



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial reports of States parties due in 2007

Turkmenistan*

[26 January 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.



I. Introduction

1. Care for children and young people is a major priority of State policy in Turkmenistan. An all-embracing concern for the welfare of the younger generation is a cornerstone of all the progressive reforms under way in the country.
2. The Convention on the Rights of the Child was ratified by decision of the Mejlis, the parliament of Turkmenistan, on 23 September 1994.
3. By becoming a party to the Convention, Turkmenistan made a commitment to the international community to harmonize its national legislation with the provisions of the Convention and thereby establish a legal framework for ensuring a decent standard of living in the country and the enjoyment of the whole range of constitutionally protected human rights by all children, as persons in whom full legal rights are vested, without discrimination of any kind. Fulfilling that commitment has entailed the establishment of a broad package of measures at the national level and the implementation of programmes aimed at putting into practice the provisions of the Convention.
4. On 28 March 2005, Turkmenistan acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (New York, 25 May 2000).
5. The initial report of Turkmenistan (CRC/C/TKM/1) regarding implementation of the provisions of the Convention was considered on 24 May 2006 at the forty-second session of the Committee on the Rights of the Child.
6. Additional information on the concluding observations of the Committee and the follow-up to the recommendations made to the Government was submitted in late 2007.
7. Turkmenistan submitted its combined second to fourth periodic reports regarding implementation of the provisions of the Convention and the recommendations made to it in 2011.
8. The Convention and its Optional Protocol on the involvement of children in armed conflict have been incorporated into the national law of Turkmenistan.
9. This report was prepared on the basis of information provided by the relevant government bodies and voluntary associations.

II. Information on the implementation of the Protocol

Articles 1–4

10. In Turkmenistan, the human being is of paramount importance to society and the State. The State is accountable to every citizen and is to make provision for the free development of his or her personality and protect the life, honour, dignity, liberty, personal inviolability and natural and inalienable rights of citizens (Constitution, art. 3). A number of legislative acts have been passed in Turkmenistan that deal with the rights of the child and their protection. The laws and regulations reflect the standards established by the international treaties on the rights of the child to which Turkmenistan is a party.
11. In conformity with article 6 of the Constitution, Turkmenistan, as a full member of the international community, pursues a foreign policy of permanent neutrality, non-intervention in the internal affairs of other countries, non-use of force and non-participation

in military blocs and alliances, while seeking to promote peaceful, friendly and mutually beneficial relations with countries of the region and other States around the world.

12. Just as Turkmenistan has not been involved in any armed conflict since gaining independence, no persons under the age of 18 living in Turkmenistan have taken part in military operations. Refugee children who were involved in armed conflicts in their countries of residence and are forced by circumstances to be in Turkmenistan are provided with essential psychological and social assistance from the local authorities.

13. The legal status of children in Turkmenistan is regulated by the Constitution, the Guarantees of the Rights of the Child Act, other legislation and international treaties on the rights and protection of the interests of the child to which Turkmenistan is a party.

14. On 10 April 1992, Turkmenistan signed the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, under which children are assured legal protection as part of the civil population in time of international armed conflicts.

15. Turkmenistan maintains armed forces in order to protect the sovereignty of the State and maintain security (Constitution, art. 13). Article 41 stipulates that it is every citizen's sacred duty to protect Turkmenistan and military service is compulsory for all male citizens.

16. Article 2 of the Conscription and Military Service Act, as amended on 25 September 2010, sets forth in detail the notion of compulsory military service as a special kind of public service that citizens choose to perform in the Turkmen Armed Forces or in other forces or military bodies as provided for by the Act. Men and women from the age of 20 to 30 may be required to serve in the Armed Forces.

17. Under article 10 of the Act, from 1 January to 31 March a military service commission registers male citizens who have reached the age of 16 for military service.

18. Male citizens aged from 18 to 27 who are not entitled to an exemption or deferment are liable for military service and may be called up when they reach the age of 18. Persons who are entitled under the Act to an exemption or deferment, or are declared unfit for military service, are not liable to be called up.

19. In accordance with article 14 of the Act, upper secondary schools which include military training in addition to the normal course of study are set up under the Ministry of Defence according to national regulations with the aim of giving boys an all-round education while preparing them for military service.

20. The statutes of such schools are approved by the President of Turkmenistan.

21. Article 32 of the Act establishes the right of citizens, including women aged from 17 to 21 who have completed their secondary education, to attend military academies. Women who enrol voluntarily in such academies, upon reaching the age of 18 and completing their first year of training, take a pledge to do military service. In doing so, they reaffirm that the decision to enlist is voluntary. It should be noted that the regulations also explicitly state that military academies must furnish students with a curriculum that includes military and civilian components, which is further evidence that the rights and freedoms of all citizens are safeguarded.

22. In accordance with article 30 of the Guarantees of the Rights of the Child Act, it is forbidden to exhibit, rent, sell, give or disseminate to children any toy, film, sound or video recording, book, newspaper, magazine or other printed matter that directly encourages or advocates war, cruelty, violence or discrimination on the basis of race, religion, sex or age or in any other way harms a child's spiritual and moral development.

23. The Constitution prohibits the establishment of paramilitary groups that advocate war or racial, national or religious hatred (art. 30).
24. Under article 169 of the Criminal Code, on mercenary activities:
- The recruitment, training and funding of mercenaries, the provision of other material support to them or the use of them in armed conflicts or other hostilities are offences punishable by 3 to 8 years' deprivation of liberty;
 - Participation by mercenaries in armed conflicts or other hostilities is punishable by 5 to 10 years' deprivation of liberty.
25. The article is general in nature and does not specifically mention the participation of minors in armed conflicts or other hostilities as an aggravating circumstance. Nevertheless, the provision also covers cases involving minors.
26. Since independence, no offences relating to the involvement of minors in armed conflicts have been recorded.

Article 5

27. With a view to further safeguarding human rights, including the rights of the child, Turkmenistan has acceded to a number of international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air (28 March 2005)), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (18 April 2008), the Convention on the Rights of Persons with Disabilities (4 September 2008) and its Optional Protocol (25 September 2010), the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182) (25 September 2010), the International Convention against Doping in Sport (25 September 2010), the World Health Organization Framework Convention on Tobacco Control (26 March 2011) and the Convention relating to the Status of Stateless Persons (4 August 2011).
28. The provisions of those international instruments are implemented through legislation enacted by the Government and parliament of Turkmenistan. A series of human rights laws has been passed recently in the framework of legal reform. They include the Courts Act (of 15 August 2009), the Procurator's Office Act (15 August 2009), the Bar and Advocacy Act (10 May 2010), the Code of Criminal Procedure (18 April 2009), the Labour Code (18 April 2009), the Criminal Code (10 May 2010), the Penal Enforcement Code (26 March 2011), the Legal Status of Foreign Nationals in Turkmenistan Act (26 March 2011) and the Internal Affairs Authorities Act (30 May 2011).
29. Respect for the rights of the child continues to be a national legislative priority and is reflected in many new laws and codes. There is no specific legislation on the protection of children in armed conflicts but a number of provisions on the matter are contained in laws governing the legal status of certain population groups. Article 6 of the Guarantees of the Rights of the Child Act, on the right to life and development, provides that the State and the relevant authorities are to take legal, economic, social and other measures so that children may live a decent life and develop in a healthy and safe environment. Article 10, on the right to privacy, prohibits violations of a child's right to privacy through forcible or unlawful interference injurious to his or her honour, dignity, affections or reputation. Article 24, paragraph 3, of the Act states: "It is prohibited to degrade or intimidate children or inflict on them corporal punishment or any other pain that harms their mental or physical health."

Article 6

30. Article 7 of the Constitution states that citizenship may be acquired, maintained or lost in accordance with the law. Dual citizenship of nationals of Turkmenistan is not recognized. No one may be deprived of their citizenship or the right to change it. Citizens of Turkmenistan may not be turned over to another State, expelled from Turkmenistan or limited in their right to return to their native land. Nationals of Turkmenistan are guaranteed the protection and support of the State in its territory and abroad. Article 9 of the Code of Criminal Procedure states that nationals of Turkmenistan who commit a crime in the territory of another State are not subject to extradition to that State.

31. According to the Criminal Code, the State may prosecute persons who commit offences, whether in the territory of Turkmenistan or abroad. Under article 7 of the Code, persons who commit crimes in Turkmenistan are liable to criminal prosecution.

32. In accordance with article 8 of the Criminal Code, citizens of Turkmenistan and stateless persons permanently residing in Turkmenistan are liable for crimes committed outside Turkmenistan covered under the national criminal law if the act is punishable under the criminal law of the State in whose territory it was committed and if they have not been convicted in the other State. The penalty imposed may not exceed the maximum penalty provided for by the law of the country in which the crime was committed.

33. Foreign nationals and stateless persons not permanently residing in Turkmenistan who commit a crime outside the country may be prosecuted under Turkmen criminal law if the offence is directed against Turkmenistan or its citizens and also in cases provided for under international treaties to which Turkmenistan is a party if they have not been convicted in another State or prosecuted in Turkmenistan.

34. Foreign nationals and stateless persons who have committed a crime outside Turkmenistan and are present in the country may be extradited to a foreign State for criminal prosecution or to serve their sentence in conformity with the international treaties, agreements, conventions and other international instruments to which Turkmenistan is a party.

Article 7

35. Turkmenistan shares the purposes and principles of the international community, as contained in the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children". Turkmenistan ratified the Convention on the Rights of the Child in September 1994 and has taken legislative, administrative and other measures in order to implement its provisions.

36. The initial report of Turkmenistan (CRC/C/TKM/1) on implementation of the provisions of the Convention was considered at the forty-second session of the Committee on the Rights of the Child on 24 May 2006. An additional report on the concluding observations of the Committee and the follow-up to the recommendations made to the Government was submitted in 2007. The combined second to fourth periodic reports of Turkmenistan on implementation of the provisions of the Convention were submitted to the Committee in July 2011.

37. The National Institute for Democracy and Human Rights in the Office of the President of Turkmenistan is currently working with the United Nations Children's Fund (UNICEF) country office on a draft outline for improving the juvenile justice system in Turkmenistan with a view to bringing it into line with international standards. The Third Child Protection Forum for Central Asia, organized by the parliament of Turkmenistan in

conjunction with voluntary associations belonging to the Galkynysh National Movement, the Ministry of Education and the UNICEF office in Turkmenistan, was held on 31 May and 1 June 2011. Participants, including delegates from the countries of the region, international experts from the UNICEF regional office and children's rights specialists from several countries discussed key issues relating to the protection of children's rights and priority areas for further joint work.

38. The State recognizes the right of every child to benefit from social security, including social insurance, and is taking the necessary steps to achieve the full realization of this right in conformity with its national legislation.

39. Childhood issues are addressed by the 1995 State Health-Care Programme and national social and economic development programmes, in particular the President's National Programme to Improve Social Welfare and Living Standards in Villages, Settlements, Towns and District Centres for the Period up to 2020, the National Programme for the Social and Economic Development of Turkmenistan for 2011–2030, the policy blueprint for the social and economic development of the districts and Ashgabat for the period up to 2012 and other national welfare programmes.

40. The National Programme on Early Childhood Development and Preparation of Children for Schooling for 2011–2015, approved by a presidential decree on 27 May 2011, is intended to improve maternal and child health, form the basis for children's physical and mental development in early childhood and introduce children to national and universal spiritual values.

41. A significant portion of the total funding allocated to public and social services under the 2011 national budget, which was passed on 27 November 2010, is directed to social development. For example, 37.1 per cent has been set aside for education, 12.2 per cent for health, 4.2 per cent for culture and 36.2 per cent for social security, including increases in pensions and State benefits. It should be noted that the national budget has a social focus. Provision will therefore continue to be made in coming yearly budgets for generous spending to promote the comprehensive and harmonious development of children from an early age.

42. The laws of Turkmenistan contain no discriminatory provisions that prejudice human and civil rights and freedoms, including the rights of the child, on grounds of gender, race, ethnic origin, language, background, wealth, place of residence, religious attitudes, convictions, membership of community organizations or other circumstances.

43. The Labour Code contains a number of articles aimed at eradicating discrimination in the workplace. Article 7 prohibits any restriction on labour rights or preferential treatment in their realization based on ethnic origin, race, gender, background, wealth, official status, place of residence, language, age, religious beliefs, political convictions, party affiliation or lack thereof, as well as other circumstances unrelated to the professional qualities of an employee or the results of his or her work.

44. Distinctions in employment arising from the specific requirements of a given post or special treatment given by the State to persons requiring a greater measure of social and legal protection (such as women, minors and persons with disabilities) established by the law of Turkmenistan do not constitute discrimination.

45. Children in Turkmenistan are entitled to work within limits determined by their age, health, education and vocational training. Article 23 of the Labour Code establishes the right of the child to work from the age of 16. A child may be allowed to work from the age of 15 with the consent of either parent (or a legal representative).

46. Children below the age of 15 may enter into employment contracts with cinemas, theatres, theatrical and concert groups and circuses to participate in the creation and/or

performance of productions not prejudicial to their health or moral development, subject to the consent of either parent, or consent of a guardian and authorization of the guardianship authorities. The employment contract in such cases is to be signed by a parent or guardian on the employee's behalf. Consent and authorization to enter into an employment contract must be given in writing.

47. Students may be recruited on short-term employment contracts in accordance with article 60 of the Labour Code. Under article 33, paragraph 10, of the Education Act, the employment of pupils or students of any educational institution in work not provided for in the curriculum without the express consent of the pupils and students themselves and their parents (or other responsible persons) is prohibited.

48. Article 250 of the Labour Code stipulates that workers under the age of 18 have the same employment rights as adults but enjoy preferential treatment with regard to health and safety at work, working hours, leave and several other working conditions as established under the Code and by other national laws and regulations.

49. Care for children with special educational needs and physical impairments, including children with disabilities, is regulated by the law. Children with disabilities enjoy all the social, economic, political and personal rights and freedoms set forth in the Constitution, the Social Security Code and other legislation.

50. On 4 September 2008, Turkmenistan acceded to the Convention on the Rights of Persons with Disabilities of 13 December 2006. The Optional Protocol to the Convention was ratified by the Mejlis on 25 September 2010.

51. Under the Guarantees of the Rights of the Child Act, children with disabilities are entitled to full and effective participation in society. With a view to providing support for such children and helping them to adapt socially, the State maintains educational, medical and rehabilitation institutions so that they may have access to an education and vocational training appropriate to their state of health. The relevant employment department or office provides employment assistance to children whose choice of occupation is restricted for health reasons. The parents and legal guardians of children with disabilities receive benefits as provided for by the law. Persons under 16 years old are categorized as "children with disabilities" depending on how severely body functions and the ability to perform daily activities are impaired.

52. Discrimination against children with disabilities is prohibited and punishable by law. The State guarantees the protection of the rights, freedoms and legitimate interests of children with disabilities in accordance with the procedures established by law.

53. The task of providing social protection to children with disabilities is entrusted to the Ministry of Labour and Social Protection, the Ministry of Health and the Medical Industry, local authorities and local self-governing bodies.

54. The Magtymguly Youth Organization works to promote the all-round development of young people in the country so that they may play a more prominent role in society and to create an appropriate social, economic, institutional and legal environment for them. The following initiatives have been undertaken as a part of children's and youth programmes:

- Artistic and creative events for gifted children (such as festivals, competitions, Olympiads and exhibitions);
- Activities aimed at putting free time to good use (sports and activities for children and young people in youth centres);
- Measures to shield children from acts that run counter to traditions, warnings against drug abuse, crime and harmful habits and promotion of a healthy lifestyle through training seminars and sporting activities;

- Public information campaigns in the media on current programmes and events;
- Examination of the social problems encountered by orphans, children from low-income families and children deprived of parental care and arranging for the relevant public authorities to address them;
- Provision of assistance, in conjunction with the appropriate organizations, to children with disabilities, children without parental care or children in single-parent families;
- Regular assessments of the problems and requirements of children with special needs and children with disabilities and their families.

55. International Children's Day falls on 1 June in Turkmenistan. Morning performances, concerts, arts competitions, plays and other events are staged in parks, preschools, schools and specialized institutions for children such as the Children's Home, residential schools and the Palace of Dovletliler named after United Arab Emirates President Zayed bin Sultan Al Nahyan.

56. In an attempt to raise awareness of the provisions of the Convention on the Rights of the Child among children in the provinces, arts competitions and photo exhibitions on the rights of the child are held, and seminars are conducted to promote a healthy lifestyle among young people. For example, a broad-based project is being carried out at the regional level with the support of the United Nations Population Fund (UNFPA) to improve young peoples' awareness of reproductive health issues and their reproductive rights.

Article 8

57. Pursuant to a presidential decision of 24 August 2007, the preparation of national reports on the status of implementation of international human rights instruments for submission to the United Nations treaty bodies has been entrusted to the interdepartmental commission responsible for ensuring compliance with the international human rights obligations undertaken by Turkmenistan, which by presidential decision on 12 August 2011 became the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law. The Commission has a mandate to:

- Coordinate the activities of the bodies responsible for implementing international human rights obligations;
- Prepare national reports on the status of implementation of international human rights treaties for submission to the appropriate international organizations;
- Monitor compliance of national legislation with international human rights standards;
- Draft proposals for bringing the legislation of Turkmenistan into line with the provisions of international human rights treaties to which Turkmenistan is a party;
- Promote interaction and cooperation between State authorities, voluntary associations and international human rights bodies.

57. The Commission is made up of representatives from the Mejlis, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour and Social Protection, the Ministry of Education, the Ministry of Health and the Medical Industry, the Ministry of the Economy and Development, the Ministry of Culture and Television and Radio Broadcasting, the Ministry of Internal Affairs, the Ministry of Defence, the Supreme Court, the Office of the Procurator-General, the Council on Religious Affairs in the Office of the

President, the State Statistics Committee, the National Institute for Democracy and Human Rights in the Office of the President, the Institute of State and Law in the Office of the President, the National Trade Union Centre, the Women's Union, the Magtymguly Youth Organization and the National Red Crescent Society. The activities of the Commission are coordinated by the National Institute for Democracy and Human Rights.

58. When preparing national reports, the Commission conducts ongoing interdepartmental meetings and meetings and consultations with international experts invited by United Nations agencies. In August 2010 and 2011, seminars were run for members of a working group of the Commission, with the assistance of the UNICEF country office and Mr. Dainius Puras, an international expert and member of the Committee on the Rights of the Child, on procedures for preparing periodic reports under the Convention on the Rights of the Child and also on how to deal with recommendations contained in concluding observations.

59. The report was prepared with input from ministries and agencies with decision-making powers on the status of children and the safeguarding and implementation of their rights, Government statistics and information from voluntary associations. The draft report was transmitted to ministries, State committees and departments and voluntary associations, and their comments and wishes were taken into account in the final draft.

Articles 9–10

60. On 28 March 2005, the President of Turkmenistan signed the instrument of accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (New York, 25 May 2000).

Article 11

61. Turkmenistan has taken no steps to denounce the Protocol.

Article 12

62. Turkmenistan has not proposed any amendments to the Protocol.
