNFPA. Using the centre's hotline, members of the public can obtain the information they need without restriction and free of charge.

165. In 2010, a back-up stock of antiretroviral medication was established, and this is updated annually.

166. The National AIDS Prevention Centre conducts awareness-raising activities. In 2016–2017, there were 340 television and radio items; 2015 lectures were delivered; 2731 interviews, 425 seminars and 950 round tables took place, attended by approximately 445 people. Awareness of HIV/AIDS among health-care providers increased, through training seminars, lectures and discussions; during the period 2016–2017, these activities reached approximately 32,000 health workers.

167. Schoolchildren learn about HIV/AIDS prevention sexually transmitted infections, reproductive health and healthy lifestyles in the school subject "Basics of life safety".

168. The health information centre conducts extensive activities to increase awareness among the public, including adolescents and children, about HIV/AIDS, the ways HIV is transmitted and protection against it, including dissemination of information materials in the Russian and Turkmen languages among the various population groups.

169. Condoms are financed from the State budget and distributed free of charge through the AIDS prevention services, dermatology and venereology services, gynaecological clinics and reproductive health centres.

170. Every year on 1 December, informational and educational events are organized to mark World AIDS Day.

171. In Turkmenistan, 81 per cent of women aged 15–49 years have heard of AIDS; approximately 70 per cent of women know that the main way to avoid the transmission of HIV is to have a single, faithful, uninfected sexual partner; 61 per cent know that another way is to use a condom at every sexual contact; 62 per cent of women know that a person who appears healthy may nevertheless be infected; approximately 80 per cent of women know that HIV can be transmitted from mother to child (MICS5, 2015–2016).

#### **Paragraph 26**

172. The Turkmenistan Act on the State budget is adopted every year in October/November. The Act establishes the country's budget, including the health budget. The health budget is supplemented by funds from voluntary health insurance, which are used for the purchase of medicines and medical supplies. Health-care institutions are financed from both central and local budgets.

173. The State budget for the health sector is distributed item by item. If operational needs justify it, expenditure can be easily transferred from one item to another and one institution to another, within the limits of the resources allocated to the Ministry of Health and the Medical Industry.

### **The right to education (arts. 13 and 14)**

#### **Paragraph 27**

174. Ethnic minorities are guaranteed the right to use their mother tongue and to learn it. The lack of schools offering mother-tongue instruction for small ethnic minorities is attributable to difficulties in finding teachers and teaching materials, economic viability and other factors. It is not prohibited for people to obtain education through out-of-school courses and all educational activities are subject to licensing by the Ministry of Education. However, over the years of independence, no requests have ever been submitted for courses teaching any ethnic minority language.

175. If the parents so wish, the Ministry of Education helps them to teach their children their mother tongue by providing textbooks in the languages of the Uzbek or Kazakh ethnic groups from its own supply. If parents ask for it, assistance may be provided for the study of the native language through international cooperation with the education systems of other States.

#### **Paragraph 28**

176. Turkmen citizens follow educational and training courses outside Turkmenistan both on the basis of international agreements and by private arrangement, subject to the regulations on the procedure for the training of Turkmen citizens at secondary and higher vocational colleges of foreign States, approved by a presidential decision of 19 April 2013. These regulations place no restrictions on study outside Turkmenistan; furthermore, the diplomas awarded by secondary and higher vocational colleges of foreign States are recognized in Turkmenistan. The Labour Code provides for additional days of leave for people attending courses, including in foreign countries. The only restrictions on travel abroad are those established under the Migration Act for significant breaches of regulations, but these do not relate to study outside Turkmenistan.

#### **Paragraph 29**

177. Admission to State vocational training institutions is on a competitive basis, upon application by citizens. The rules of the competition ensure that the right of citizens to

education is guaranteed by the State and that the candidates enrolled are those most capable and best prepared for the vocational training programme in question.

178. It is illegal to “charge unofficial fees for access to higher education establishments”, and the criminal legislation of Turkmenistan establishes criminal liability for the receipt of bribes by officials and the practice of fraud. Concerted efforts are being made to fight corruption: to that end, in 2014, Turkmenistan adopted its Anti-Corruption Act. In June 2017, a State programme was adopted to combat corruption, with an implementation plan, and the State service to combat economic crime was established.

179. The Ministry of Education does not collect statistics on persons held criminally accountable for the above-mentioned crimes.

## **Cultural rights (art. 15)**

### **Paragraph 30**

180. Protection of the rights of ethnic minorities and small indigenous peoples is one of the tasks of the State under the Constitution of Turkmenistan.

181. Every year the international Nowruz holiday, which brings together many nationalities living in Turkmenistan, is celebrated at a high level.

The celebration of the Nowruz holiday, which took place in Ahal valley, Turkmenistan on 21–22 March 2018, was attended by delegations from Afghanistan, Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Republic of Tatarstan (Russian Federation), Tajikistan, Turkey and Uzbekistan.

182. In 2016, the single digital library system was introduced, bringing together 76 central libraries in the capital and other regions of the country. The system can serve over 600,000 readers and the technical capacity of the servers allows for storage of up to 11 million records of the materials preserved in the libraries.

183. Work also continues to bring national legislation into line with international obligations. In particular, on 26 August 2016, amendments and additions were made to the Culture Act (12 March 2010) and the Theatre and Theatrical Activities Act (8 November 2014).

184. In 2016, new laws were adopted on the protection, export and import of movable properties forming part of the country’s historical and cultural heritage, on cinematography and on folk arts and crafts.

185. Thus, the cultural policy, which is aimed at protecting the rights of ethnic groups living in Turkmenistan, includes a set of measures covering everything from State incentives to legislative support for activities in this area.

186. The celebratory concerts and cultural events held on the national holidays of national and ethnic minorities and the days celebrating the culture of other countries are evidence of veneration and respect for the culture, traditions and history of other peoples.

187. In 2016, days of culture were celebrated in respect of the Islamic Republic of Iran and Kyrgyzstan, as well as days celebrating the Republic of Tatarstan (Russian Federation). In 2017, days of culture were celebrated in respect of the Islamic Republic of Iran, the State of Palestine, Romania, the Russian Federation, the Republic of Tajikistan, the Republic of Turkey and the Republic of Uzbekistan. In 2018, days of culture were celebrated in respect of the Republic of Belarus and the Islamic Republic of Iran. These events include exhibitions, concerts, film screenings and other events that inform the audience about the history and recent development of these countries.

- On 20–23 March 2016, concerts by masters of arts and culture of the Islamic Republic of Iran and the Islamic Republic of Pakistan took place in Ashgabat to celebrate Nowruz.
- On 10-15 May 2016, on the occasion of Europe Day, the event “Week of Europe in Ashgabat” took place.

- On 11 June 2016, on the occasion of Russia Day, a concert by masters of arts from the Russian Federation took place in Ashgabat.
- On 16–18 January 2017, concerts by the song and dance ensemble of the Xinjiang Uighur Autonomous Region (People’s Republic of China) took place in Ashgabat and Lebap province.
- On 28 January 2017, a concert by a musical group from India took place on the occasion of Constitution Day, the national holiday of the Republic of India.
- On 7 March 2017, a concert by masters of arts of the Republic of Uzbekistan took place in Turkmenabad, Lebap province.
- On 25 March 2017, a concert by masters of art and culture of the Republic of Korea took place at the Makhtumkuli National Music and Drama Theatre of Turkmenistan.
- On 12–13 May 2017, performances by well known Russian artists took place at the Alp-Arslan National Drama Theatre.
- On 24 August 2017 in Ashgabat and 25 August 2017 in Turkmenbashi, concerts by the Indian folklore group Achutamanasa took place on the occasion of the 70th anniversary of independence of the Republic of India.

188. Every year at new year, concerts by stars of the Turkmen and foreign stage take place in the Palace of Winter Sports in Ashgabat and circus artistes from the Russian Federation perform at the Turkmen State Circus.

### **Paragraph 31**

189. Concerted efforts are being made in Turkmenistan to create the country’s own information and telecommunications infrastructure and the legal, organizational, financial and educational conditions required for the development of an information society.

190. Pursuant to article 42 of the Constitution, everyone is guaranteed freedom of thought and expression. No one has the right to prohibit a person from freely expressing his or her opinions or prevent their dissemination in accordance with the law.

191. In December 2014, Turkmenistan adopted an Act on the legal regulation of the development of the Internet and Internet services in Turkmenistan, which enshrines State guarantees of protection in relation to the Internet, the rights and legitimate interests of citizens, State interests (art. 3) and citizens’ rights and freedoms with regard to the use of the Internet and access to information posted there (art. 6). One of the priorities of the State policy on the provision of Internet services is universal and equal access to the Internet through the creation and maintenance of the infrastructure of State and non-State actors providing for the use of computer devices connected to the Internet (art. 7)

192. Internet services provide an accessible source of information for all the citizens of our country. The country’s educational establishments are now equipped with modern multimedia and computer equipment and make use of interactive teaching methods. This enables young people to receive a world-class education, enrich their inner lives, broaden their horizons and familiarize themselves with scientific achievements. All those studying at the country’s educational institutions at all levels make use of electronic library services and have access to the global services of the Internet. Internet cafés have opened up for use by the public in the country’s capital and in the provinces.

193. To date, there are over 2.5 million subscribers using the Internet over mobile and fixed networks. External communication channels have increased by a factor of 10 compared with 2014 and are continuing to increase as necessary. Domestic resources are expanding accordingly. As regards implementation of recommendations, over the past 5 years, over 15 private websites and portals have been set up and are in operation.

194. In Turkmenistan, there are no restrictions on the use of Internet sites, except those prohibited by law, inter alia to propagate terrorist and radical intentions.

- On 28 April 2015, Turkmenistan launched its first telecommunications satellite, Türkmen Älem 52° E.

- Satellite coverage includes dozens of States in Europe, Asia, the Middle East and North Africa.

**Paragraph 32**

195. The Constitution of Turkmenistan guarantees the freedom of religion and faith and the equality of religions and faiths before the law. Religious organizations are separate from the State, may not intervene in the affairs of the State or perform public functions; the ideology of religious organizations, as well as political parties, voluntary associations and other structures, cannot be binding on citizens. The State education system is likewise separate from religious organizations and is secular in nature.

196. On 26 March 2016, Turkmenistan adopted the Act on religious freedom and religious organizations, which guarantees freedom of religion and belief and guarantees the equality of all persons, irrespective of their religious beliefs. Turkmenistan respects all religions equally and recognizes the importance of interreligious harmony, religious tolerance and respect for the religious beliefs of citizens, which is consistent with the international obligations undertaken by the country.

197. The country is working to improve inter-institutional and intra-institutional coordination to create an enabling environment for the guarantee of rights to religious freedom. There is an established practice of regular meetings and workshops organized by representatives of State bodies and religious organizations, including unregistered organizations. On 19 December 2016, the first round table on “freedom of conscience and religious organizations”, took place; it was attended by, inter alia, invited representatives of the Jehovah’s Witnesses.

198. Two religious organizations were registered in 2015, five in 2017 and one in 2018.

It should be emphasized that, whether a particular religious organization has been registered or not, every effort is made to ensure the exercise of religious beliefs. This is evidenced by the absence of any individual cases of persecution on the grounds of religious belief.

199. Religious minorities participate actively in the public life of the country. They worship with religious leaders invited from other countries, hold regular inter-church meetings and, sometimes, inter-church women’s meetings. These meetings are held both in the capital and in the regions.

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