



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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OF RACIAL DISCRIMINATION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

Fifth periodic reports of States parties due in 2003

Addendum

TURKMENISTAN*

[12 August 2004]

* This document contains the first, second, third, fourth and fifth periodic reports of Turkmenistan, due on 29 October 1995, 1997, 1999, 2001 and 2003 respectively, submitted in one document.

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Introduction

1. The Turkmen Parliament (Majlis) ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 23 September 1994.
2. This report has been prepared pursuant to article 9, paragraph 1, of the Convention in accordance with the General Guidelines regarding the form and contents of reports to be submitted by States parties (CERD/C/70/Rev.5).
3. This report is based on information received from the Turkmen ministries and departments responsible for upholding citizens' rights and freedoms and taking steps to prevent any manifestation of discrimination on racial or ethnic grounds, on national statistics, on specially commissioned research, and on information from voluntary organizations engaged with the issues dealt with in this report.
4. The introduction comprises general information about the country, population and economy, the political organization of Turkmen society and the general legal basis for the protection of human rights. The body of the report includes information about Turkmenistan's efforts to implement the International Convention on the Elimination of All Forms of Racial Discrimination in the period between ratification and the present, and deals with accomplishments to date, difficulties encountered, and plans for the further realization of the Convention's provisions.
5. The annex lists the principal Turkmen statutes that give effect to the principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

I. GENERAL INFORMATION ON TURKMENISTAN

A. Country, population, economy, social sphere

6. Turkmenistan gained its independence as a sovereign State in 1991. In a referendum, the Turkmen people unanimously expressed its will to create an independent national State. On 27 October 1991, the highest legislative body of the country, the Turkmen Supreme Soviet, implementing the will of the people, adopted the Constitutional Act on the independence and form of State government of Turkmenistan. This law proclaimed an independent democratic State - Turkmenistan - within the territory of the Turkmen Soviet Socialist Republic.
7. Turkmenistan is situated in Central Asia, north of the Kopetdaga Mountains, between the Caspian Sea in the west and the Amu Darya River in the east. The territory of Turkmenistan stretches for 1,100 kilometres from east to west and 650 kilometres from north to south, comprising 491,200 square kilometres. Turkmenistan shares a border with Kazakhstan in the north, Uzbekistan in the east, and the Islamic Republic of Iran and Afghanistan in the south. The country is made up of five regions (velayat), the capital city Ashgabat, equal in status to a region, 20 cities, 65 districts (etrap), and communities and villages (aul). Most of the country is desert.
8. At the end of 2003 the population of Turkmenistan was 6.3 million. The average population density is 10.2 per square kilometre. However, if desert areas are excluded, the

population density in the inhabited regions is 50 per square kilometre. A total of 46.3 per cent of the permanently resident population lives in urban areas and 53.7 per cent in rural areas. Women constitute 50.3 per cent of the population and men 49.7 per cent.

9. Trends in the national age structure indicate that the demographic situation is favourable and that the population is increasing. Persons younger than working age make up roughly 40 per cent of the population; the working population accounts for 56 per cent and old-age pensioners, for 6 per cent.

10. According to the sample census conducted in December 2000, the average family in Turkmenistan consists of 5.3 persons. At the same time, 29 per cent of families comprise seven or more persons; the proportion of one-person households is 6 per cent.

11. Meanwhile, in the 1990s, there was a reduction in the natural growth of the population (birth rate) owing to the difficulties of the transitional period in the country's development and the Government's gender policy that enabled women to successfully combine reproductive and social functions within a market system. To a great extent, changes in the birth rate hinge on the social aspect of women's reproductive behaviour, now that the scope of their interests transcends the family circle. Despite a small reduction in the birth rate, the Turkmen population has continued to grow rapidly in recent years. To a great extent, the growth is attributable to health-care reforms and improvements in housing and public health. This has had a positive impact on the death rate and life expectancy indicators. In 2002 the crude death rate was 5.4 per 1,000 of population, whereas in 1995 it was 7.0. Between 1995 and 2002, the maternal death rate was reduced by half. Life expectancy is increasing for men and women alike. In 2002, life expectancy was 71.9 years for women and 65.2 years for men. These indicators have had a positive impact on population trends in Turkmenistan. The proportion of young people is high - 76 per cent of the total population is under 25 - which ensures sustained growth in the labour force and the fertility of the population. In 2003 the population of Turkmenistan grew by 6.1 per cent in relation to the preceding year.

12. More than 40 ethnic groups live in Turkmenistan. Ethnic Turkmens make up 94.7 per cent of the population, Uzbeks, 2 per cent, Russians, 1.8 per cent, and other peoples (Kazakhs, Azerbaijanis, Armenians, Ukrainians, Tatars, Baluchis, etc.), 1.5 per cent.

13. The fact that education is free and generally accessible ensures a high level of education and literacy in Turkmenistan. According to the sample census conducted in 2000, 98.9 per cent of the population aged 15 and over was literate. For every 1,000 persons aged 15 and over, 92 have tertiary education, 9 have uncompleted tertiary education, 166 have specialized secondary education, 477 have general secondary education, 183 have incomplete secondary education, and 48 have primary education.

14. Following independence, Turkmenistan started its development in extremely adverse economic and social conditions. While part of the USSR, the country's economy was geared towards raw materials and based on the extensive exploitation of natural resources. Extractive industries predominated, together with primary processing of agricultural produce, and there was excessive dependence on various imported goods that could have been (and now are being) successfully produced in Turkmenistan.

15. In 1990-1991, for example, 59 per cent of light industrial goods and 36 per cent of foodstuffs were imported, whereas 90 per cent of the cotton harvest was exported to other regions for processing into finished products. At the same time, the country had to address the very complex problems of preventing a general decline in the standard of living of the population and building up the economy on a fundamentally new basis.

16. In just 12 years Turkmenistan has made significant headway towards these objectives. The changes that have occurred in Turkmenistan's economy and society have helped to create a strong industrial base, market economy and private sector, and ensured a decent standard of living.

17. The Turkmen economy has displayed consistently high rates of growth. Gross product rose by 23.1 per cent in 2003 compared to the previous year. Expressed in money terms, the value of total gross product in 2003 was 82.2 trillion manat.

18. The value of total industrial output was 31.6 trillion manat in 2003, an increase of 22 per cent over the previous year. In terms of the rate of increase in industrial output, private firms and municipal enterprises, whose output grew by a factor of 2.4 and 1.6 respectively, continued to lead the field, together with joint Turkmen/foreign ventures (growth of 129 per cent). As regards the distribution of overall growth in core industry, the year's results show that 47 per cent was attributable to the extractive sector and 53 per cent to the processing sector.

19. Turkmenistan has enormous energy reserves. The gas and oil industries are the driving force behind national economic development. Turkmenistan's energy reserves are currently estimated at more than 45 billion tonnes of oil equivalent, or one fifth of the whole world's supply of natural gas and oil.

20. Turkmenistan currently extracts more than 10 million tonnes of oil and 70-80 billion cubic metres of gas, of which 55 billion cubic metres are exported.

21. Turkmenistan is intensively developing its fuel and energy industry. Oil and gas exploration, extraction, refining and transport to overseas markets are proceeding apace, and Turkmenistan has confirmed its status as a strategic provider of hydrocarbons to its traditional markets in the Russian Federation and Ukraine. Natural gas is being supplied to the Islamic Republic of Iran through a pipeline constructed for that purpose.

22. In 2003, 59.09 billion cubic metres of gas were extracted, representing a 111 per cent increase on the previous year. At the same time, natural gas exports in 2003 were 43.4 billion cubic metres, an increase of 10 per cent. Last year a total of 10,004,300 tonnes of oil were recovered, 11 per cent more than in 2002. Oil refining capacity grew by 19 per cent (6,804,000 tonnes refined). A total of 10,798.6 million kilowatt hours of electricity were generated, or 2 per cent more than in 2002.

23. Most of the oil recovered goes to refineries in Turkmenistan, boosting output of high-quality oil products. In 2003, 6.8 million tonnes of crude oil were refined into secondary

energy carriers and lubricating oils, thus exceeding 2002 output by 19 per cent. The biggest growth in output was recorded for petrol (122 per cent), diesel fuel (127 per cent), bitumen (124 per cent) and heating oil (128 per cent); polypropylene output rose by 37 per cent.

24. The textile industry is a new sector. With the construction of new, specialized enterprises and large, integrated textile plants, the large-scale production of various products derived from cotton fibre has been set in place. A total of 180,500 tonnes of cotton fibre were produced in 2003. Exports account for 60 per cent of products manufactured from cotton fibre. The textile industry accounts for 28 per cent of Turkmenistan's output of finished goods.

25. The agrarian sector of the economy has been thoroughly reorganized. All collective and State farms were abolished in mid-1995. The agrarian reform was intended to transfer land to private ownership and long-term rental arrangements and to expand personal plots. Individual *daikhan* (private) farms and peasants' associations comprising several households have become widespread. The Government has taken steps to stimulate agricultural producers in the private sector. Soft loans at 1 per cent interest have been made available, exempt from valued-added tax. Half of peasant farmers' expenditure on technical services is defrayed by the State. Private plots and any structures, livestock and poultry thereon, are tax exempt. These and other measures have led to an upturn in the agricultural sector and an increase in agricultural output. In 2002, there were 596 peasant associations engaged in agricultural production, in addition to 1,815 private farms, more than 600,000 family smallholdings, and more than 7,000 private commodity producers. A total of 83 per cent of all irrigated agricultural land has been leased out. There are 375,000 and 21,000 tenants in the crop and livestock farming sectors respectively. In 2002 gross agricultural product amounted to 12.86 trillion manat, an increase of 15.5 per cent relative to the previous year. In 2003 agricultural production increased by 18.5 per cent relative to 2002.

26. In 2003, the wheat harvest amounted to 2,535,500 tonnes, the largest in the history of Turkmenistan. For comparative purposes, 70,000 tonnes of grain were produced in the first year of independence. Survey data indicate that on 1 March 2003 domestic producers catered for 88 per cent of the national consumer market, which to all intents and purposes means that Turkmenistan is self-sufficient in food.

27. Turkmenistan attaches great importance to the establishment and expansion of a railway infrastructure that meets the most advanced and up-to-date standards. The current total length of the Turkmen rail network is 2,516 kilometres. Just recently two new railways have been built and preparations are under way for the laying of a third, which have increased the length of the network by nearly 500 kilometres.

28. The Tedzhen-Serakhs-Meshkhed main line was constructed and put into service in 1997. The length of the line is 308 kilometres, of which 132 kilometres are in Turkmenistan.

29. With the new line in operation, Turkmenistan is now a key link in the Trans-Asian Railway Line, an integrated international transport system that recreates in steel the ancient Silk Road along the route Istanbul-Tehran-Meshkhed-Serakhs-Turkmenabad-Tashkent-Almaty-Druzhba-Urumchi-Beijing, thus linking Turkmenistan with all the countries of Europe and Asia and promoting its all-round social and economic development. This land-based transport corridor extending over 10,800 kilometres is the second longest railway line in the world.

30. The volume of sea and river transport is increasing. The Turkmen seaport Turkmenbashi has been upgraded. As a result, the port terminals are able to handle ships of all types and classes; capacity has doubled and is continuing to increase. The growth in freight traffic has been fostered not least by the new vessels of the national fleet. Turkmen freighters, tankers, and ferries are regularly chartered by foreign companies to transport freight to the ports of Caspian Sea States.

31. In all, 501.7 million tonnes of freight were carried by all modes of transport in 2003, or 3 per cent more than in 2002. A total of 821.2 million passenger journeys were made, an increase of 4 per cent.

32. In 2003, Turkmenistan's foreign trade turnover was 1.6 times greater than in 2002, amounting to US\$ 3.4 billion. Export volumes have doubled, valued at US\$ 1,995 million, and imports are valued at US\$ 1,446 million (an increase of 28 per cent). The foreign trade surplus was US\$ 549 million. Over the past four to five years, shipments of natural gas have increased by a factor of 3.9, crude oil by a factor of 1.6, oil products by a factor of 1.3, textiles by a factor of 1.3, and the supply of electricity has doubled. The respective proportions of various commodities in the pattern of trade are as follows: natural gas - 49 per cent, petroleum products - 22 per cent, oil - 10 per cent, and textiles - 6 per cent.

33. The volume of goods entering the country has increased by a factor of 1.3 and is valued at US\$ 1,446 million.

34. Turkmenistan is a welfare State. Domestic policies aim to provide the people with a decent standard of living, security, rights and liberties, and to ensure that social life is based on solid legal foundations. Throughout the transitional period, the President and Government have guaranteed the welfare of the population. Up to the mid-1990s, staple foods were sold at reduced prices, the difference between the sale price and the actual cost being covered by the State budget. Turkmenistan has provided its citizens with free gas, electricity, water, table salt, medical care and educational opportunities since 1993. Symbolic payments are required for housing, telephone service, and public transport, and virtually every year salaries, student grants, pensions and welfare benefits are increased. In 2003, for example, the volume of such disbursements doubled. By a decision of the People's Council (Khalk Maslakhaty) of Turkmenistan dated 15 August 2003, free provision of natural gas, electricity, drinking water and salt has been extended to 2020.

35. Working people in Turkmenistan are entitled to 24 calendar days of paid leave a year. Maternity benefits are paid to women through their place of work. Citizens are given paid leave from work to attend weddings and funerals. Orphans are fully cared for by the State. A large-scale programme of housing construction is under way in Turkmenistan. Individuals may acquire ownership of very comfortable, better designed homes on easy terms (15-year loans); a portion of the cost of acquiring a home is borne by the future homeowner's employer. The State provides welfare benefits to large families and low-income families, the disabled, and single elderly people. The involvement of the private sector in the provision of social services, health care, education and culture is being expanded, and the scale and variety of services available to the public for payment has increased.

B. Form of government

36. Following independence, fundamental changes have occurred in the political, economic, and social life of Turkmenistan. New machinery of State has been created. The political structure of the Turkmen State is in accordance with the model outlined in the Constitution of Turkmenistan, adopted on 18 May 1992. Turkmenistan is a democratic, law-governed, secular State whose form of government is a presidential republic. State power in Turkmenistan is based on the following principles: sovereignty of the people, from whom all power emanates and in whom all power resides; recognition of the human being as the paramount value of society and the State; responsibility of the State for the people and for the protection of life, honour, dignity, freedom, personal inviolability, and the natural and inalienable rights of citizens; separation of State power into legislative, executive, and judicial branches; and demarcation of the functions and powers of the central authorities and local government bodies.

37. Representative power is embodied in a People's Council (Khalk Maslakhaty), the paramount standing representative organ of popular power, and by a Parliament (Majlis), the legislative organ of power in Turkmenistan. Local representative bodies are the regional, district and municipal people's councils (khalk maslakhaty), and local councils (gengesh) at the village (aul) and community level.

38. The People's Council is a national forum with 2,507 members representing all social strata. Its members include the President of Turkmenistan, the elected people's representatives (khalk vekilleri), parliamentary deputies, members of the Government (Cabinet of Ministers), directors of voluntary associations, local chief administrative officers, and workforce representatives delegated by national enterprises and institutions. The People's Council wields the powers of the highest State authority and administration; it deliberates and takes decisions on the most important questions of national life, for example the adoption of the Constitution, the approval of programmes setting out the main directions of national political, economic, and social development; the scheduling of presidential elections and elections to national representative bodies; and deciding whether to hold referendums or to ratify or denounce international treaties. The People's Council is also competent to examine other questions as stipulated by the Constitution and other laws. The work of the People's Council is overseen by a president elected from among its members. The activities of the People's Council are regulated by the People's Council (Establishment) Act of 15 August 2003, the People's Representatives (Election) Act of 25 November 1997 (revised 14 December 2002), and the People's Representatives (Status) Act of 25 November 1997.

39. The Parliament (Majlis) of Turkmenistan is a legislative body that adopts laws, interprets them, and oversees their enforcement. The Parliament comprises 50 deputies whom the Turkmen people elect by universal, equal and direct suffrage for a term of five years. Voting in elections is by secret ballot. The Parliament is responsible for approving the national budget of Turkmenistan and reporting on its execution, reviewing the agenda of the Cabinet of Ministers, and appointing presidential nominees to the positions of Chief Justice of the Supreme Court (kazyeta), Procurator-General, Minister of Internal Affairs and Minister of Justice. The Parliament also deals with other matters that the Constitution and legislation assign to its sphere of competence. The Parliament is presided over by a speaker elected from among the deputies.

The Parliament's work is regulated by the Parliament Act of 16 March 1995 (revised on 29 November 2003), the Parliamentary Deputies (Election) Act of 13 May 1991 and the Parliamentary Deputies (Status) Act of 16 March 1995.

40. Local people's councils (khalk maslakhaty) are the representative bodies in the regions, districts and cities possessing regional or district status. The system of local government comprises local councils (gengesh) and the local public authorities. Local councils are representative bodies at the village and community level, whose members are elected by the population of the area in question. Local councils resolve major issues arising in the territory under their jurisdiction. They also approve the local budget and report on its execution, set local taxes and levies, and from their membership elect a chairman (archin), who directs the work of the local council and is accountable to it. The local council is also responsible for other questions connected with the economic, social, and cultural development of the territory under its jurisdiction. Procedures relating to the formation, powers and activities of local government bodies are stipulated by the Local Councils Act of 25 November 1997 (revised on 15 January 2003) and the Local Councillors (Election) Act of 25 November 1997 (revised on 14 December 2002).

41. The head of State and the executive is the President of Turkmenistan. He is directly elected by the people for a term of five years. The President directs foreign and domestic policy, gives effect to the Constitution and laws of the country, appoints and presides over the Cabinet of Ministers (Government), appoints and dismisses local chief executive officers (khyakim), is the commander-in-chief of the armed forces of Turkmenistan, decides upon questions of citizenship, grants pardons and amnesties, issues decrees, decisions and orders whose effect is binding throughout the country, and deals with other matters that the Constitution and laws of Turkmenistan assign to his sphere of competence. Article 59 of the Constitution lays down the conditions and procedure for the removal from office of the President before the expiry of his term.

42. The Cabinet of Ministers - the Government of Turkmenistan - is the executive and administrative body responsible for the normative regulation and control of all executive and administrative bodies in Turkmenistan. The work of the Cabinet of Ministers is supervised by the President of Turkmenistan.

43. The Cabinet of Ministers comprises the deputy chairmen of the Government and ministers, who are appointed and dismissed by the President. The Cabinet of Ministers is responsible for managing the economic and social development of the country; organizing the management of industrial, agricultural, and construction enterprises, transport, communications, and information, and other national enterprises and organizations; ensuring the realization and protection of citizens' constitutional rights and liberties; maintaining law and order; strengthening discipline and organization; organizing the execution of the State budget; conducting State social policy; implementing foreign-trade policy; and exercising other powers assigned to it by the Constitution and laws of Turkmenistan. The Government's work is organized and regulated by the Cabinet of Ministers Act of 24 November 1995. The Cabinet of Ministers also has the power to issue binding decisions.

44. Executive power in the regions, cities and districts is exercised by local chief executive officers, the representatives of the head of State at local level. Local chief executive officers are appointed and dismissed by the President, to whom they are accountable. The local chief executive officers are responsible for managing the economic and social development of the territory within their jurisdiction, coordinating the activities of business enterprises, organizing the implementation of national programmes, adopting measures for the sound use and protection of land, mineral resources, bodies of water, forests and other natural resources, implementing measures to ensure the welfare of the population, administering educational, health-care, cultural and sports institutions, and resolving other issues assigned to their sphere of competence by the Constitution and laws of Turkmenistan. Within the scope of their powers, local chief executives may issue orders whose effect is binding in the territory under their jurisdiction. The work of chief executive officers is regulated by the Constitution and the Local Chief Executive Officers Act of 24 November 1995.

45. Executive power in the area under the jurisdiction of the local council (gengeshlik) is exercised by the council chairman (archin). He is elected from among the members of the local council, directs the council's work and is accountable to it. The chairman ensures the implementation of decisions of the council and higher-ranking administrative bodies, drafts and submits for the council's consideration the main outlines of local economic, social, and cultural development and the local budget, organizes the execution of the budget, manages the development of industrial, agricultural, and social infrastructure in the area under the council's jurisdiction, ensures the protection of citizens' rights and interests, and resolves other issues pertaining to the day-to-day life of the territory under the council's jurisdiction. The chairman's powers are set forth in the Constitution and the Local Councils Act of 25 November 1997 (revised on 15 January 2003).

46. Judicial power in Turkmenistan is exercised by the courts (kazyety). Judges are independent, subject only to the law, and are guided by their inner conviction. Interference in the work of judges from any quarter is prohibited and is punishable by law. Judicial inviolability is guaranteed by law. Judges of all courts in Turkmenistan are appointed by the President for a term of five years, and may be dismissed solely on the grounds specified by law. The Chief Justice of the Supreme Court of Turkmenistan is appointed and dismissed by the President, with the consent of Parliament.

47. Civil society institutions play an important role in the Turkmen political system. Non-governmental organizations, voluntary associations, and professional and creative unions are active in mapping out the economic, social, and cultural policy of State bodies. The most important voluntary associations in Turkmenistan (the Democratic Party, the Council of Elders, the Gurbansoltan-eje Women's Union, the Makhtumkuli Youth Union, the Atamurat Niyazov Council of Veterans, trade unions, and other non-governmental organizations) are represented in all national elective bodies on the basis of the law. Pursuant to article 46 of the Constitution and article 2 of the People's Council (Establishment) Act, the leaders of parties and other voluntary organizations are voting members of the People's Council. Members of these voluntary associations are members of the Turkmen Parliament and local government bodies, which allows them to participate directly in formulating social, economic, and cultural programmes to develop the country as a whole and its individual regions.

II. GENERAL MEASURES OF IMPLEMENTATION (art. 2)

48. Turkmenistan condemns racial discrimination and pursues a policy of common understanding among peoples and prohibition of any distinction, exclusion, restriction or preference based on race, descent, national or ethnic origin. The policy of non-discrimination consistently pursued by independent Turkmenistan is rooted in the mentality of the Turkmen people and its age-old history and traditions in relations with other peoples.

49. For many centuries Turkmenistan was a crossroads between east, west, north and south, a key stage on the Great Silk Road, which for nearly 1,500 years was a path of peace and dialogue among the cultures of various nations; this shaped a particular mental outlook among the Turkmen. It is no surprise, therefore, that the Turkmen mentality is essentially internationalist, centred around the human being as the supreme value, and based on openness, religious tolerance, respect for the cultures of other nations, and innate aversion to conflict.

50. Turkmenistan was predisposed to choose a democratic path of development by the entire course of its history. For thousands of years, the Turkmen have held fast to their traditions and the principles underlying their world view, retaining, come what may, their openness, benevolence, aversion to conflict and tolerance. There is no historical period or event during which Turkmen have exhibited intolerance, distinction or preference, let alone dominance over other peoples on racial, ethnic or national grounds. Ancient historians such as Diodorus, Strabo and Herodotus, and scholars and travellers who visited Turkmenistan at different times (Vámbéry, Legoshin, etc.), were unanimous in emphasizing Turkmen's respectful attitude towards other peoples, and also their religious tolerance and benevolence. These national values now underpin the policy and practice of independent Turkmenistan.

51. Turkmenistan's first step towards independence was the Declaration of State Sovereignty of the Turkmen Soviet Socialist Republic, adopted on 22 August 1990. This instrument proclaimed that: "The Turkmen Soviet Socialist Republic shall ensure that all citizens are equal before the law irrespective of their origin, social status, wealth, race, ethnicity, sex, language, political views, religious beliefs, nature or type of occupation, place of residence or other considerations."

52. This position was confirmed in the Constitutional Act on the independence and form of State Government of Turkmenistan adopted by the Turkmen Supreme Soviet on 27 October 1991. The Act states that: "The independence of Turkmenistan is proclaimed in the name of the loftiest goals, namely the acquisition by the Turkmen people of genuine national statehood and the provision to every individual, without distinction as to ethnic, racial or social origin and religious belief, of the rights and liberties provided for in the Turkmen Constitution, the Universal Declaration of Human Rights and other norms of international law" In addition, "Turkmenistan guarantees all nations and peoples living in its territory the right to unfettered ethnic cultural development."

53. The whole course of independent Turkmenistan's development since independence has predisposed the country towards a policy of peace and consensus. The wholesale restructuring of the economy and the fabric of social relationships has only been possible against a backdrop

of stability in all sections of society and inter-ethnic consolidation of the country's ethnic groups. Discrimination against any individuals or groups on racial, ethnic or national grounds has always hampered progress towards these objectives.

54. These goals of inter-ethnic harmony and civil peace were embodied in statutory form in the Constitution of independent Turkmenistan adopted by Parliament on 18 May 1992.

55. The preamble to the Constitution speaks of "living in unity, peace and harmony, faithful to the legacy of our ancestors" and "guaranteeing the civil rights and liberties of all and striving to ensure civil peace and ethnic harmony".

56. Turkmenistan guarantees equal rights and liberties to all citizens, and the equality of all citizens before the law irrespective of ethnicity, origin, wealth, official position, place of residence, language, attitude to religion, political views or membership of a political party (Constitution, art. 7).

57. The State is responsible for each citizen, creates conditions permitting the free development of the individual, and protects life, honour, dignity, liberty, personal inviolability and citizens' natural and inalienable rights (Constitution, art. 3). The individual's right to life is protected by the State (Constitution, art. 20). Citizens may not be limited in their rights or deprived of the rights due to them other than in strict accordance with the law (Constitution, art. 21). Actions by individuals and the formation and operations of political parties and other voluntary associations that foment racial, ethnic, or religious hatred are, like the formation of militaristic associations or political parties based on national or religious criteria, prohibited (Constitution, art. 28).

58. Turkmenistan recognizes the primacy of generally recognized norms of international law (Constitution, art. 6) and has acceded to or ratified the following international instruments on human rights and non-discrimination on racial, ethnic or national grounds:

- The Universal Declaration of Human Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Covenant on Civil and Political Rights and its Optional Protocols;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation of the International Labour Organization (ILO) (1958);
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The ILO Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;
- The Convention on the Rights of the Child;

- The Slavery Convention;
- The ILO Convention (No. 29) concerning Forced or Compulsory Labour (1930);
- The Convention relating to the Status of Refugees (1951);
- The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and many others.

59. The Turkmen Government has taken steps to facilitate implementation of these international instruments. Turkmen laws and regulations based on these instruments prohibit discrimination in any form. Turkmenistan has introduced the principles and norms established in these instruments into practically all its laws and regulations concerning human rights.

60. The status of permanent neutrality proclaimed by Turkmenistan and recognized and approved by the General Assembly of the United Nations, and Turkmenistan's international commitments associated with this status, have been influential in securing equality between citizens and compliance with international demands to ban all forms of discrimination.

61. The Constitutional Act on the permanent neutrality of Turkmenistan was adopted on 27 December 1995. Article 9 of this statute elevates to the rank of a constitutional principle the provision that "Turkmenistan recognizes and respects the core democratic rights and liberties of individuals and citizens adopted by the international community and enshrined in the norms of international law, and shall furnish political, economic, legal and other guarantees of their enjoyment in practice. Turkmenistan shall practise equality of all nations and peoples, freedom of religion and freedom of confession."

62. Turkmenistan has statutorily proclaimed its commitments to the international community in the sphere of human rights, including the commitment to protect its citizens against any form of discrimination. The supreme representative organ of popular power, the People's Council, adopted the Declaration on the international human rights commitments of neutral Turkmenistan on 27 December 1995. This Declaration states that "Turkmenistan guarantees to everyone the rights and freedoms enshrined in the Constitution, laws and generally accepted norms of international law without any distinction as to race, sex, language, religion, place of residence, political and other beliefs, ethnic or social origin, wealth, official or other status. All are entitled to equal protection against any kind of discrimination that encroaches upon their rights."

63. Turkmenistan has a system of legislative measures offering firm legal guarantees that any attempted discrimination on racial or ethnic grounds by officials, individuals, groups or institutions will be banned and, if necessary, suppressed. In addition to the Turkmen Constitution, the principle of non-discrimination on these and other grounds underlies the operation of all high-ranking and local authorities and administrations, the electoral system, the organization and work of the law enforcement and judicial agencies, and the systems of health care, social security and education.

64. Incitement to ethnic or racial hatred, strife or scorn, or recourse to violence on ethnic, racial or religious grounds, renders the culprit civilly, criminally and administratively liable.

65. For example, article 5 of the Civil Service Act of 12 June 1997 states that: “Citizens have the right to serve in public bodies irrespective of their social position, wealth, race, ethnic background, sex, attitude to religion or political beliefs.”
66. The Health Act of 8 January 2003 guarantees free treatment and medical examinations to all Turkmen citizens, irrespective of ethnic or racial background. Article 3 of the Rights of the Child Act of 5 July 2002 states that: “All children living in Turkmenistan have equal rights, irrespective of their ethnic origin, race, sex, language or religion”
67. Article 5 of the Police Act of 7 July 2001 specifies that the police force is duty bound “to protect all persons, irrespective of their citizenship, social status, wealth or other status, ethnic background ...”.
68. Article 40 of the Turkmen Constitution guarantees judicial protection of citizens’ honour and dignity and the personal and political rights and liberties of individuals and citizens. Citizens have the right to seek reparation for material or moral damage resulting from the unlawful actions of government bodies, other organizations, their agents or private citizens. The Constitution states that the function of the judiciary is to protect civil rights and liberties, and that justice shall be dispensed on the premise that all citizens are equal in the eyes of the law and the courts. The Organization of the Courts and Status of Judges Act of 29 May 1991 establishes that: “citizens shall have judicial protection irrespective of their origin, social or official status, wealth, race or ethnic background”. The right to petition the courts for a refutation of information prejudicial to citizens’ rights and legally protected interests, and to seek reparation for material or moral damage, is provided for under civil law (Civil Code, art. 16).
69. An Act enabling citizens to challenge in court the actions of State bodies, voluntary associations, local government bodies and officials who violate constitutionally enshrined civil rights and liberties was adopted on 6 February 1998. Experience since shows that this statute is effective in averting any form of discrimination on racial or ethnic grounds and entrenching the principle that, in the work of State bodies and institutions at national and local levels, and in the actions of their officials, all citizens are equal. Any citizen who suffers an attempted display of racial or ethnic prejudice is entitled to complain to the courts.
70. The Citizens Complaints Act adopted on 14 January 1999 is a practical weapon in the fight against racial and any other form of discrimination. 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. The Act prohibits refusal to entertain or consider complaints of discrimination, on inter alia, racial grounds (art. 5). At the President’s initiative, a mechanism enabling citizens to appeal directly to the head of State has been established: special sealed post boxes for citizens’ letters have been placed in local administrative offices (khyakimlik) in regions, cities and districts around the country. Communications from citizens, which are dealt with at the highest level, help to consolidate the civic foundations of society, buttress the rule of law and public policy, and uphold and protect civil rights and liberties. The reports and complaints filed by citizens are examined by

ministries, government departments, enterprises and institutions. They are analysed by the Turkmen National Institute for Democracy and Human Rights, which is part of the Presidential Administration.

71. Turkmenistan is pursuing an extensive programme of education on civil rights and liberties and affirmation of the principles of inter-ethnic equality and mutual respect. A course on the basic principles of the State and the law, which includes a module on human rights and relevant national and international norms, has been introduced into the secondary school curriculum.

72. At higher educational institutions in Turkmenistan, students can study Turkmen law and international human rights instruments; special efforts are being made to educate young people in a spirit of unity and solidarity with people of all races and ethnic backgrounds. Students attend regular seminars, conferences and meetings devoted to discussions of the cultures of different peoples and the historical and spiritual heritage of the Turkmen people, which professes peace, friendship and respect towards other nations. The Makhtumkuli youth organization arranges meetings of young people, women, and war and labour veterans in schools, colleges, enterprises and institutions which are attended by people from a range of ethnic backgrounds. The recurring theme of these meetings is illustrated by the following remarks of the President of Turkmenistan: "Turkmens regard all nations as their brothers and friends, respecting their language, religion and traditions. In our country, people of all nations live in perfect harmony and friendship with Turkmens, working side by side for the good of their country. All citizens of Turkmenistan are equal in the eyes of the law, enjoying equal rights and bearing the same obligations." International cooperation in the area of education has a role to play in consolidating a non-discriminatory outlook among the younger generation. A constant stream of Turkmen students and teachers goes abroad to study. In turn, young men and women from other countries pursue their studies in Turkmen institutions. At the beginning of 2004, over 1,000 Turkmen students were enrolled in higher education in the United States of America, the Russian Federation, Turkey, Ukraine, Malaysia, France, Germany and other countries.

73. The Turkmen Government devotes considerable attention to disseminating and incorporating into routine practice by the general public and State bodies, the principles and provisions of international human rights law, the International Convention on the Elimination of All Forms of Racial Discrimination, and other instruments. In cooperation with the offices of international organizations and foreign embassies accredited to Turkmenistan, long-term humanitarian programmes are acquainting the public with core international human rights instruments and the national policy of inter-ethnic harmony and solidarity. The texts of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments have been published in Turkmen for a mass readership, and the provisions of the Convention and other instruments are regularly explained in the mass media. Special radio and television programmes deal with the topic, and newspapers and magazines publish articles and reviews.

74. The Ministries of Foreign Affairs, Culture and Information, Justice and Education, the Supreme Council for Science and Technology, the National Statistics and Information Institute, higher educational establishments, the National Institute for Democracy and Human Rights and

national voluntary organizations, in cooperation with the offices of the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and a number of other international organizations, publish texts and compilations of international instruments and domestic laws on the subject of civil rights and liberties.

75. For example, the National Institute for Democracy and Human Rights has published 17 such compilations, including one of international human rights instruments (the core international human rights instruments to which Turkmenistan has acceded); one of international instruments and domestic statutes entitled "Human rights and justice in Turkmenistan"; "Women's rights in Turkmenistan", which includes international and national legal texts; and "Protection of the rights of individuals in Turkmenistan", in addition to other texts including the International Convention on the Elimination of All Forms of Racial Discrimination.

76. Practical steps towards implementing the latter Convention are being encouraged through an education programme, run in cooperation with international organizations, aimed at public officials, law enforcement officers, customs and border personnel and local authority and administrative workers.

77. Courses on human rights law are constantly being run with support from national organizations and the offices of OSCE and UNHCR. One such five-day course attended by national experts and foreign specialists was held on 24-28 November 2003. The participants included local administrative workers, staff from the Ministry of Internal Affairs and the Ministry of National Security, procuratorial and court officials, and border and customs personnel. In August and September 2003 the National Institute for Democracy and Human Rights, in conjunction with IOM and UNHCR, ran seminars in all regions of the country to discuss national law and international standards in the sphere of migration and refugees' rights. Turkmenistan sponsors international symposiums, conferences and seminars focusing on individuals and their rights and on how to bring about inter-State and inter-ethnic security, peace and harmony.

78. An international forum on the theme "Borders, Transit and Trade: Issues and Opportunities for Central Asia", organized by the United Nations, OSCE and the Turkmen Government, was held on 18 October 2003. It was attended by representatives of national and State structures, academics and border and customs officials from Kyrgyzstan, Uzbekistan, Tajikistan, Afghanistan, the Islamic Republic of Iran, the Russian Federation, the European Commission and the World Bank. Discussions centred around measures to strengthen cooperation between forum participants and other countries in encouraging good-neighbourly relations, mutual respect between nations, development of mutually advantageous trade in goods and services, and the use of inter-State transport corridors to nurture such relationships.

79. An international conference on international and national legal aspects of the protection of women's and children's rights was held in Ashgabat on 22-23 April 2004. It was attended by representatives of international organizations, teachers and academics from universities in various countries, diplomats, law enforcement officials and students. The participants included experts from 21 countries, including the United States of America, the United Kingdom, Germany and the Russian Federation.

80. These and similar forums are an important component of Turkmenistan's multipronged approach to entrenching the notion of ethnic equality, excluding racial prejudice.

81. Pursuant to article 2, paragraph 2, of the Convention, Turkmenistan has taken specific steps in the political, economic and social fields to protect the rights of refugees who arrived in the country between 1991 and 1997. During that period, roughly 20,000 refugees entered Turkmenistan from Tajikistan, Afghanistan, Armenia and other countries. The Turkmen Government assisted them financially, settled them and provided them with all they needed to survive. Refugees who expressed a desire to farm the land were allocated free plots, and in conjunction with the UNHCR office in Turkmenistan, the State provided them with farming tools and seed stock. Following normalization of the situation in Tajikistan, more than 7,000 refugees who wished to return home were provided with transport and the opportunity to move their belongings. Approximately 12,000 refugees have stayed on permanently in Turkmenistan, establishing homes and enjoying all the rights of Turkmen citizens. On 12 June 1997 the Turkmen Parliament ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The core provisions of these international instruments were incorporated into the Refugees Act adopted on 12 June 1997. The Government has made strenuous efforts to help refugees from Afghanistan and Armenia return to their respective homelands.

III. INFORMATION ON MEASURES TO GIVE EFFECT TO ARTICLE 3 OF THE CONVENTION

82. Turkmenistan condemns genocide, racial segregation and apartheid, and prohibits and bans all practices of this nature. Before the whole world, in its Declaration on the international human rights obligations of neutral Turkmenistan, the country undertook the following commitment: "All are entitled to equal protection against any kind of discrimination that encroaches upon their rights", and it holds fast to this principle in its domestic and foreign policy. There is no good reason why segregation or apartheid should exist in Turkmenistan and, as stressed in the Outline of the Foreign Policy of Neutral Turkmenistan, adopted by the People's Council on 27 December 1995, "domestic inter-ethnic and inter-religious harmony shall determine approaches to these issues in the foreign policy sphere". By acceding to the core international human rights instruments, Turkmenistan has condemned racial segregation and apartheid and committed itself to preventing, prohibiting and eradicating all practices of this nature in territories under its jurisdiction; it is unswervingly fulfilling its obligations.

83. Under Turkmen law, it is an administrative and a criminal offence to transgress against ethnic equality, directly or indirectly to violate or restrict civil rights and liberties, to commit genocide in any form, or to violate specific civil rights and liberties (invasion of privacy, violation of the home, breach of confidentiality of correspondence, telephone, postal or telegraphic communications, etc.).

84. Specifically, article 178³ of the Code of Administrative Offences makes any activity "calculated to incite ethnic or racial hatred, strife or scorn, or recourse to violence on ethnic, racial or religious grounds" an administrative offence.

85. Article 145 of the Criminal Code makes it a criminal offence “directly or indirectly to violate or restrict civil rights and liberties, irrespective of a person’s sex, race, ethnic origin or language ...”.

86. Deliberate violence committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, i.e. genocide, is justiciable under article 168 of the Criminal Code.

IV. INFORMATION ON MEASURES TO GIVE EFFECT TO ARTICLE 4 OF THE CONVENTION

87. The dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination of any kind, or incitement to acts of violence against any race or group of persons of another colour or ethnic origin, is prohibited in Turkmenistan and punishable by law. The Press and Other Mass Media Act of 10 January 1991 prohibits “the use of the mass media to [...] spread propaganda for war, violence, cruelty, and racial, ethnic and religious exclusiveness or intolerance” (art. 5). If a mass media outlet violates these provisions, “the body that registered the mass media outlet shall halt its issue or publication ...” (art. 13).

88. Incitement to violation of human rights or to racial, ethnic or religious discrimination, all acts of violence and incitement to such acts, on [racial] grounds are punishable offences (Criminal Code, arts. 33, 145, 154 and 168).

89. The ban on the formation and operation of parties and organizations that advocate racial, ethnic, social or religious hatred has been elevated in Turkmenistan into a directly applicable constitutional provision. Under article 34 of the Criminal Code, such an offence, if committed by a group, an organized group or a criminal association, attracts a stiffer penalty to the extent permitted by the Code. The formation and operation of such organizations are also banned by the Religious Organizations Act and the Voluntary Associations Act.

90. Article 5 of the Religious Freedom and Religious Organizations Act of 21 October 2003 prohibits the activities of religious organizations, movements, sects and other organizations that exploit religion to incite hatred, enmity and inter-ethnic strife. Pursuant to article 14 of this Act, “incitement to social, racial, ethnic or religious hatred” is grounds for the dissolution of a religious organization. Article 4 of the Voluntary Associations Act of 21 October 2003 states that: “the formation and operation of voluntary organizations that advocate war or racial, ethnic, social or religious hatred shall be prohibited”.

91. All national and local authorities and administrations in Turkmenistan operate in accordance with the constitutional principle that the promotion of or incitement to racial discrimination is prohibited.

V. MEASURES TO GIVE EFFECT TO ARTICLE 5 OF THE CONVENTION

92. In compliance with the basic obligations that flow from ratification of the Convention, Turkmenistan has taken legislative, judicial and administrative action to prohibit all forms of

racial or ethnic discrimination and ensure that everyone is equal before the law, without distinction as to race, colour, or national or ethnic origin. All persons under the jurisdiction of Turkmenistan enjoy these rights in practice and are not subjected to racial discrimination.

A. The right to equality before the courts and all other organs of justice

93. Under the Constitution, judicial power in Turkmenistan belongs solely to the courts provided for by the law. The creation of emergency courts and other structures for dispensing justice is prohibited (Constitution, arts. 97 and 98). The Constitution and national laws guarantee that all Turkmen citizens, without distinction as to national and ethnic origin, shall enjoy judicial protection of their honour and dignity and the personal and political rights and liberties provided for in the Constitution and other laws (Constitution, art. 40). Citizens have the right to seek reparation for material or moral damage resulting from the unlawful actions of State bodies, other organizations, their agents and private citizens (Constitution, art. 41).

94. Justice in Turkmenistan, according to article 6 of the Organization of the Courts and Status of Judges Act of 29 May 1991, is to be administered on the premise that all citizens are equal before the law and the courts, irrespective of their race or ethnic background. All Turkmen citizens are guaranteed judicial protection of their personal, economic and moral rights, honour, dignity and business reputation by the Civil Code (arts. 15 and 16). Turkmen criminal law is based on the principles of legality and equality before the law. Persons who have committed offences are equal before the law and may be held criminally liable irrespective of their sex, race, ethnic origin, attitude to religion, beliefs or membership of voluntary organizations (Criminal Code, art. 3).

95. Legal proceedings in Turkmenistan are conducted in the official language of the State. Persons not fluent in the language of legal proceedings are acquainted with the case file and participate in proceedings through an interpreter. They also have the right to address the court in their mother tongue (Constitution, art. 103).

96. Foreign citizens, stateless persons and refugees enjoy the same rights and liberties as Turkmen citizens. They are guaranteed access to the justice system in order to protect their economic and moral rights (Constitution, art. 8; Refugees Act of 12 June 1997). Pursuant to article 21 of the Foreign Citizens (Legal Status) Act of 8 October 1993, "foreign citizens in Turkmenistan have the right to appeal to the courts and other State bodies, and also to the diplomatic and consular offices of their respective countries, to protect their personal, economic and other rights. Foreign citizens enjoy the same procedural rights in court as Turkmen citizens".

97. The Constitution and laws of Turkmenistan recognize the right to professional legal assistance at any stage of legal proceedings for all those who require it. All court judges in Turkmenistan are appointed by the President for a term of five years. They can be dismissed by the President solely on grounds specified by law (Constitution, art. 100). Judges are independent, subject only to the law, and are guided by their inner convictions. Justice is administered according to the adversarial system on the basis of equality of the parties. Interference in the work of judges from any quarter is prohibited and is punishable by law (Constitution, art. 99; Organization of the Courts and Status of Judges Act, art. 55).

B. The right to security of the person and protection by the State against violence

98. The security of the person and the State's obligation and responsibility towards every citizen are core constitutional principles. Turkmenistan has proclaimed the human being to be the supreme value of society and the State and declared the State's obligation to create conditions permitting the free development of the personality. The State protects life, honour, dignity, liberty, personal inviolability and citizens' natural and inalienable rights (Constitution, art. 3).

99. The right to life is protected by the State and no one may be deprived of this right. Turkmenistan has abolished the death penalty as a method of criminal punishment. Under the Constitution and the laws of Turkmenistan, no one may be convicted or punished other than in strict accordance with the law. The President and the Government have taken special steps to strengthen guarantees of citizens' security. A Presidential Decree set up commissions comprising representatives of State bodies and voluntary organizations to ensure the legality of particular procedural actions at regional, district and city level. Pursuant to the Constitutional Act on the procedure for bringing criminal proceedings and article 22 of the Code of Criminal Procedure, criminal proceedings may be brought only if authorized by a regional, city or district commission. Pursuant to article 175¹ of the Code of Criminal Procedure, people's homes may be searched only as part of an investigation into legally defined offences and only with the authorization of the local commissions to ensure the legality of particular investigative actions. Similar procedures have been put in place for arrests and detentions. The institution of such effective legal rules guaranteeing protection against unwarranted or unlawful violations of individuals' rights and liberties is a failsafe method of ensuring security of the person.

100. The same end is served by criminal prosecutions for offences against life, health, honour, dignity, property and personal rights and liberties. Section VII of the Criminal Code adopted on 12 June 1997 (Crimes against the person) includes chapters on offences against life and health (chap. 16), offences against liberty, honour and dignity (chap. 17), sexual crimes (chap. 18), offences against constitutionally enshrined personal and civil rights and liberties (chap. 19), and offences against minors, the family and morality (chap. 20).

101. No racial crimes have been recorded in Turkmenistan in recent years.

C. Political rights

102. Turkmenistan guarantees all its citizens, without distinction as to race, ethnic background, origin or religious faith, the entire spectrum of political, economic, social and cultural rights and freedoms provided for by its Constitution, laws and international obligations in this area. To this end, it has established a legal system and democratic institutions and procedures that ensure the equal right of all citizens to have access to public service, to participate in elections, to be elected to State bodies and to take part in national and local government, as well as in the conduct of public affairs at any level. There are no de jure or de facto prohibitions or restrictions on citizens' political rights in Turkmenistan. This principle is enshrined in legislation regulating the relevant spheres of social interaction. Article 2, paragraph 3, of the Government Leaders and Public Officials (Selection) Act of 9 August 2002

states that the selection of government leaders and public officials shall be based on “the equal right of all Turkmen citizens to have access to public service and to rise in public service ..., irrespective of their ethnic background, origin, wealth, official position, place of residence, attitude to religion or political views”. Official posts in Turkmen State and administrative bodies are occupied by people from a variety of ethnic backgrounds.

103. Elections in Turkmenistan are conducted on the basis of universal and equal suffrage. Elections are direct, candidates are elected directly by the people, voting is by secret ballot, and voters’ intentions during an election are not subject to any controls. Candidates are nominated by political parties, voluntary associations and groups of citizens. The People’s Council also has the right to nominate candidates. All citizens, regardless of their ethnic background, race or colour, have the right both to vote and to stand for election to a representative body.

104. Article 2 of the Parliamentary Deputies (Election) Act of 10 December 1998 states that: “all direct or indirect restrictions on the right to vote based on ethnic background, origin ..., sex, language or attitude to religion are prohibited”. A similar prohibition is articulated in article 2 of the People’s Representatives (Election) Act and article 2 of the Local Councillors (Election) Act, both adopted on 14 December 2002. The Right to Vote (Safeguards) Act of 22 April 1999 established safeguards in the statutory, legal and economic spheres, and guarantees in matters of organization and publicity, to ensure that elections are free and fair.

105. In the December 1999 elections to the Turkmen Parliament, voters were given a real choice with candidates competing against one another. Representatives of various ethnic groups were elected to the national legislature, and women accounted for 26 per cent of deputies. Women occupy 24 per cent of government posts, serving as deputy chairpersons of the Cabinet of Ministers, ministers and heads of department.

106. Local council elections were held in Turkmenistan on 6 April 2003. The results indicate that citizens from 14 ethnic groups were elected local councillors.

107. The criminal law is an important legal tool for ensuring free elections and national referendums and for ensuring that citizens’ electoral rights are respected. Obstructing the exercise of electoral rights (Criminal Code, art. 149) and breaching the law in the organization and conduct of elections (ibid., art. 150) are criminal offences.

D. Civil rights

108. The Turkmen Constitution guarantees every citizen freedom of movement and choice of residence within the borders of the State (Constitution, art. 24). Entry restrictions and restrictions on movement apply in border control zones to protect national security and sovereignty.

109. Pursuant to the Entry and Exit Procedures (Turkmen Citizens) Act of 15 June 1995, as amended, Turkmen citizens have the right to enter and leave the country as they please. They may not be deprived of this right (art. 1). Nor do they require an exit visa to leave the country. Temporary restrictions on departure from Turkmenistan may be imposed by order of the President in the event of an emergency arising in a foreign country that might endanger the health of Turkmen citizens or render it impossible to guarantee their personal safety (art. 9).

110. Citizens leaving Turkmenistan with a view to permanent residence abroad enjoy the same rights as Turkmen citizens and have the same statutory obligations. No restriction of their civil, employment, residential or other rights is permitted. Citizens who leave Turkmenistan to reside permanently in another country are entitled to remove lawfully acquired property belonging to them or their family members, together with foreign currency, and are entitled to retain in the territory of Turkmenistan personal property, money, securities and other valuables owned by them (arts. 14 and 16). Under an agreement with neighbouring countries (the Islamic Republic of Iran, Kazakhstan and Uzbekistan), reciprocal visa-free visits by citizens of adjoining territories are permitted for the purpose of maintaining contact with relatives, trade and cultural exchanges.

111. Turkmenistan has its own nationality, the procedure for acquiring and losing which is regulated by the Constitution and the Turkmen Nationality Act of 30 September 1992 as amended. Nationality is the same for all citizens of Turkmenistan, irrespective of race, ethnic background, origin and the reason why it was acquired (art. 5). No one may be deprived of their nationality or the right to change their nationality (Constitution, art. 7). Turkmen citizens may not be exiled, nor may their right to return to their homeland be restricted (Turkmen Nationality Act, arts. 4 and 7).

The right to marriage and choice of spouse

112. In accordance with article 25 of the Constitution, men and women, upon reaching the age of marriage, have the right to enter into marriage and found a family by mutual consent. In marriage and in family relations, no direct or indirect limitation or preference is permitted on grounds of origin, social position, wealth, race, ethnic origin, sex, education, language, attitude to religion, type and nature of occupation, place of residence, or other considerations. The procedure and conditions for marrying, and the personal and property relations obtaining in a family between spouses, parents, children and other family members are regulated by the Marriage and Family Code (version dated 1 September 1988, as subsequently amended). The age of marriage for Turkmen citizens is 16 years. For Turkmen citizens who marry foreigners and stateless persons, the age of marriage is set at 18 years (Marriage and Family Code, art. 16). Forced marriage is a statutory offence. Abducting a woman for the purpose of entering into de facto marital relations is punishable as a crime (Criminal Code, art. 127).

The right to own property alone and in association with others

113. Turkmenistan has affirmed the right of private ownership of the means of production, land and other material and intellectual assets. These assets may also be owned by associations of citizens. Property is inviolable and the State guarantees equal protection and equal status for the development of all types and forms of property (Constitution, art. 9).

114. Under the Civil Code, an owner has the right freely to possess, use and dispose of property within the limits specified by law or contract (art. 191). Joint ownership may arise by virtue of the law or a transaction. All issues pertaining to the possession, use and disposition of property by a sole proprietor or joint owners are regulated by the civil law of Turkmenistan.

115. Pursuant to the Denationalization and Privatization (New Version) Act of 12 June 1997, an extensive programme of denationalization and privatization of State property is under way in Turkmenistan. Under the terms of the Act, State property in all national economic sectors may be denationalized and privatized. Turkmen citizens, foreign nationals, stateless persons, and Turkmen and foreign corporations are permitted to acquire denationalized property. More than 85 per cent of trading establishments and consumer services have been privatized and are now in private ownership. More than 40 per cent of the State housing stock, refineries, factories and industrial plant has been privatized. Private hauliers move 19 per cent of all road freight and private operators handle 23 per cent of all passenger transport on the roads. A total of 83 per cent of the country's irrigated land has passed into private ownership or been leased out on a long-term basis to individual farmers or farmers' associations (private farms).

The right to inherit

116. Turkmen citizens have the right to inherit, which is regulated by the Civil Code and is based on recognition of the equality of the parties in civil law relationships (arts. 1128-1318). Inheritance (inheritable property) embraces both the property rights (inheritable assets) and the obligations (inheritable liabilities) of the testator at the time of his or her death. The inheritance includes any share in joint property due to the deceased or, if it is impossible to divide the property in kind, the monetary value of such property. Inheritance may be effected by law, by will or both. Inheritance according to law makes provision for first- and second-order heirs. Under a will, an individual may in the event of his death bequeath his property to his statutory heirs and to other persons. The Turkmen law on inheritance contains no impediments or restrictions on racial or ethnic grounds, and the same is true of its application in practice.

The right to freedom of thought, conscience and religion

117. The State guarantees religious freedom and freedom of confession, the equality of religions before the law, and the rights of all to determine for themselves their attitude to religion, whether to practise a religion alone, in community with others or not at all, to express and disseminate their beliefs in connection with their attitude to religion, and to take part in the celebration of religious rituals and rites. The Religious Freedom and Religious Organizations Act of 21 October 2003 states that, in determining their attitude to religion, to practise or not to practise a religion, to participate or not to participate in acts of worship or religious rites and ceremonies, or to receive religious education, no one shall be subjected to duress (art. 3).

118. Turkmen law imposes no restrictions on the registration or activities of religious groups and organizations, provided their activities do not contravene the Constitution.

119. It is an offence under Turkmen law directly or indirectly to restrict rights or confer advantages in connection with religious or atheist beliefs, to incite hatred or enmity in connection with such beliefs, or to injure the feelings of individuals on such grounds. The secular character of the Turkmen State does not gainsay the enormous role that religion has always played in the life of society. The State provides citizens with every facility to exercise their constitutional right to religious freedom. At the time of independence, there were just 3 mosques and 1 orthodox church in Turkmenistan; now there are 382 mosques, 12 orthodox

churches and houses of prayer of other faiths. Every year the Muslim faithful, with the support of the State, are offered free transport for pilgrimages to Islamic shrines. The Muslim holidays of Oaza Bairam and Kurban Bairam have been declared national holidays.

120. Obstructing the exercise of freedom of conscience and religion is a criminal offence in Turkmenistan (Criminal Code, art. 154).

The right to freedom of opinion and expression

121. The right to freedom of opinion and expression, guaranteed to Turkmen citizens by article 26 of the Constitution, means the right to express one's opinions and beliefs and to seek, select, choose and disseminate information and ideas in any form, print and other mass media included. Article 5 of the Press and Other Mass Media Act of 10 January 1991 prohibits the use of the mass media "to call for the violent overthrow or change of the existing political system and social fabric, or to spread propaganda for war, violence, cruelty, and racial, ethnic and religious exclusiveness or intolerance ...".

122. Practical opportunities are offered for exercising the right to freedom of opinion and expression. Elections to State bodies are held in conditions of transparency and openness, candidates are free to canvass voters during the campaign, citizens are guaranteed the right to obtain and pass on information, and they have the opportunity to use the press, television, radio and other publicly accessible media for this purpose (Right to Vote (Safeguards) Act, arts. 3 and 10). Citizens availed themselves of these rights extensively in the parliamentary elections of December 1994 and the elections to the People's Council and local councils in April 2003. During these election campaigns, not only were the various candidates' programmes freely debated but the press, radio and television devoted extensive coverage to discussions of domestic and foreign policy and means of further consolidating the democratization of State and public institutions.

123. The new procedure for constituting the People's Council, the supreme standing representative organ of popular power, is one specific means of ensuring freedom of expression. The People's Council (Establishment) Act of 15 August 2003 specifies that the Council membership shall comprise leaders of national voluntary organizations, elders, and citizens commanding public respect and considered worthy of contributing to the work of the Council, who are put forward by their places of work, study or residence. Article 4 of the Act states that the Council's deliberations shall be based on "free discussion and collective decision-making [...], openness and constant attention to the shape of public opinion". Owing to this very broad-based public representation, the people's forum has become a place for the free expression of opinions, wielding genuine influence over the shaping of decisions of national importance by all strata of society and social forces in the country. Similar debating arrangements obtain in local government bodies.

124. Freedom to express one's point of view is also offered by national referendums and discussions of the most important texts affecting the life of the nation. For example, the draft Civil Code was debated for more than two months in the press, on radio and television, and at seminars and round tables. As a result of these discussions, more than 1,000 amendments were incorporated into the definitive version of this text, which is extremely important for upholding human rights.

The right to freedom of peaceful assembly and association

125. Article 27 of the Turkmen Constitution guarantees freedom of peaceful assemblies, rallies and demonstrations. The right to freedom of association is realized through the formation of voluntary associations, social movements, self-help groups and social funds. These are voluntary, self-governing, not-for-profit groups formed at the initiative of private citizens coming together on the basis of common interests.

126. Voluntary associations operate on the basis of their own by-laws and statutes establishing their right to hold meetings. State bodies and their officials are not permitted to interfere in the operation of voluntary associations. The State supports such associations' activities and grants them tax and other concessions.

127. Turkmenistan has voluntary associations for young people, women, war and labour veterans, unions of elders, artists, composers, architects and designers, professional and amateur arts and performing groups and so forth. In pursuit of their aims and objectives these associations hold meetings, rallies and processions, exercising the right accorded to them by article 21 of the Voluntary Associations Act. Turkmen electoral legislation guarantees citizens freedom to assemble. The right to nominate candidates, debate their programmes and provide them with instructions is exercised at meetings, conferences and congresses of political parties and voluntary associations.

128. The same right is exercised by local assemblies of citizens. There are regular voters' meetings where voters meet candidates standing for election and elected members of the appropriate representative bodies. Staff meetings at workplaces and meetings of local residents are held regularly to discuss and resolve day-to-day issues connected with life and work.

E. Economic, social and cultural rights**The right to work**

129. Citizens' right to work is guaranteed by article 31 of the Constitution; it includes the right to free choice of employment and nature and place of work, and the right to protection against unemployment. The Turkmen Code of Labour Laws (1993 version, as subsequently amended) stipulates that every worker is entitled to work in conditions that meet health and safety standards, to equal pay for equal work without any form of discrimination, and to remuneration not lower than the statutory minimum wage. All workers have the right to leisure, ensured by prescribed maximum working hours, weekly rest days, public holidays and commemorative days, and paid annual leave.

130. No direct or indirect restriction of rights or direct or indirect preference in hiring procedures is permitted on grounds of sex, race, ethnic origin, social status, attitude to religion, beliefs or any other considerations unconnected with a worker's professional merits (Code of Labour Laws, art. 16).

131. Large-scale social and economic change and structural adjustments to the economy in Turkmenistan are being accompanied by a reorganization of industry. The huge growth in industrial and refining infrastructure and the reorganization of agriculture have guaranteed

employment for the economically active population. A labour force and employment survey carried out by the National Statistical Institute in 2000 indicates that 85 per cent of women of working age (16-56) are economically active, as are 92 per cent of men in the age range 16-61. Most of the able-bodied population works as hired labour (84 per cent of men and 81 per cent of women).

132. Age-old family customs and traditions exert a considerable influence on women's employment structure. Turkmen women have always placed the highest value on their families and children. Almost one family in three has more than five members, and given the importance of the social function of child-rearing, a certain proportion of women are homemakers.

133. In accordance with the Occupational Safety Act of 1 October 1993, an employer (management) must make use of modern occupational safety methods and provide working conditions that satisfy health and safety requirements and guard against industrial injuries and occupational disease. Employers (management) must inform workers of workplace conditions and occupational safety, and will be held legally liable for any breach of the terms of an occupational safety agreement.

134. Industrial and occupational differences between the work that men and women may be required to do are established by law, which calls for special occupational health and safety arrangements for women.

135. Articles 165-167 of the Code of Labour Laws prohibit women from performing heavy work and work in hazardous conditions, and from lifting heavy objects. Women may not be required to perform night work, except in industries where this is justified by operational necessity, and then only as a stopgap measure.

136. Particular attention is paid to the occupational health and safety of pregnant women and women with small children. Turkmen law stipulates favourable arrangements for pregnant women, for example lower productivity standards and transfer to less onerous work that minimizes exposure to adverse industrial factors while continuing to earn the average rate of pay for their previous jobs. It is expressly forbidden to require pregnant women and women with children under 3 to work at night, overtime or at weekends, or to travel on business.

137. In addition to a general rest period/meal break, breastfeeding women are allowed an additional break of at least 30 minutes to suckle their child.

138. Under article 176 of the Code of Labour Laws, pregnant women and women with children benefit from certain safeguards in hiring and firing. Specifically, employers must not refuse to employ a woman on grounds connected with pregnancy or children. The same applies to separation initiated by management, except where an enterprise is being wound up altogether.

139. Pay depends on a worker's individual work contribution, the quality of the work performed, and the rate of pay specified in the employment contract. There is no upper limit on pay. Article 78 of the Code of Labour Laws prohibits any reduction in a worker's pay based on sex, race, ethnic origin or attitude to religion.

140. For employment in the formal sector of the economy, particularly in the public sector, men and women earn equal pay. Pay varies according to industry or sector of the economy and the job a worker does. The standard of living survey conducted in 2000 by the National Statistical Institute with assistance from UNDP indicated that, on average, women working in the non-agricultural sector earned 72 per cent of what men earned. As a result of regular pay rises in the public sector, in recent years the level of pay in the health, culture and education sectors, where most employees are women, has risen to 84 per cent of the average rate of pay in administrative bodies, where male employees outnumber women.

141. The thorough overhaul of the economy and industrial relations has led to the formation of a labour market. In 2000 there were 50,700 persons on record as actively seeking work, or 1.5 per cent of the able-bodied population. Women account for 38.3 per cent of jobseekers. Structural adjustment of the economy, denationalization and privatization have swelled the labour market with laid-off workers. The strong growth of industrial, textile, carpet-making and other enterprises and the measures taken by the Government (occupational retraining, job fairs, employment agencies) mean that employment issues are being managed successfully.

The right to form and join trade unions

142. Under the Constitution, workers have the right to form trade unions. Trade unions are independent, autonomous voluntary associations of citizens operating on the basis of the Charter of Turkmen Trade Unions, a new version of which was ratified by the Trade Union Congress on 4 May 2001. Turkmenistan's system of trade unions is organized along dual lines - by industrial sector and geographical area - and includes the following formations: grass-roots union organizations, sectoral trade unions, the regional association of trade unions, and the National Trade Union Centre. The principal task of trade unions is to articulate, exercise and protect the employment, social and economic rights and interests of their members. Trade union membership is open to any Turkmen citizen who agrees to abide by the rules of the trade union, is registered with a grass-roots union organization, and pays membership dues. Trade union members have the right to represent and defend their lawful rights and interests vis-à-vis their employers before the courts and administrative authorities, to nominate and elect candidates to trade union bodies and to be elected to such bodies, to debate freely at workplace meetings, meetings of trade union bodies and in the mass media matters relating to trade union activities, to defend their point of view and to submit proposals (Charter of Turkmen Trade Unions, para. 9). The principal tools for regulating social and labour relations are collective agreements, pay-scale agreements between sectoral trade unions and their counterpart ministries or departments, and agreements between regional trade union bodies and local administrations. More than 5,000 collective agreements were concluded in 2000; these set out the mutual obligations of employers and the workforce in the spheres of employment, remuneration and health, supplementary social protection and compensations, and the organization of workers' daily routine and leisure time. Trade union organizations monitor compliance with the terms of collective and pay-scale agreements.

The right to housing

143. Every Turkmen citizen has the right to assistance from the State in obtaining decent accommodation and building his own home. No one may be deprived of housing other than

on grounds prescribed by law (Constitution, art. 22). This right is exercised through State provision of no-cost housing to needy citizens, private acquisition of housing, individual housing construction and the housing rental market. Residential accommodation in State-owned housing stock is provided to citizens in perpetuity. Article 40 of the Turkmen Housing Code states that the allocation of apartments from State-owned housing stock shall not be influenced by a person's race, ethnic origin, colour, attitude to religion or other factors. The following are accorded priority in the allocation of apartments: Second World War disabled, heroes of Turkmenistan, people with severe forms of chronic illness, category-I and -II disabled persons, blue- and white-collar workers with a long and conscientious record of service in a particular branch of industry, large families, and some other categories.

144. Turkmenistan is pursuing a large-scale housing programme. This involves the construction at State expense, to international standards, of very comfortable dwellings; enabling individuals to build their own homes; and privatizing housing stock owned by local municipal bodies. Since independence, over 40 per cent of the housing stock previously owned by municipal bodies has been privatized.

145. The Turkmen Government has established favourable terms for people purchasing apartments in new residential areas. A person who buys a very comfortable apartment makes a down-payment of just one third of its cost; the balance is payable in instalments over a 15-year period. The State makes long-term, low-interest loans available to people wishing to buy such apartments. Incentives are offered to citizens building their own homes. Between 1995 and 2000 the number of private homes constructed, particularly in rural areas, almost doubled. People living in State-owned housing pay a peppercorn rent - no more than US\$ 1 a month at comparable prices. The rental of privately-owned rooms and apartments is an important part of the housing market. A residential lease is concluded between the tenant and the owner of the house or apartment, for a fixed or indefinite period.

146. All housing matters in Turkmenistan are based on the equality of the parties in the legal relationship, inviolability of property, freedom of contract and a ban on interference of any sort in private affairs conducted within the bounds of the law. Neither in fact nor in law are ethnic or national groups concentrated in segregated residential areas or communities in Turkmenistan. Citizens of all the ethnic groups inhabiting Turkmenistan live in towns and villages and own and occupy housing as specified by law. The right to housing is exercised by all Turkmen citizens without any form of discrimination.

The right to public health and social security

147. Article 14 of the Health Act of 14 December 2002 states that "all citizens living in Turkmenistan, irrespective of their ethnic background, origin, wealth or official position, place of residence, language and attitude to religion ... are guaranteed the right to health care".

148. The President's National Health Programme was adopted in 1995. It has been brought in phases: reorganization of the public health system, improvement of its administration, and development of insurance-funded and fee-for-service medical care, and private medical practice.

149. In the course of public health reform, improvements have been made to the primary tier of public health institutions. In place of the disbanded medical institutions in Ashgabat and the regional capitals, multidisciplinary and specialized hospitals have been established, including mother and child hospitals. In rural areas, various medical institutions have been reorganized into rural health centres, structurally integrated into district hospitals. In the cities, health clinics have been reorganized into urban health centres. Family-based medical care has been introduced.

150. On 1 January 2002 the country had 4,367 operational family health centres, staffed by 3,137 family doctors, 1,061 family paramedics, and 6,237 family nurses.

151. Public expenditure on health care has grown as the health system has been reformed. In 1995, 9 per cent of the State budget was spent on the health sector; in 2002 that proportion had risen to 16 per cent. As a proportion of gross domestic product, this expenditure has increased from 1.8 to 3.8 per cent.

152. The process of instituting a medical insurance scheme is successfully under way in Turkmenistan. The scheme provides citizens with a range of benefits for medical services, including the opportunity to purchase medicines in State pharmacies at a 90 per cent discount. The list of prescription medicines includes 138 basic drugs and 137 equivalents, a total of 265 items. On 1 January 2003, a total of 4,093,500 persons were covered by medical insurance: 2,055,100 contributors and 2,038,400 dependants. Overall, 93.1 per cent of the population is covered by the medical insurance system.

153. Since independence, large medical centres equipped with state-of-the-art technology and offering a broad range of therapeutic, diagnostic and rehabilitation services have been built.

154. A national immunization programme has been adopted and is being successfully implemented. Thanks to an active immunization campaign, reform of the public-health system, and the increased range and quality of medical services available to the population, rates of disease have reduced significantly and the life expectancy of both sexes has increased. For example, in the period 1995-2000, the incidence of the principal infectious diseases was more than halved.

155. Turkmenistan has an integral system of maternal and child welfare that provides for mandatory care for women during pregnancy, childbirth and the puerperal period, and medical observation of children, particularly in the first five years of life. Various health-education drives are under way, focusing on nutrition, breastfeeding and healthy lifestyles.

156. The effectiveness of the health protection afforded to pregnant women is indicated by the fact that 92 per cent of pregnancies were brought to term successfully in 2002. Foreigners and stateless persons temporarily or permanently resident in Turkmenistan, and also refugees, have the right to health care on the same footing as Turkmen citizens (Health Act, art. 15).

157. The Constitution of Turkmenistan guarantees all citizens the right to social security in old age and in the event of illness, disablement, loss of breadwinner or unemployment. Large families, children deprived of their parents, veterans and other categories also receive benefits.

The following benefits are provided: maternity and childcare allowances, temporary disablement benefit, disability pension, survivor benefit and welfare benefit. Benefits are not taxable.

158. Article 2 of the State Benefits Act of 17 July 1998 states that Turkmen citizens are entitled to benefits irrespective of their sex, ethnic background, origin, attitude to religion or other considerations. Turkmenistan ensures the social welfare of persons with disabilities and creates conditions permitting their personal development. Discrimination on grounds of disability is prohibited and subject to prosecution. Officials or individuals who violate the rights, liberties and legitimate interests of disabled persons will be held disciplinarily, administratively and criminally liable (Disabled Persons (Social Welfare) Act of 19 May 1992). Five regional centres and 40 home help units administered by the Ministry of Social Welfare and local administrations provide special assistance to disabled and elderly citizens. Five residential homes for old people without family or relatives provide social protection for elderly and disabled citizens. The State pays for elderly people's upkeep and their medical, everyday and cultural needs. A palace has been built in Ashgabat for orphans and children deprived of parental care, where the children have every opportunity to enjoy a full and happy life. The Veterans (Status and Social Welfare Guarantees) Act of 15 June 1995 lays down the legal, economic and organizational principles governing social welfare for veterans. Article 7 of this Act defines veterans as those who fought in the Second World War or worked in the rear, labour veterans, military service veterans, and others.

159. This Act applies to all citizens living in Turkmenistan, without exception.

160. Citizens' constitutional right to social security in old age is given effect by the Pensions Act of 17 July 1998. All Turkmen citizens are entitled to a pension in the manner and under the conditions prescribed by this Act. Men are entitled to a pension at the age of 62 and women at the age of 57. Mothers with many children qualify for a pension before the statutory retirement age for women. Pensions are increased regularly on the initiative of the President. They doubled in 2003.

The right to education and vocational training

161. In line with its Constitution, Turkmenistan offers equal educational opportunities to its citizens without distinction based on ethnic, racial or national origin.

162. There are currently 1,704 secondary schools in Turkmenistan, attended by more than 1 million children from all the nations and peoples living in the country. There are 15 secondary vocational and 16 higher educational institutions. Students of both sexes study 16 specialist trades at vocational secondary schools and 182 specialist trades at higher educational institutions. In 2003 more than 1,000 young people from Turkmenistan studied in various educational establishments overseas. Turkmen higher educational institutions work together with universities and institutes in the United Kingdom, France, Germany, Spain, Denmark and elsewhere to improve teaching techniques and exchange experience. The entire process of secondary and higher education, together with all-round cooperation with overseas institutions, serves to consolidate friendship and cooperation with all nations and peoples.

163. Sweeping changes have occurred in vocational education since independence. Since the academic year 1997/98, vocational training has been introduced with effect from Year 7. Pupils can learn 57 occupations at vocational education establishments, enterprises, peasant farmers' associations, and directly in schools. Preparation for these specialist trades begins with basic-level vocational instruction in skills such as handling a motor vehicle, operating a computer, accountancy, operating a sewing machine, and driving a tractor. The Makhtumkuli Turkmen State University and the Turkmen Polytechnical Institute have started international business schools where students in the final years of secondary education learn about marketing, management and computing.

164. Enterprises and organizations arrange vocational training for their staff directly. In 2001, a total of 8,000 people were trained, retrained or learned new jobs. A further 28,300 people studied to upgrade their skills. Secondary-level vocational education establishments offer a broad range of study options, including economics, education, health care, transport and communications. In 2001, some 21,000 people followed vocational training courses at basic-level vocational training establishments, 4,300 at the secondary level, and 16,600 at higher educational institutions.

The right to equal participation in cultural activities

165. The years since independence have been marked by a spiritual and cultural renaissance among the peoples living in Turkmenistan. The so-called international culture implanted in the Soviet era resulted in neglect of ethnic roots and the replacement of genuinely national spiritual values by synthesized imitations.

166. Stimulated by the President and the Government, the national cultural traditions and vernacular arts of the peoples and ethnic groups inhabiting Turkmenistan have flourished since independence. Turkmen citizens exercise their constitutional right to freedom of artistic, intellectual and technical expression, and the law protects their rights and interests in the sphere of artistic, literary and cultural endeavour (Constitution, art. 36). Magnificent museums, theatres, sports facilities, stadiums and swimming pools have been built, all of which are accessible to the public at large. There are artistic and sporting competitions in which members of all ethnic groups in Turkmenistan take part. The State gives citizens the opportunity to exercise their rights to physical recreation and sport by creating the legal, organizational, social and other conditions for them to do so. The mass media, the public health service, educational institutions and voluntary associations widely promote physical recreation and sports (Physical Recreation and Sports Act of 7 July 2001, arts. 3, 4 and 8).

167. Members of all ethnic and national groups have extensive opportunities to develop their creativity in the applied arts. The carpets, jewellery, traditional fabrics, ceramics and other objects produced by national craftsmen are admired the world over. Artistic freedom and the right to participate in national cultural life are secured by the Applied Arts and Crafts Act of 19 December 2000. The Libraries and Librarianship Act of 15 July 2000 allows all citizens to take advantage of the country's library holdings, to borrow printed publications for a limited period, and to avail themselves of other forms of library service.

F. Right of access to places intended for use by the general public

168. The right of access to places intended for use by the general public (hotels, restaurants, cafes, libraries, theatres, stadiums, etc.) is guaranteed to Turkmen citizens. There is no discrimination against visitors to public facilities on racial or any other grounds: not one instance has been recorded in judicial or administrative statistics since independence. Article 10 of the Constitution specifies that “the State is responsible for ... ensuring the equality of social and ethnic communities”.

**VI. INFORMATION ON MEASURES TO GIVE EFFECT
TO ARTICLE 6 OF THE CONVENTION**

169. The law of Turkmenistan provides everyone under Turkmen jurisdiction with civil, administrative and criminal remedies against any instance of racial discrimination which violates their human rights and fundamental freedoms. Practically all Turkmen laws on human and civil rights and liberties clearly prohibit any manifestation of racial, ethnic or national discrimination.

170. In the event of any racial discrimination, all Turkmen citizens have the constitutional right to seek judicial protection (Constitution, art. 40).

171. The Constitutionally Enshrined Civil Rights (Court Protection) Act gives citizens the right to challenge the actions of State bodies, voluntary associations, local government bodies and officials and seek judicial protection of their rights, including protection against racial or ethnic discrimination. Through the competent courts, which administer justice irrespective of racial or ethnic considerations (Organization of the Courts and Status of Judges Act), they can obtain redress for material or moral injury caused by racial discrimination in violation of their rights (Civil Code, art. 16).

172. Statutory measures that make discrimination a criminal offence materially assist individuals to exercise their right to counter racial discrimination.

173. Under article 178-3 of the Turkmen Code of Administrative Offences, it is an offence to violate ethnic equality by committing acts calculated to arouse racial or ethnic hatred, strife or scorn, to resort to violence on ethnic, racial or religious grounds, or to form associations (political parties, voluntary organizations and mass movements) whose intended purpose is to violate racial or ethnic equality.

174. Any direct or indirect violation or restriction of human and civil rights and liberties on the grounds of race or ethnic origin is an offence contrary to article 145 of the Criminal Code, the punishment for which could theoretically include deprivation of liberty.

175. Criminal punishment is also stipulated for the intentional humiliation or degradation of an individual on racial or ethnic grounds. If the person is defamed in a public speech, a publicly exhibited work or in the mass media, this is considered an aggravating circumstance (Criminal Code, art. 133).

176. In administrative and judicial practice since independence, no cases of racial or ethnic discrimination have ever been referred to the courts, and no citizen has ever been convicted of such an offence.

VII. MEASURES TO GIVE EFFECT TO ARTICLE 7 OF THE CONVENTION

A. Teaching and education

177. The entire education system of Turkmenistan, the structure and organization of which is described in this report, aims at the balanced spiritual development of its students and at “inculcating in the student body as a whole and in its parts ... a culture of mutual respect, cooperation, stability, civil peace, national unity and inter-ethnic harmony” (Model charter of a higher educational institution, approved by order of the Minister of Education on 28 September 2002).

178. The axiom that all people are equal, regardless of their race, colour or ethnic origin, is a hallmark of the whole Turkmen education system, from pre-school institutions (nurseries and infant schools) right through to higher education. Pre-school institutions teach Turkmen, Russian and English, and in line with the curriculum they seek to instil the habits of equality, friendship and comradeship, irrespective of social status, wealth, race or ethnic background.

179. The curriculum at secondary general-education and vocational schools includes study of national and international human rights instruments. A course on the basic principles of the State and the law is taught in schools; this presents the national policy of inter-ethnic harmony, friendship and cooperation between all peoples living in Turkmenistan. In history, literature and other lessons, children study the creative legacy of foreign writers and poets and the past and present of other countries besides learning Turkmen history and literature. The entire approach taken by Turkmen teachers in their work is rooted in tolerance and respect for other nations. Higher education curricula include courses on the international legal status of permanent neutrality and Turkmenistan’s international human rights obligations. Students study core international human rights instruments, including the conventions against discrimination. Turkmen higher educational institutions collaborate with local offices of international organizations in holding regular seminars, conferences, and creative arts competitions for students on the theme of the human dimension. The legal faculty at Makhtumkuli Turkmen State University, with assistance from the OSCE Centre in Ashgabat, has established a human rights library to enable students to study national law and international norms on human rights and freedoms in depth. The National Institute for Democracy and Human Rights has a Centre for Human Rights and a Centre for Humanitarian Law which are open to the public. Here visitors can consult human rights literature and seek advice.

B. Culture

180. State bodies (the Ministry of Culture and Information, the Ministry of Education, the Miras State Institute for the Cultural Heritage of the Peoples of Turkmenistan, Central Asia and the Orient (part of the Presidential Administration), the State Academy of the Arts, the National Philharmonia, theatres and workshops, cultural centres, etc.), national voluntary organizations

(the Makhtumkuli Youth Union, the Gurbansoltan-eje Women's Union, the Council of Elders, the Atamurat Niyazov Council of Veterans, the World Humanitarian Association of Turkmen, the Galkynysh National Movement, etc.) and other organizations strive by all the means at their disposal to encourage mutual understanding between different ethnic groups and cultures and friendship and cooperation between nations. Regular week-long special events are held to celebrate friendship with the peoples of other countries. In 2003 such events were organized to celebrate friendship with the peoples of Ukraine, the Islamic Republic of Iran and Turkey; these involve meetings with personalities prominent in public life and the arts, performances, musical recitals, book exhibitions and other events. Performing artists from the United States of America, the Russian Federation, the United Kingdom and elsewhere tour in Turkmenistan.

181. In turn, Turkmen performers tour abroad. Cultural, artistic and scientific exchanges between Turkmen and foreign professionals help to strengthen cooperation between nations.

182. Members of the United States Peace Corps working in Turkmenistan promote cultural exchange. Every year Turkmenistan celebrates Neutrality Day as a national holiday on 12 December, to mark the Declaration on the international human rights obligations of neutral Turkmenistan. This instrument, whose provisions Turkmenistan unfailingly follows, guarantees to one and all the rights and liberties enshrined in the Constitution, laws and generally accepted norms of international law, without any distinction as to race, sex, language, or attitude to religion. Inter-ethnic and interfaith harmony are the guiding principles of the Galkynysh National Movement, whose membership includes representatives of all the peoples living in Turkmenistan and the largest voluntary associations, enterprises and organizations in the country. One noteworthy event in this connection was the national celebration to mark the fiftieth anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights. A long-term national programme of events approved by the President was drawn up to mark this occasion. It included the publication of a compilation of international human rights instruments for a mass readership, public readings, discussions, lectures and conferences on human rights in cities and districts across the country, and photographic exhibitions, displays, competitions and panel games on human rights issues in higher educational institutions, schools, libraries and museums. International and national conferences were held on this theme in conjunction with the local offices of international organizations, and a number of books and compilations were published. The programme helped to develop cohesiveness and strengthen unanimity in society. Similar initiatives are being launched today.

C. Information

183. The Turkmen mass media regularly publish articles and broadcast radio and television programmes on the implementation of human rights and the democratic developments taking place in Turkmenistan. A twice-weekly panel discussion programme on national television airs issues relevant to upholding and protecting constitutional rights and liberties. Guests include parliamentary deputies, academics, representatives of voluntary associations and law enforcement agencies, and staff of the National Institute for Democracy and Human Rights. There is also a long-running series of radio programmes under the general title "Shaping a decent and just society in Turkmenistan". These feature talks and speeches by politicians, public figures, writers, academics, lawyers and other personalities. They are broadcast once a week in the mornings and evenings and are very popular with listeners. Central and local newspapers

feature a special column entitled “Human rights and liberties” that regularly includes articles, essays and reviews on the democratic changes that are taking place, the work of voluntary organizations, and the realization and protection of human rights. With the assistance of the offices of international organizations in Turkmenistan, all the core international human rights instruments have been published in the official language, and the Universal Declaration of Human Rights, the Charter of the United Nations, the Declaration on the Elimination of All Forms of Racial Discrimination and other international instruments have been published in large editions. Compilations of international and national instruments relating to the rights of, inter alia, women, children and refugees appear regularly: in cooperation with UNDP, UNHCR, UNICEF, IOM and other organizations, the National Institute for Democracy and Human Rights has published 17. These are distributed free of charge in educational establishments, libraries, enterprises and institutions, and to the public at large. The Institute issues a magazine, *Democracy and the Law*, in Turkmen, Russian and English. The magazine is a platform for politicians, public figures, academics and diplomats from different countries to state their views of the process of democratization under way in Turkmenistan, share the experience of their own countries, and express their thoughts and hopes for further liberalization and protection of civil rights in Turkmenistan. The mass media in Turkmenistan adhere throughout to the constitutional principle that all citizens are equal and that discrimination on racial or any other grounds is prohibited.
