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Turkmenistan

Addendum

**Replies from the Government of Turkmenistan to the list of
issues (CCPR/C/TKM/Q/1) to be taken up in connection with
the consideration of its initial report (CCPR/C/TKM/1)***

[17 November 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Replies from the Government of Turkmenistan to the list of issues (CCPR/C/TKM/Q/1) to be taken up in connection with the consideration of its initial report (CCPR/C/TKM/1)

Replies to the questions raised in paragraphs 1 to 3 of the list of issues (CCPR/C/TKM/Q/1)

1. Turkmenistan declared its commitment to the principles laid down in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights during its first days as an independent State.
2. Article 6 holds a special place in the updated version of the Constitution, adopted on 26 September 2008, containing provisions on the recognition by Turkmenistan of the precedence of universally recognized norms of international law.
3. Under article 1, paragraph 1, of the Criminal Code (as amended on 10 May 2010), the criminal legislation of Turkmenistan is based on the Constitution and the universally recognized principles and norms of international law.
4. Criminal procedure in Turkmenistan is specified by the constitutionally based Code of Criminal Procedure (18 April 2009), in accordance with its article 1.
5. The international agreements concluded and the general principles and norms of international law governing criminal procedure recognized by Turkmenistan are an integral part of criminal procedural law.
6. All laws and international agreements to which Turkmenistan is a party are published. The official publication of laws and regulations concerning the rights, freedoms and obligations of citizens is a prerequisite for their application.
7. Article 17 of the International Treaties Act of 10 May 2010 requires strict compliance on the part of Turkmenistan, through its State bodies, with the international treaties to which it is a party, in accordance with the norms of international law.
8. The President and the Cabinet of Ministers must take steps to ensure the implementation of the international treaties to which Turkmenistan is a party.
9. The State bodies, whose mandates include questions regulated by international treaties to which Turkmenistan is a party, must ensure compliance with the obligations undertaken under those treaties and monitor the implementation of the country's rights deriving from them, as well as compliance on the part of other parties to the treaties with their obligations.
10. As Turkmenistan ratified the Covenant without any reservations, the Covenant has precedence over domestic laws. Therefore, its provisions may be applied directly, particularly by domestic courts.
11. Under the Constitution and other laws and regulations, citizens may appeal for the protection of their rights and freedoms to a broad range of parties, from domestic State bodies and courts to international institutions and bodies.
12. Current domestic law fully reflects and extends the provisions of the Constitution and of international agreements entered into by Turkmenistan concerning citizens' right of defence. The Bar and Advocacy Act was adopted on 10 May 2010. Pursuant to article 4 of that Act, the State must ensure that everyone is provided with the necessary professional legal assistance. The State must ensure the equal rights of all individuals and legal entities

in Turkmenistan to receive legal assistance and information on its nature and the procedure for obtaining it. The State must ensure the provision of free legal assistance to individuals to defend their rights in cases provided for by law.

13. In accordance with article 7 of the Local Authorities Act (10 May 2010), the Governor (*häkim*) of a province (*welayat*), district (*etrap*) or municipality reviews communications, proposals, statements and complaints from citizens and ensures that such reviews are carried out at enterprises, institutions and organizations in the relevant province, district or municipality.

14. Turkmenistan's report on the implementation of the Covenant refers to the domestic laws and regulations that govern the procedure for submitting complaints and statements and the mechanism for remedies.

15. There are no specific instances of communications by individuals claiming a violation of the rights contained in the Covenant or the direct application by courts of its provisions.

16. With respect to the Covenant, Turkmenistan recognizes the right of citizens to submit individual complaints under the Optional Protocol to the Covenant.

17. The national report makes references (paras. 18–20) to laws and regulations in domestic legislation governing the procedure for submitting complaints and statements and the mechanism for remedies.

18. With a view to further constructive dialogue on the protection of human rights, the development of democratic processes and the timely preparation of national reports, the Government of Turkmenistan is currently carrying out a joint project with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the European Commission and the United Nations Development Programme (UNDP) to build its capacity to promote and protect human rights for 2009–2012.

19. A workshop on the Paris Principles was held in April 2010 to review in detail whether the mandate and functions of national human rights institutions met international standards. The international human rights expert Richard Carver took part in the workshop.

20. A study visit to the Danish Institute for Human Rights for members of parliament, State officials and scholars was organized in September 2011 as part of this project.

21. A round table was held on the outcome of the visit at the Human Rights Information Centre in the National Institute for Democracy and Human Rights under the Office of the President, where an exchange of views and discussion of a way forward took place.

Reply to the questions raised in paragraph 4 of the list of issues

22. Recognizing the influence that international factors have on terrorism, Turkmenistan is party to a number of international conventions and treaties on combating terrorism. These instruments are mentioned in the country's initial report on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/TKM/1, paras. 197–200).

23. Turkmenistan has established a firm legal and regulatory framework for combating terrorism.

24. The Counter-Terrorism Act of 15 August 2003, as amended by the Acts dated 2 July 2009 and 26 March 2011, determines the legal and organizational basis for combating terrorism in Turkmenistan; lays down operation and cooperation procedures for public bodies, organizations, regardless of form of ownership, and public associations in the fight

against terrorism; and specifies the rights, responsibilities and guarantees applicable to citizens in connection with counter-terrorism.

25. A new version of the Criminal Code was adopted on 10 May 2010, making terrorism a criminal offence.

26. Article 271 of the Code states:

Terrorism, that is, causing an explosion or committing arson or other actions which create the danger of loss of life, cause considerable property damage or result in other dangerous consequences for society, if these actions are committed for the purpose of breaching public security, frightening the population or influencing decision-making by the authorities, as well as the threat to commit such actions for these purposes, shall be punished by imprisonment for 5 to 10 years. The same acts are punishable by deprivation of liberty for 8 to 15 years when committed:

- (a) Repeatedly;
- (b) With the use of firearms;
- (c) As part of a group conspiracy.

The acts provided for under paragraphs 1 and 2 of this article are punishable by imprisonment for 10 to 25 years if they cause the death of a person or are committed by an organized group or a criminal organization.

27. Persons involved in the preparation of a terrorist act are exonerated if they notify law-enforcement bodies thereof or otherwise contribute to preventing the terrorist act in a timely manner and if their actions do not involve another offence.

28. Furthermore, article 2711 of the Criminal Code makes the financing of terrorism an offence punishable by deprivation of liberty for 4 to 15 years, with or without confiscation of property.

29. Persons who have committed the offence referred to in this article are exonerated if they have helped to prevent a terrorist act by notifying the authorities thereof or by other means and if their actions do not involve another offence.

30. A clear example of the systematic incorporation into domestic law of the norms of international conventions is the adoption of the Act of 28 May 2009 on the suppression of money-laundering and the financing of terrorism. The Act covers the provisions of international conventions on combating terrorism, including the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000), the United Nations Convention against Corruption (New York, 31 October 2003) and the International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999).

31. The Act was adopted to meet the need for a legal mechanism to combat money-laundering in order to defend the rights and legitimate interests of citizens, society and the State and integrity of the country's financial system against criminal interference.

32. Article 242 of the Criminal Code was amended to make these acts a criminal offence. The addition of paragraph 3 introduces criminal penalties for the acts referred to in paragraphs 1 and 2 of the article concerning cash and other assets obtained by criminal means on a large scale.

33. The Criminal Code was also amended by article 2451 (Market manipulation), article 2501 (Insider trading) and others aimed at combating the financing of terrorism. Amendments were also made to the Act on the suppression of money-laundering and financing of terrorism to improve the legal framework for combating those crimes. The

foregoing shows the considerable strides that Turkmenistan has made in incorporating international legal norms into its domestic law.

34. Article 2 of the Counter-Terrorism Act, as amended, makes it clear that the “legal framework for combating terrorism is the Constitution, the Criminal Code, this Act, other acts of Turkmenistan, acts of the President of Turkmenistan and the generally recognized principles and norms of international law, international agreements to which Turkmenistan is a party and the laws and regulations adopted by the relevant State bodies in accordance with them”.

35. The law has focused particularly on the role of the State financial system in combating such offences. For example, article 5 of the Central Bank Act of 25 March 2011 sets out the purposes and main objectives of the Central Bank, which include combating money-laundering and the financing of terrorism, in accordance with the law.

36. Relevant amendments have been made to other laws, including the Code of Administrative Offences, the Tax Code, the Insurance Act and the Notary Public Act.

37. The Credit Facilities and Banking Activities Act of 25 March 2011 also incorporates the provisions of international conventions on combating terrorism.

38. An interdepartmental coordinating working group on the suppression of money-laundering and the financing of terrorism under the authority of the Ministry of Finance was established pursuant to a presidential decision of 25 February 2011.

39. A centre for the training, retraining and further training of specialists in combating terrorism has been established in the Ministry of National Security system.

Reply to the questions raised in paragraphs 5 to 7 of the list of issues

40. The following acts are among the legislative measures taken by Turkmenistan to ensure that all persons in the country and under its jurisdiction (i.e. all persons residing in the country and all citizens) enjoy the rights guaranteed under the Covenant, without discrimination of any kind: the Constitution (as amended in 2008), the Code of Civil Procedure (29 December 1963), the Marriage and Family Code (25 December 1969), the Social Security Code (17 March 2007), the Labour Code (18 April 2009), the Code of Criminal Procedure (18 April 2009), the Criminal Code (10 May 2010), the Penal Enforcement Code (25 April 2010), the State Guarantees of Women’s Equality Act (14 December 2007), the Refugees Act (12 June 1997), the Civil Service Act (12 June 1997), the Conscription and Military Service Act (25 September 2010), the Internal Affairs Agencies Act (21 May 2011), the Guarantees of Voting Rights Act (22 April 1999), the Guarantees of Children’s Rights Act (5 July 2002), the Public Health Act (7 December 2005), the Migration Act (2005), the Human Trafficking Act (14 December 2007), the Act on elections to the Mejlis (as amended on 10 October 2008), the Courts Act (15 August 2009), the Procurator’s Office Act (15 August 2009), the Education Act (15 August 2009), the Culture Act (12 March 2010), the Bar and Advocacy Act (10 May 2010), the Local Authorities Act (10 May 2010), the People’s Council and Local Council Elections Act (25 September 2010), the Legal Status of Foreign Nationals Act (26 March 2011), the Presidential Elections Act (21 April 2011) and others.

41. It should be noted that article 5 of the State Guarantees of Women’s Equality Act sets out a definition of discrimination. Discrimination means any distinction, exclusion or preference that impairs or nullifies the exercise by members of either sex of their human and civil rights and freedoms in the political, economic, social, cultural or any other field.

42. In accordance with article 146 of the Social Security Code, discrimination against persons with disabilities is prohibited and punishable by law. Discrimination means any

distinction, exclusion or preference that impairs or nullifies the exercise by persons with disabilities, on an equal basis with others, of human and civil rights and freedoms in the political, economic, social, cultural or any other field.

43. Recognizing the precedence of universally accepted norms of international law and fully committed to meeting its international commitments, Turkmenistan ratified the Convention on the Rights of Persons with Disabilities on 4 September 2008 and its Optional Protocol on 25 September 2010 and has continued to improve national legislation on the protection of all the rights of persons with disabilities, providing State guarantees for the respect, defence and realization of these rights.

44. The Interdepartmental Commission on International Obligations in the Field of Human Rights and International Humanitarian Law has prepared the initial national report on the implementation of the Convention on the Rights of Persons with Disabilities. The report contains specific information on the legal, institutional and practical measures taken to fulfil the provisions of the Convention.

45. Citizens' constitutional right of access to higher education and employment in public service is embodied in national law, including the Education Act (15 August 2009), the Legal Status of Foreign Nationals in Turkmenistan Act (26 March 2011), the Civil Service Act (12 June 1997) and others.

46. Under article 2 of the Education Act, one of the basic principles of education in Turkmenistan is the universal access of every citizen to all forms of educational services provided by the State.

47. The State must ensure that persons with special needs, i.e. persons with physical and/or mental disabilities, are afforded the opportunity to receive an education, treatment for developmental disabilities and social rehabilitation based on special educational approaches.

48. The rights of persons with disabilities to education and vocational training are provided for in articles 156 to 160 of the Social Security Code, which cover their rights at all levels of education, beginning with the preschool education of children with disabilities. Under these norms, education and health agencies are required to provide for the care, education and rehabilitation of children with disabilities in educational establishments.

49. Under article 5 of the Civil Service Act, citizens who have reached the age of 18 have the right to serve in State bodies irrespective of their social status, financial situation, race, ethnic background, sex, attitude to religion or political beliefs. Foreign nationals and stateless persons may be employed in public bodies as specialists, consultants and experts.

50. There is no application of "third-generation tests" as a condition for admission to an institution of higher education or public service under the norms of the country's current legislation governing these issues.

51. Article 20 of the Constitution guarantees equal civil rights to men and women. The violation of equality on grounds of gender is punishable by law.

52. Women account for 50.2 per cent of the population of Turkmenistan. Women are represented in the country's legislative body, local self-government bodies, local councils and the district and municipal people's councils, and are directly involved in State administration. At present, 22 women are Mejlis deputies, including the Chairperson of the Mejlis.

53. There are 287 women serving in local representative bodies and 1,047 in the people's councils. A significant number of women hold powerful senior positions, including a deputy prime minister, ministers, heads of industry, deputy heads of provincial, municipal and district administrations and editors-in-chief of media outlets.

54. All working citizens, men and women alike, are guaranteed equal pay for work of equal value. Under article 12 of the State Guarantees of Women's Equality Act, the State ensures that women have the same rights as men to equal remuneration for work of equal value, to all work-related benefits, to equal working conditions for work of equal value and to equal treatment in the evaluation of the quality of work.

55. Article 7 of the Labour Code prohibits any restriction on labour rights or preferential treatment in their realization based on ethnic background, race, sex, origin, financial situation, official status, place of residence, language, age, attitude to religion, political convictions, party affiliation or lack thereof, or other circumstances unrelated to the professional qualities of an employee or the results of his or her work.

56. Pursuant to article 111 of the Labour Code, an employer, irrespective of his or her financial situation, must pay an employee for work performed in accordance with the established conditions and wage payment periods. The wage guaranteed by the employer may be no lower than the minimum wage under the law.

57. Article 113 of the Labour Code specifies that wages must be commensurate with an employee's qualifications, the complexity and stress of the work involved, working conditions and the quantity and quality of labour performed.

58. The form, schemes of payment and levels of base salaries and wage rates for civil servants are established by labour law.

59. The wages and salaries of employees of State enterprises, organizations and institutions are established according to the schemes of payment and wage rates approved by the heads of relevant ministries (or departments) and negotiated with the Ministry of Labour and Social Protection.

60. Presidential decrees set the average level of wages and salaries on their scheduled increase for enterprises, organizations and institutions, irrespective of their form of incorporation or ownership, and managers face administrative action for undercutting that level.

61. A minimum wage was established throughout Turkmenistan by presidential decree on 1 January 2011 calculated on the basis of the subsistence level of the working population. There is no wage ceiling.

62. Turkmenistan does not have regular statistics on wages disaggregated by sex. However, as in other countries, there are some differences between the average wages of men and of women, largely owing to the amount of time worked. The law prohibits the employment of women in arduous or unhealthy working conditions and there are restrictions on working hours, business trips, overtime work and night work. Women are more likely to be employed part-time than men. The salary levels of men and women are also usually affected by their distribution in various economic sectors and occupational groupings (horizontal segregation) and hierarchical positions (vertical segregation).

63. The highest proportion of working women is to be found in light industry, the food industry and the services sector: health care, education, culture and the arts, and social welfare. Women in other branches are also employed to a large extent in services (office work, customer assistance, etc.). Men are more often employed in the fuel and energy industry, the metal and glass industry, construction and transport, i.e. by and large in branches in which salaries are high because of round-the-clock operations and arduous and unhealthy working conditions. Thus, the pay gap is due to differences in the average level of wages in "masculine" and "feminine" forms of employment.

64. The following have promoted women's equal access to education, health, employment and participation in political and public life: the State health-care programme

(1995), the national strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020, the President's national programme for the transformation of social and living conditions 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 the period 2011–2030, the policy blueprint for the social and economic development of the districts and Ashgabat for the period up to 2012, and other social programmes.

65. Turkmenistan is taking all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. Demonstrating special concern for future generations, Turkmenistan ensures that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

66. Turkmenistan is making significant progress in overcoming gender stereotypes and achieving gender equality. The course embarked upon by the President aims to ensure equal opportunities for all citizens. One of the most important goals of Turkmenistan's gender policy is the creation of a public awareness among young people that is in keeping with a new understanding of roles and gender relations.

67. There are more than 40 ethnic groups in Turkmenistan, including Turkmens, Uzbeks, Russians, Kazakhs, Azerbaijanis, Armenians, Tatars and Baluchis. The country has a policy of mutual understanding between peoples, and of not allowing any distinction, exclusion, restriction or preference based on national or ethnic origin. The policy of non-discrimination, which Turkmenistan has maintained consistently since independence, is rooted in the Turkmen people's outlook, age-old history and tradition of interacting with other peoples.

68. Turkmenistan is well disposed to all national and ethnic cultural traditions. It fully welcomes the celebration of ethnic holidays and the use of traditional dress. Members of all ethnic groups have extensive opportunities to engage in various kinds of creative work.

69. The Culture Act of 12 March 2010 governs social relations involving the creation, revival, preservation, development, dissemination and use of the cultures of the peoples of Turkmenistan. It is aimed at promoting and protecting citizens' constitutional rights to participate in cultural life and have access to cultural property.

70. In accordance with article 4, paragraph 3, of the Act, State policies on culture are based on the principle of universal access to cultural property and all types of cultural services. This is shown by newspaper and magazine publications and radio and television broadcasts in Russian and English.

71. Each year, honorary titles and the title of winner of the presidential "Türkmeniň Altyn asyry" competition are awarded by presidential decree to individuals involved in literature, culture and the arts for their contribution to the development of national culture. The recipients of such honorary awards include members of ethnic groups.

72. Week-long special events to celebrate friendship with the peoples of other countries are held to promote the further development of cultural links and the strengthening of friendship and brotherhood between the fraternal peoples of Turkmenistan and the peoples of other countries.

Rural women

73. The President's national programme to improve social and living conditions in villages, communities, towns and district centres for the period to 2020 is helping to improve the quality of medical services in rural areas, as are other national programmes, including those to protect and promote safe motherhood and to improve reproductive health. Rural women have equal access to medical services, including information, counselling and family planning services.

74. There are 1,643 health-care centres and clinics in rural areas providing primary health care, and in-patient and emergency medical services are also available at 64 district hospitals.

75. Moreover, with the active support of the United Nations Population Fund (UNFPA), well-equipped reproductive health offices operate in every district and there are 402 women's clinics (obstetrical-gynaecological units). The national reproductive health centre, organized as a research and clinical institution for mother and childcare, coordinates the activity of all related services.

76. Rural health-care clinics provide DOTS (the internationally recommended strategy for TB control) services, thereby enabling local inhabitants, including women and children, to obtain quality medical care where they live.

Women with disabilities

77. Women with disabilities who are temporarily resident in Turkmenistan also enjoy every right and medical benefit irrespective of their racial origin.

78. Expert commissions at the regional and district level and in Ashgabat that are responsible for medical services for persons with disabilities ensure that such persons are examined at home as often as needed.

79. Persons with disabilities use urban transport free of charge. A centre for the treatment of persons with disabilities conducts free testing and treatment and provides rehabilitation measures, including exercise therapy, massages and physiotherapy. Persons with disabilities are also entitled to free treatment once a year at one of the country's health spas.

Refugees

80. Between 2007 and 2009, in partnership with the OHCHR and UNFPA offices in Turkmenistan, local authorities, provincial departments of health and non-governmental organizations, the Ministry of Health and the Medical Industry carried out a project on improving the quality of reproductive health and social services for refugees and local communities.

81. District hospitals and rural health clinics were provided with the necessary medical and telecommunications equipment, and new, up-to-date guidelines on maternal health and adolescent reproductive health, with a special focus on girls, were introduced as a result of the project. The steps taken reduced complications in pregnancy by 11 per cent and in childbirth by 10 per cent.

82. Information campaigns have been mounted with the active involvement of young people to raise awareness among refugees and the local population about access to reproductive health-care and safe motherhood services. Twenty-three centres for girls have

been set up in rural community centres and secondary schools. A total of 7,790 adolescents have received training in reproductive health, nutrition and hygiene, covering sexually transmitted diseases and HIV/AIDS.

83. To meet the challenge of improving drinking water, water pumps have been installed, reservoirs built and the water supply system modernized, with a special focus on medical units and schools. Four roads have been rebuilt, thereby improving the access of refugees and the local population to district centres, schools and medical establishments.

84. The protection of motherhood and childhood has been given high priority in State policy. In this regard, under article 241 of the Labour Code, an employer may neither refuse to recruit a woman nor lower her wages because she is pregnant or is caring for a child under 3 years of age or a child with disabilities up to the age of 16. Heads and deputy heads of enterprises and of divisions are liable under the law for refusing to recruit such women.

85. Employers may not terminate an employment contract with a pregnant woman or a woman with children up to 3 years old or children with disabilities up to the age of 16.

86. If a fixed-term employment contract ends while an employee is pregnant, the employer must, on written notification and presentation of a pregnancy certificate by the employee, extend the contract for the period of her pregnancy. On her employer's request, a woman whose employment contract has been extended while she is pregnant must submit a pregnancy certificate until she is no longer pregnant, but not more than once every three months. If the woman then continues to work after she is no longer pregnant, the employer has the right to terminate her employment contract on its expiry one week from the date on which the employer was informed or should have been informed that the employee is no longer pregnant.

87. Under article 242 of the Labour Code, pregnant women may not be recruited to work at night, overtime or on weekends, public holidays and memorial days, or sent on official business trips. Women may not manually lift or transport loads exceeding the limits set by the Cabinet of Ministers.

88. Under the Labour Code, women who have children under the age of 3 (or a child with disabilities under the age of 16) may not be recruited to work at night, overtime or on weekends, public holidays or memorial days, or be sent on official business trips without their written consent so that they may care for and look after the health of their children. In addition, women who have children between 3 and 14 years of age (or a child with disabilities up to the age of 16) may not be recruited for such work or sent on official business trips without their written consent. Such women must be informed in writing of their right to decline being recruited for this type of work.

89. Article 243 of the Labour Code imposes restrictions on employing women under unhealthy and arduous working conditions, except for non-manual work or work in the health and public services, and on hiring women with children aged up to 3 years (or a child with disabilities aged up to 16 years) to work at night, overtime or on weekends, public holidays and memorial days, and sending them on official business trips without their written consent.

90. Previous national labour legislation had banned the employment of women in those positions and under such working conditions.

91. In addition, the women referred to in the second and third paragraphs of the article must be informed of their right to decline being recruited for this type of work.

92. In accordance with article 284 of the Labour Code, women with children aged up to 3 years (or a child with disabilities up to the age of 16) may not be recruited for rotational assignments.

93. A proposal to amend the article to allow for recruiting this category of women for such assignments with their written consent has been drawn up and is now before the Cabinet of Ministers.
94. The initial report of Turkmenistan (paras. 163–178) provides detailed information on the issue.
95. The Mejlis is now considering whether to propose making amendments to the State of Emergency Act.
96. Reducing infant mortality remains a top priority for Turkmenistan. The infant mortality rate fell by 35 per cent between 2000 and 2010.
97. Turkmenistan is taking a range of joint measures with international organizations to meet the challenge of reducing maternal and infant mortality with the systematic adoption of approaches and actions that have proved to be effective worldwide.
98. A national programme for the protection and promotion of breastfeeding, conducted in conjunction with the United Nations Children’s Fund (UNICEF) has been under way since 1998.
99. Turkmenistan currently has 62 medical establishments certified as child-friendly hospitals, accounting for 95 per cent of all obstetric institutions; 34 hospitals have been recertified.
100. The country has adopted the Act on the protection and promotion of breastfeeding and baby food requirements (18 April 2009).
101. The WHO Integrated Management of Childhood Illness programme has been running successfully. Teaching material has been revised and published in the State language.
102. The criteria for the registration of live births and stillbirths recommended by WHO were adopted in 2007. Turkmenistan is offering training courses under a joint programme with UNICEF on basic newborn resuscitation and care.
103. In 2008, a programme on the early childhood development was launched with the cooperation of the Ministry of Health and the Medical Industry, the Ministry of Education and UNICEF. The national programme on early childhood development and preparation for schooling for 2011–2015, approved by a presidential decree on 27 May 2011, is intended to improve maternal and child health and should form the basis for children’s physical and mental development in early childhood.
104. The 2007–2011 national safe motherhood programme has been effective. A number of international organizations such as WHO, UNICEF, UNFPA and the United States Agency for International Development (USAID) have been involved in the programme.
105. The 2003–2020 Government-approved national immunization programme has been successful. The programme has helped the country to achieve high immunization coverage and reduce or, in some instances, eliminate vaccine-preventable diseases.
106. Extensive preventive health measures have been successfully implemented in Turkmenistan with UNICEF support; they include iodization of salt and flour fortification with iron and folic acid to maintain the nation’s health. Today 100 per cent of the flour used in Turkmenistan is fortified with folic acid and iron. Turkmenistan is the fourth country worldwide, and the first in the Commonwealth of Independent States, to have achieved universal iodization of salt. Regular health surveys have shown that 100 per cent of households use iodized salt.

107. Coverage with the two-dose combined measles, mumps and rubella (MMR) vaccine, introduced into the national immunization schedule in January 2007 to eliminate, eradicate or effectively control those diseases, is 98 to 99 per cent each year.

108. The Government has procured high-quality, WHO prequalified vaccines since 2002.

109. A large-scale, targeted nationwide campaign against malaria has been mounted involving various ministries and departments throughout the country in implementation of a new regional strategy under the current national malaria prevention programme. No cases of malaria have been registered since 2006 owing to the successful efforts made. The WHO expert committee on malaria has included Turkmenistan in the list of countries in which malaria has been eradicated.

110. With regard to the issue of safe motherhood, the maternal mortality ratio decreased more than sevenfold between 2000 and 2010 and stood at 6.9. In fact Turkmenistan has reduced maternal mortality by a factor of 9.3 and has thus met target 5.A for 2015 provided for by the Millennium Declaration ahead of time.

111. The following factors have had a direct impact on reducing the maternal mortality ratio: medical progress, comprehensive medical care at work and in the post-natal period, universal access to prenatal care, better medical services through the successful training of qualified midwives, the expansion of family planning programmes, a high share of births attended by qualified health professionals, audits of every case of maternal mortality by specialists, and the country's high level of social and economic development and improvements in the welfare of the people.

112. In 2010, 98.4 per cent of women were registered with medical institutions during pregnancy, and 99.8 per cent received qualified medical care during childbirth from skilled medical staff.

113. With the establishment of reproductive health services in the country, efforts to prevent abortions have resulted in a decline by 50 per cent in the number performed, an increase in the interval between successive births to an average of 2.5 years, and a decrease in morbidity among women of childbearing age.

114. Contraceptive coverage of women of childbearing age was 45 per cent in 2005 and 33 per cent in 2009. The decline in this rate is related to the stepping up of efforts by reproductive health centres and adoption of the evidence-based approach to contraceptive use, in order to improve women's health and allow them to observe an interval between successive births, and the rise in the birth rate.

115. Considerable success has been achieved in developing readily available sources of information on possibilities for choosing medical services throughout pregnancy and childbirth.

116. Between 2005 and 2010, State obstetric facilities (obstetric wards of district hospitals, maternal-and-child health-care centres and the Ene Myzkhri and other perinatal centres) providing qualified prenatal, perinatal and post-natal services increased the number of beds available for women during pregnancy and childbirth by 3,400.

117. The birth rate increased by 35 per cent, from 15.7 to 27.3, between 2005 and 2010. The number of home births was halved and accounted for less than 0.2 per cent of all births, and thus 99.8 per cent of births take place in medical establishments with the assistance of medical staff. The percentage of caesarean sections does not exceed WHO indicators.

HIV/AIDS

118. The principal bodies involved in combating HIV/AIDS are the National HIV/AIDS Prevention Centre, the five regional AIDS prevention centres and 36 specialized diagnostic laboratories. The AIDS centres carry out information campaigns, conduct preventive measures, provide pre-test and post-test counselling, and test for HIV infection (by enzyme immunoassay and immunoblot); they also prepare and publish educational materials geared to the age and specific features of the target group. Medical facilities, anonymous testing centres and places where there is a high concentration of young people are required to distribute free of charge the means of protection against the disease.

119. The main legislation on the issue is the law of 7 July 2001 on the prevention of HIV infection and the national programme on HIV/AIDS and sexually transmitted diseases.

120. HIV/AIDS testing of pregnant women, with pre-test and post-test counselling with obstetrician-gynaecologists, has been provided since 2005.

121. Since 2007, the National AIDS Prevention Centre, with UNFPA support, has run an information and resource centre for women with high-risk behaviour. The Centre includes an outreach team consisting of health workers, former sex workers and injecting drug users. The Centre also provides a range of medical and social services and consultations with specialists (gynaecologists, dermatologist/venereologists, psychologists, infectious disease specialists, tuberculosis experts and surgeons). Information materials are distributed to persons in vulnerable groups, training seminars are conducted on the transmission of HIV infection, and classes are taught on safe sex and safe use of needles. As part of the project, there are also plans for information and resource centres to be inaugurated at three regional AIDS prevention centres in 2011.

122. A youth centre has been operating at the Centre with UNFPA support since 2009 to teach volunteer peer educators who lead seminars and training courses on gender, leadership, adolescent reproductive health and the prevention of HIV/AIDS and sexually transmitted diseases.

123. The Health Information Centre disseminates various informational materials in Turkmen and Russian on HIV/AIDS, sexually transmitted diseases, reproductive health and other topics to people at medical institutions, educational establishments, factories and shopping centres and on the country's aircraft, focusing on each target audience.

124. The Centre led a joint training course for the news media with the Border Management and Drug Action Programmes in Central Asia (BOMCA-CADAP) to heighten awareness and enhance the role of journalists in improving the health and well-being of vulnerable population groups, including adolescent girls, raise awareness about AIDS and drug abuse in the framework of the MEDISSA drug abuse prevention campaign with the media project, and foster cooperation between State bodies and civil society.

125. The Information Centre has set up a hotline staffed by a psychologist and a gynaecologist who provide confidential counselling, including on reproductive health, and social and psychological assistance to adolescents and young adults.

126. There is coordination on HIV prevention activities within departments (sexually transmitted disease, drug abuse, tuberculosis treatment, family medical and maternal and child welfare services) and among departments (Ministry of Internal Affairs, Ministry of Defence and National Drug Control Service). State Migration Service work on drafting laws and regulations on monitoring internal and international migrants is now near completion, which will certainly make it possible to further improve the quality and results of HIV prevention activities.

127. No one may have their rights restricted or be deprived of their rights, sentenced or punished except in strict accordance with the law. No one may be subjected to torture or cruel, inhuman or degrading treatment or punishment (Constitution, art. 23).

128. In accordance with article 13 of the Code of Criminal Procedure, no one may be arrested otherwise than on grounds prescribed by law. The court and the procurator must immediately release any person who has been unlawfully arrested, detained, placed in a medical establishment or held beyond the period specified by law or by a sentence.

129. No one may be found guilty of a crime and subjected to criminal sanctions otherwise than by a court judgement and in strict conformity with the law. The competence of the court, the limits on its jurisdiction and the procedure for criminal proceedings are defined by law and may not be modified arbitrarily.

130. In the course of the administration of justice, no one may be subjected to any discrimination for reasons of origin, social status, financial situation, official capacity, ethnic background, race, gender, education, language, attitude to religion, political beliefs, place of residence or any other consideration.

131. No one may be forced to give evidence or testimony against him or herself or close relatives.

132. Evidence obtained through psychological or physical pressure or other unlawful methods has no legal force.

133. Under article 24 of the Code of Criminal Procedure, suspects, accused persons, defendants, convicted offenders and acquitted persons have a right of defence. They may avail themselves of that right on their own behalf or with the help of a lawyer or a legal representative as prescribed by the Code.

134. The prohibition of torture or cruel, inhuman or degrading treatment or punishment has been included in the new Penal Enforcement Code adopted on 25 March 2011. Under article 8, paragraph 2, of the Code, convicted persons are entitled to be treated courteously by the staff, who are directed to instil in them a sense of personal dignity and greater awareness of their responsibilities. They must not be subjected to torture or cruel, inhuman or degrading treatment. Coercive measures may be used on convicted persons only as prescribed by law.

135. In accordance with article 88, paragraph 1, of the Code, no disciplinary measures involving the infliction of severe physical or mental pain, the use of torture, cruel, inhuman or degrading treatment or corporal punishment, or punishment in the form of light deprivation may be taken against persons deprived of liberty.

136. In accordance with article 125 of the Code, which regulates the procedures for imposing penalties on juvenile offenders in reform schools, juvenile offenders may not be subjected to punishment involving torture or cruel, inhuman or degrading treatment.

137. The new version of the Criminal Code, adopted on 10 May 2010, has established a solid legal framework for asserting democratic procedural principles and liberalizing the penal system. It reflects the universally recognized norms and principles of international law embodied in the basic instruments of the United Nations to which Turkmenistan has acceded.

138. Some 60 amendments have been introduced to the Code to make law-enforcement practices in criminal proceedings more liberal, together with some 30 articles prescribing criminal penalties such as fines.

139. Although the Code does not provide a definition of torture, there are certain articles that relate to it.

140. In addition, it contains criminal provisions for the infliction of physical and moral suffering in the case of the following types of offences:

- Incitement or inducement to suicide (Criminal Code, art. 106)
- Intentionally causing serious bodily harm (Criminal Code, art. 107)
- Intentionally causing moderate bodily harm (Criminal Code, art. 108)
- Battery (Criminal Code, art. 112)
- Torture (Criminal Code, art. 113)
- Threat of murder or serious bodily harm (Criminal Code, art. 116)
- Abduction (Criminal Code, art. 126)
- Unlawful deprivation of liberty (Criminal Code, art. 129)
- Trafficking in persons (Criminal Code, art. 1291)
- Forced medical treatment of a person known to be healthy (Criminal Code, art. 131)
- Hostage-taking (Criminal Code, art. 130)
- Abuse of power (Criminal Code, art. 181)
- Exceeding of authority (Criminal Code, art. 182)
- Criminal prosecution of a person known to be innocent (Criminal Code, art. 193)
- Coercion to testify (Criminal Code, art. 197)
- Unlawful arrest, detention or remand in custody (Criminal Code, art. 195)
- Subordination or coercion to give false testimony or expert opinion or inaccurate interpretations (Criminal Code, art. 203)
- Violation of rules of conduct among military service personnel of equal rank (Criminal Code, art. 340)
- Abuse of power or office (Criminal Code, art. 358)

141. Under the legislation of Turkmenistan, an order from a superior or public authority may not be used to justify torture. The law does not contain any proviso concerning the possible use of torture in exceptional circumstances.

142. Under article 39 of the Criminal Code, causing harm to legally protected interests does not constitute a criminal offence in situations of extreme necessity, i.e. for the prevention of a danger that directly threatens the life, health, rights and legitimate interests of an individual or other persons, or the interests of society or the State, or if the danger under the given circumstances could not be prevented by other means and the bounds of extreme necessity were not exceeded.

143. Supervisory commissions have been set up to work with convicted persons and persons under supervision after being released from places of detention, in accordance with Presidential Decision No. 11019 of 31 March 2010 approving the regulations of the Supervisory Commission for stricter control of compliance with the rule of law in the work of authorities responsible for the enforcement of sentences or authorities working with persons who have been released from places of detention and are registered with the Cabinet of Ministers or authorities at the provincial, Ashgabat and district levels or the level of towns with district status.

144. Police officers are authorized to use physical force, restraining devices, firearms and military and special technology only in cases and according to the procedures prescribed by the Internal Affairs Bodies Act, adopted on 30 May 2011.

145. Article 18, paragraph 9, provides legal penalties for the use of physical force, restraining devices, firearms, military and special equipment in violation of the requirements of the Act.

146. On 16 July 2011, a delegation of the International Committee of the Red Cross (ICRC), led by deputy head of regional delegation in Central Asia, François Blancy, visited the AN-P/4 occupational therapy centre of Ahal province police department to learn about the conditions in which individuals were held there and plans for a new women's prison colony.

147. A State Commission was established under the Office of the President pursuant to a Presidential Decree of 19 February 2007 to review citizens' communications concerning the activities of law enforcement bodies, for the purpose of laying a more solid democratic foundation for State and community efforts in Turkmenistan, to protect the individual rights and freedoms proclaimed in the Constitution, and to streamline the communications review process.

148. The Decree lays down the Commission's regulations, governing its procedures and main areas of activity.

149. The main purpose of the Commission is to record, consider and review in a timely manner citizens' communications on matters involving the work of law enforcement bodies.

150. The Commission is guided by the Constitution, domestic law, legal instruments issued by the President, decisions of the Cabinet of Ministers, international treaties to which Turkmenistan has acceded, the Regulations referred to above and other laws and regulations.

151. The Commission is headed by the President and includes the heads of the law enforcement bodies and representatives of the Mejlis and voluntary associations.

152. The Commission meets once a month. A department to review the activities of law enforcement and military bodies reporting to the Executive Office of the President regularly receives and registers communications and collects additional information on them and other matters within the scope of its authority in the period between sessions of the Commission.

153. The department reviews citizen's communications concerning the activities of law enforcement bodies within a time frame established by the Citizens' Communications and Review Procedures Act.

154. It prepares monthly reports for the Commission on the communications received from citizens and efforts made to consider them. A solid legal framework for monitoring the activities of law enforcement bodies has thus been established.

155. Neither the Commission nor the courts or law enforcement bodies have received any statements concerning the use of torture against prisoners or cruel treatment of detainees during arrest and pretrial detention.

156. Under article 25 of the Code of Criminal Procedure, no one may be forced to testify against him or herself or close relatives. Evidence obtained through psychological or physical pressure or other unlawful methods has no legal force. Persons may choose not to give testimony and may not be held liable in any way for doing so. In addition, article 125 of the Code of Criminal Procedure provides that:

1. Factual data are deemed inadmissible as evidence if they were obtained by violation of the requirements of this Code, which, by depriving participants in a trial of their legally guaranteed rights, restricting those rights or otherwise infringing the rules of criminal procedure during the investigation or the court hearing, affected or could have affected the credibility of such data. This may involve:

- (a) The use or threat of force, deceit or other unlawful actions;
- (b) The deception of a person participating in the criminal proceedings as to his or her rights and obligations through failure to explain those rights and obligations, to explain them in full or to explain them properly;
- (c) The conducting of criminal proceedings by a person not empowered to do so;
- (d) The participation in the proceedings of a disqualified person;
- (e) A serious violation of procedure;
- (f) The use of information obtained from an unknown source or from a source that cannot be determined in the court hearing;
- (g) The use of methods contrary to contemporary scientific expertise to substantiate evidence.

2. The body conducting the proceedings decides of its own accord or at the request of one of the parties whether factual data used as evidence are inadmissible or whether they can be used to a limited degree.

3. Testimony given by a suspect, an accused person, a victim or a witness as well as opinions of experts, material evidence, records of investigative and court actions and other documents may not be used as a basis for an indictment if they were not included in the file of the case.

4. Evidence obtained in violation of the law is deemed to have no legal force and may not be used as a basis for an indictment or to substantiate evidence in a criminal case.

5. Factual data obtained by means of the violations set out in article 125, paragraph 1, of the Code of Criminal Procedure may be used as evidence of the existence of such violations and the guilt of the persons allowing their use.

157. Internal Affairs officers who exceed their authority, i.e. who commit acts that clearly go beyond the bounds of their official powers and entail serious violations of the rights and legal interests of citizens or organizations or the legally protected interests of society or the State, may be held criminally liable under article 182 of the Criminal Code.

158. Under article 71 of the Code of Criminal Procedure, procurators are responsible for ensuring that criminal proceedings under their jurisdiction are instituted in accordance with the law, and for supervising enforcement of the law during the proceedings by bodies carrying out the police operations, initial inquiry and pretrial investigation. Procurators are required to take timely steps during criminal proceedings to prevent any violation of the law from whatever quarter (Code of Criminal Procedure, art. 72, para. 2).

159. Under article 71 of the Code of Criminal Procedure, procurators are responsible for ensuring that criminal proceedings under their jurisdiction are instituted in accordance with the law, and for supervising enforcement of the law during the proceedings by bodies carrying out the police operations, initial inquiry and pretrial investigation.

160. Under article 72, paragraph 2, of the Code, procurators are required to take timely steps during criminal proceedings to prevent any violation of the law from whatever quarter.
161. The procedure for compensation for harm caused by unlawful acts by bodies conducting criminal proceedings is established by articles 35 to 43 of the Code of Civil Procedure.
162. No compensation has been awarded to victims of torture or ill-treatment because no complaints have been lodged in this connection.
163. Liability for unlawful acts of a violent nature, in particular against women and girls, is provided for in articles 101, 102, 107, 113 and 114 of the Criminal Code.
164. Liability for offences against minors, the family and morality is provided for in chapter 20 of the Code.
165. Article 62, chapter 20, of the Criminal Code covers forcing a woman into marriage or preventing her from doing so, i.e. forcing a woman to enter into marriage or continue living together in marriage, preventing a woman from entering into a marriage of her choice, combined with the use or threat of physical force, or forcing a person under the minimum age for marriage into de facto marital relations.
166. No allegations of violence in the family have been reported to the courts or law enforcement bodies.
167. There is thus no need at present to adopt special legislation and programmes along the lines of those for the protection and shelter of victims of violence.
168. The Code of Criminal Procedure has a separate chapter on proceedings against minors, which governs cases involving juvenile offences.
169. A minor may be taken into custody as a suspect only in exceptional cases, when called for by the gravity of the offence in question on grounds that are expressly provided for by law (Code, art. 140, para. 2).
170. Under article 144 of the Code, the criminal prosecution authorities must inform the procurator that the suspect is being held for questioning within 24 hours of arrest.
171. The procurator must, within 48 hours of being so informed, authorize the detainee's remand in custody or his or her release.
172. The total period of detention of the suspect in all cases may not exceed 72 hours following arrest. If the grounds for detaining the suspect no longer obtain before the procurator authorizes remand in custody, the criminal prosecution authority must immediately release the detainee and inform the procurator thereof.
173. The pretrial criminal investigation must be completed within two months of the date that criminal proceedings are instituted.
174. The period of the pretrial investigation, established in paragraph 1 of the article, may be extended for up to six months on the basis of a reasoned decision by the investigator or procurator of a province or a city with provincial status, or his or her deputies.
175. The period of detention of minors during the preliminary investigation may not be extended for more than 6 months. Juvenile detainees are held separately from adults.
176. If a minor is detained or remanded in custody or if the period of remand in custody is extended, his or her parents or guardian or, if they are absent, close relatives must be notified promptly.

177. There have been no allegations of minors being held for questioning as suspects or during criminal investigations beyond the prescribed time limits.

178. The National Institute for Democracy and Human Rights under the Office of the President is currently working with the UNICEF office in Turkmenistan on a draft outline to improve the juvenile justice system in Turkmenistan, with the aim of bringing it into line with international standards.

179. The convicted persons covered by this paragraph are held in places of deprivation of liberty on the basis of court judgements handed down in accordance with the offence committed.

180. These persons enjoy all the rights provided for in the Penal Enforcement Code.

181. The Constitution and legislation covering criminal procedure guarantee due process of law in criminal proceedings to everyone without exception, in accordance with the principle of the presumption of innocence.

182. In administering justice, the courts uphold the rights and freedoms of citizens and the legally protected interests of the State and society.

183. Information on the functions and powers of the State Commission under the Office of the President responsible for reviewing citizens' communications concerning the activities of law enforcement bodies is contained in paragraph 11 of this document.

184. Information on the Human Trafficking Act was provided in paragraphs 319 to 324 of Turkmenistan's initial report.

185. The Criminal Code was amended on the basis of this Act. Article 1291 of the amended Criminal Code states:

Trafficking in persons, that is, the purchase or sale of human beings or their recruitment, transportation, harbouring or transfer to another person for the purpose of their exploitation, is punishable by deprivation of liberty for a term of 4 to 10 years. The same acts committed:

- (a) Against two or more persons;
- (b) Against a person known by the perpetrator to be a minor;
- (c) With the use of official powers;
- (d) In connection with the illegal removal of the abducted person beyond the State borders or the illegal detention of that person outside the State borders;
- (e) With the use or threat of violence;
- (f) For the purpose of extracting organs or tissue from the abducted person for transplantation; are punishable by deprivation of liberty for 8 to 15 years.

The acts referred to in paragraphs 1 and 2 of this article, if they:

- (a) Resulted in the victim's death by negligence, caused grave bodily harm to the victim or had other serious consequences;
- (b) Were committed in a manner endangering the lives and health of several persons;
- (c) Were committed by a criminal group or criminal organization;

are punishable by deprivation of liberty for 15 to 20 years.

Persons who have committed the acts referred to in paragraph 1 and in paragraph 2 (a) of this article, and who voluntarily free the victim and offer

assistance in the detection of the crime, are exonerated if they have not committed any other crime.

In this article, exploitation of a person means his or her use by other persons for the purpose of prostitution or other forms of sexual exploitation, slave labour and services, and servitude.

186. A total of three offences contrary to article 1291 were registered in 2010 and a further three during the first 10 months of 2011. It should be noted that the facts of all these offences were brought to light during prostitution-related criminal investigations under articles 139 to 142 of the Criminal Code.

187. No cases of trafficking in girls from ethnic minority groups have been reported.

188. All institutions of higher education with a school of law offer courses on criminal law and other specialized criminal law courses that cover human trafficking.

189. The office of the International Organization for Migration (IOM) in Turkmenistan and the competent State authorities are conducting a number of joint projects to heighten awareness of the issue. They include:

- Combating trafficking in persons in Central Asia: prevention, protection and capacity-building (2006–2007)
- Combating trafficking in persons in Turkmenistan (2008–2009)
- Combating trafficking in persons in Turkmenistan: capacity-building of law enforcement personnel and the relevant State bodies (2009–2011)
- Combating trafficking in persons in Turkmenistan: prevention, protection and capacity-building of local NGOs (2009–2012)

190. The IOM office in Ashgabat has established a hotline to advise the public about trafficking in persons and illegal migration.

191. Members of the police, judiciary and procuratorial system, Government officials and social workers are regularly involved in conferences, seminars and round tables on trafficking in persons. A workshop on best practices in Eastern and Western European countries in the prevention, suppression and prosecution of trafficking in persons was organized by IOM in Ashgabat on 8 and 9 September 2011.

192. Service in the armed forces must comply strictly with the military statutes, which ban any use of conscripts for unpaid work.

193. No allegations have been reported to the military and law enforcement bodies that conscripts have been compelled by private employers to perform unpaid work.

194. Citizens of Turkmenistan registered in their place of permanent residence are not restricted in any way as far as moving throughout the country is concerned and have the right to freely visit and stay with other persons in any place and to buy property. Citizens who have chosen a clinic or specific doctor or specialist may freely visit and receive treatment from the doctor in question wherever he or she is located.

195. The allegations of a ban on leaving and entering the country are groundless, as there has been no presidential decree banning 37,057 people from leaving or entering the country.

196. Turkmenistan did not set any requirements or take action to prevent students from continuing their studies at the American University of Central Asia (AUCA) in Bishkek, Kyrgyzstan, in September 2009.

197. For safety reasons, Turkmen students were forced to leave Kyrgyzstan to continue their studies at the American University in Bulgaria because of the events that were happening at the time and the unstable situation in the country.
198. There have never been and there are no new requirements or restrictions on leaving for study abroad. More than 20,000 Turkmen students pursued their studies in 50 countries, including the United States, Germany and Kyrgyzstan, in the 2010/11 academic year.
199. Turkmenistan and the Russian Federation signed an agreement on dual citizenship on 23 December 1993, which entered into force on 18 May 1995. A protocol terminating the agreement between Turkmenistan and the Russian Federation on dual citizenship was signed on 10 April 2003.
200. In addition, it should be noted that, under article 7 of the Constitution, a Turkmen national's citizenship of another State is not recognized.
201. Holders of a Turkmen passport must thus cross the State borders in accordance with the laws and regulations of Turkmenistan, which provide that, on leaving the country, to cross State borders, it is necessary to have in the passport an entry visa for the first foreign State to be entered.
202. Foreign nationals are required to obtain an appropriate visa to enter or stay in Turkmenistan.
203. Under article 511 of the Criminal Code, the obligation to live in a specific area consists in removing the convicted person from his or her residence for mandatory settlement in a specific area.
204. The obligation may be imposed for a period of 5 to 15 years as a primary punishment and 2 to 5 years as an additional punishment.
205. The obligation may not be imposed on persons under the age of 18 when the offence in question was committed, persons with disabilities in categories I and II, persons of retirement age, pregnant women or women with children up to 8 years of age.
206. If a person deliberately avoids serving a sentence in the form of an obligation to reside in a specific area or leaves the mandatory place of residence for that purpose, the court may, on the joint recommendation of the body responsible for enforcing the penalty and the body monitoring such enforcement, hand down a judgement sending the person to a correctional colony to serve a sentence in the form of deprivation of liberty. In that case, the time spent in the place of mandatory residence is deducted from the period of deprivation of liberty as follows: one day of mandatory residence in a specific place for one day of deprivation of liberty. The time spent away from the place of mandatory residence for the purpose of avoiding serving a sentence is not calculated in the period of mandatory residence in a specific place.
207. If a convicted person who is obliged to reside in a specific area commits an offence, the court punishes him or her under the rules of article 64 of the Criminal Code.
208. Such a criminal penalty is a temporary measure and is established for certain types of offences. There has been no forced relocation of ethnic minorities involving this penalty.
209. Citizens of Turkmenistan may travel without any restriction whatever within the country without having to complete domestic travel documents.
210. Information on this matter is contained in paragraphs 561 to 589 of the initial periodic report.
211. Ms. Asma Jahangir, United Nations Special Rapporteur on freedom of religion or belief, visited the country in September 2008 at the invitation of the Government. The

relevant national organizations are working with United Nations agencies to review the recommendations contained in the report of the Special Rapporteur to further improve existing legislation.

212. In addition, there are plans to hold workshops to review legislation governing the activities of religious organizations in other countries, including those of the Commonwealth of Independent States, which will involve the participation of international experts and representatives of relevant organizations in Turkmenistan. Work will also be done to prepare recommendations on improving the existing legislative framework.

213. For example, the National Institute for Democracy and Human Rights under the Office of the President, USAID and the International Center for Not-for-Profit Law (ICNL) plan to hold a workshop to provide an overview of legislation in the countries of the Commonwealth of Independent States and Europe governing the activities of voluntary associations and religious organizations. The workshop is intended to provide an overview of international legal standards on voluntary associations and religious organizations and raise awareness of experience and practice of their activities. The workshop will be attended by the following international experts: Ms. N. Bourjaily, Vice-President of ICNL, Mr. Cole Durham, Susa Young Gates University Professor of Law and Director of the Center for Law and Religion Studies at Brigham Young University, and Ms. Elizabeth Warner, ICNL Programme Director for Central Asia.

214. Article 2 of the Conscription and Military Service Act was amended on 25 September 2010, providing a detailed notion of compulsory military service as a special type of public service that citizens choose to perform in the Turkmen armed forces, other forces or other military bodies.

215. In accordance with article 20 of the Freedom of Religion and Religious Organizations Act, citizens and religious organizations are entitled to acquire and use religious literature in any language of their choice, as well as other religious objects and items.

216. The manufacture, import, export or distribution of literature that foments religious, ethnic, inter-ethnic or racial discord is prohibited. These acts are punishable under the legislation of Turkmenistan.

217. The Council on Religious Affairs under the Office of the President carries out an expert appraisal of religious literature published abroad in the manner prescribed by law before it is delivered and disseminated.

218. The manufacture, storage or distribution of print publications, films, photos, or audio, video and other materials that advocate religious extremism, separatism or fundamentalism are punishable under the legislation of Turkmenistan.

219. The Procurator-General of Turkmenistan and subordinate procurators monitor the application of legislation on freedom of religion and religious organizations.

220. Turkmenistan does not give religious organizations any State functions nor does it interfere in their work so long as it is not at variance with the law.

221. Religious organizations must comply with the requirements of the law. A religion may not be used to spread propaganda against the State or Constitution, foment enmity, hatred or ethnic strife, violate standards of morality or civil accord in society, disseminate defamatory and damaging fabrications, cause panic within the population or unhealthy relations between people or take other actions against the State, society or individuals.

222. The activities of religious organizations, movements, sects or other organizations that promote or advocate terrorism, trafficking in drugs or other crimes are prohibited.

223. Any attempt to exert pressure on Government organs or officials and any illegal religious activity, including at home, are punishable under the law.
224. The financial and tax authorities monitor the sources of revenue of religious organizations, the funds they receive and the tax and duty paid in accordance with the law.
225. The Ministry of Justice provides information to the authorized State body about projects and programmes supported by foreign technical, financial and humanitarian assistance and grants if the amounts received exceed the established threshold or are out of character for the activities of the voluntary association receiving the assistance.
226. Environmental, firefighting, public health or other State oversight and control bodies may monitor and check whether religious organizations comply with existing norms and standards.
227. Information relating to the media is provided in the initial periodic report (paras. 591–611).
228. Many of the issues addressed in this respect are out of date, as the media have been improved and modernized and Internet services have been expanded in recent years. For example, many privately owned newspapers such as *Rysgal*, *Zaman* and *Biznes reklama* have emerged, e-government and electronic documents control have been deployed, and access to the Internet has opened up considerably since 2007.
229. The Culture Act was adopted on 12 March 2010. Under its article 5, the State guarantees all citizens, regardless of ethnic background, race, gender, origin, financial situation, official status, place of residence, language, attitude to religion, political convictions, party affiliation or lack thereof, the right to participate in cultural activities, to use cultural organizations and to have access to cultural property in State cultural organizations.
230. The State guarantees citizens the right to all forms of creative activity in accordance with their interests and capabilities, free choice of moral, aesthetic and other values and the protection of their cultural identity.
231. The State guarantees the right to the preservation and development of the ethnic cultural identity of the peoples living in Turkmenistan.
232. The State promotes the dissemination of the cultural heritage of the people of Turkmenistan through the media and cultural organizations.
233. Studying the best international practices and incorporating generally accepted international norms and standards into national legislation regulating the work of the media are important aspects of the efforts to improve the work of the media in the country.
234. The Mejlis is currently reviewing the Civil Code. A section is to be included entitled “Rights to the results and means of identification of intellectual property”. This part will deal with all legal aspects governing ownership and licensing of the print and broadcast media. In addition, the Mejlis is working to draft a new law on copyright and related rights.
235. As part of a programme of cooperation with the British Embassy, in 2010, the National Institute for Democracy and Human Rights under the Office of the President held workshops on the regulation of media activities in countries of the Commonwealth of Independent States and Europe. The seminars considered various systems for regulating the media, current legal issues involving the media, regulation of the media in the age of the Internet and digital technology, the legal and regulatory framework needed to establish commercial media and other relevant issues.
236. Work was carried out on media legislation in August 2011 with representatives of the European Union, and workshops on the media were held as part of the OHCHR,

European Commission and UNDP project to build national capacity to promote and protect human rights for 2009–2012.

237. There are plans to hold a joint workshop on improving media legislation with the Organization for Security and Cooperation (OSCE) Centre in November.

238. A working group has been created in the Mejlis to draft a bill on the media.

239. Turkmenistan is currently working on reforming legislation on voluntary associations. Together with USAID and ICNL, and with the participation of international legal experts, the Institute has produced proposals on improving legislation on voluntary associations.

240. Joint workshops on legal regulation of the activities of voluntary associations have been held with the partners and more are planned over the 2009–2011 period, with the participation of experts from Azerbaijan, Uzbekistan, the Russian Federation and Kyrgyzstan. Proposals are currently being drafted in the Mejlis to improve legislation on voluntary associations.

241. A total of 103 religious organizations are currently registered in Turkmenistan.

242. Parliament is working on the draft of a new Family Code, under which the minimum age for marriage should be 18 years, in accordance with State policy and the norms of international law.

243. Childcare is a major priority of State policy in Turkmenistan. Comprehensive care for the young has been incorporated in all the progressive reforms being implemented.

244. The Convention on the Rights of the Child was ratified by a Decision of the Mejlis on 23 September 1994. Turkmenistan acceded to the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182) on 25 September 2010.

245. Forced or compulsory labour is prohibited in Turkmenistan, and this is reflected in the Labour Code.

246. School-age children may not be employed during the academic year in agricultural or other work that is not related to their education, in accordance with article 27 of the Guarantees of Children's Rights Act.

247. The State protects children against all forms of exploitation in the workplace through a range of legal, economic, social, medical and pastoral measures. It is not permitted to employ children to perform work that is hazardous to their health or injurious to their physical, mental or moral development.

248. The Act on guarantees of young people's right to work envisages measures to protect children against economic exploitation through the use of physical force and prohibits situations that could endanger a child's health, prevent a child from receiving an education, harm a child's health or physical, mental or spiritual development, or prevent a child from exercising his or her freedom of conscience.

249. The Act prohibits parents, foster parents and guardians from using children to perform work that involves full-time employment or interferes with the child's studies, which would be considered a violation of the child's rights under the laws and regulations of Turkmenistan and the generally recognized norms of international law.

250. There have been no cases of children employed in agricultural or other work to date.

251. A working group to draft a bill on political parties was formed by a Decision of the Mejlis of 18 August 2010.

252. The procedure for the participation and nomination of candidates by political parties and voluntary associations and directly by citizens is specified in the Presidential Elections Act of 21 May 2011, the Parliamentary Elections Act (amended) of 10 October 2008 and the People's Council and Local Council Elections Act of 25 September 2010.

253. The national programme for social and economic development, 2011–2030, is one of the administration's tools in the area of employment and labour market processes.

254. Under article 12 of the Employment Act, able-bodied citizens of working age who require social protection and cannot compete in the labour market on equal terms are afforded extra employment safeguards.

255. These safeguards take the form of specially created jobs and specialized businesses, including businesses that employ persons with disabilities, rehabilitation centres and special training programmes.

256. To improve the employment situation and increase the number of job placements, new positions are being created, employment is being maintained at enterprises with good prospects, and the system of vocational training and retraining for workers is being improved.

257. The Ministry of Labour and Social Protection, established pursuant to a Presidential Decree of 8 April 2011, coordinates the activities of employment bodies so that they may work effectively.

258. There are no restrictions in Turkmenistan's education system on the grounds of ethnicity or minority status of any kind. There is universal access to all levels of education. Students at State educational institutions are taught mainly in the State language, and members of ethnic groups are given ample opportunity to study the language in existing language courses of various levels. There is no discrimination in the educational system on grounds of ethnicity, including in access to education and employment. People from various ethnic backgrounds study and work in the country's educational institutions, and there are joint dual-language schools in which courses are taught in the official languages of two States (a Turkmen-Russian school and Turkmen-Turkish schools) and classes that are taught in the languages of minority groups in population centres where they constitute the majority (for example, in Russian or Kazakh).

259. Under article 145 of the Criminal Code:

Direct or indirect violation or restriction of human or civil rights and freedoms on the grounds of sex, race, ethnicity, language, origin, property ownership, official status, place of residence, attitude to religion, beliefs or affiliation with a political party or public association is punishable by a fine of 5 to 10 times the average monthly wage or corrective labour for up to a year.

If the act has serious consequences, it is punishable by corrective labour for up to 2 years or deprivation of liberty for up to 2 years.

260. Article 177 (Incitement to social, ethnic or religious enmity) states that:

Deliberate acts aimed at inciting social, national, ethnic, racial or religious hostility or dissension or offending ethnic pride; and propaganda targeting the exclusion or asserting the inferiority of citizens based on their attitude to religion or their social, national, ethnic or racial affiliation carry fines equal to 20–40 times the average monthly wage or deprivation of liberty for up to 3 years.

The same acts committed with the use of the media are punishable by a fine of 25 to 50 times the average monthly wage or deprivation of liberty from 2 to 4

years. Acts covered by this article committed with the use or threat of physical force or by an organized group are punishable by deprivation of liberty from 3 to 8 years.

261. The obligation under article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination not to sponsor, defend or support racial discrimination is reflected in the prohibition of political parties organized on racial or ethnic principles (Constitution, art. 30) and of public associations seeking to propagate racial or religious division (Voluntary Associations Act of 21 October 2003, art. 4).

262. The use of religion to foment enmity, hatred or ethnic division is prohibited (Freedom of Religion and Religious Organizations Act of 21 November 2003, art. 5). The media may not be used for the purpose of propagating ethnic, racial or religious hatred (Press and Other Media Act of 10 January 1991).

263. Under article 21 of the Citizenship Act, the termination of citizenship of Turkmenistan is based on the renunciation of such citizenship or the loss thereof.

264. Renunciation is effected at the request of the person concerned according to the procedure established by law. Such renunciation is not allowed if the applicant is accused in a criminal case or subject to the enforcement of a valid court sentence or owes taxes or has other outstanding debts and liabilities to the State, other Turkmen citizens or enterprises, organizations or establishments located in Turkmenistan. Turkmen nationality is forfeited as a consequence of serving in the military, security service, police, judiciary or other political or administrative authorities of another State, except in cases provided for in inter-State agreements concluded by Turkmenistan, if the citizenship was obtained as a result of wittingly presenting false information or forged documents, or on grounds provided for in inter-State agreements concluded by Turkmenistan.

265. The Mejlis adopted a Decision on accession to the Convention relating to the Status of Stateless Persons on 14 September 2011.

266. Guided by the principles of humanity and humanism, affirming the country's commitment to the universally recognized international standards for the protection of human rights and freedoms, and bearing in mind the right freely to choose one's citizenship, the President signed naturalization papers for people permanently residing in Turkmenistan without citizenship, as follows: 1,590 people on 8 July 2011 and 1,700 on 25 October 2011.

267. There are continued efforts to grant Turkmen citizenship in accordance with the law.

268. As Turkmen and Russian are the languages of inter-ethnic communication in Turkmenistan, minorities living there may become familiar with the Covenant and Optional Protocols in either language. Their significance is regularly explained in the media and covered in special radio and television broadcasts and newspaper and magazine articles and reviews.

269. Workshops, training courses, round tables and conferences are held with international organizations accredited in Turkmenistan and international experts to raise awareness of the Covenant and Optional Protocols with judges, law enforcement officials, staff members of institutions, organizations and enterprises and members of voluntary associations. Turkmenistan devotes much attention to the circulation of information about national and international laws on human rights and freedoms. Ad hoc parliamentary and cabinet publications, newspapers and magazines distributed by subscription or sold retail provide the general public with full details in Russian and Turkmen of laws and other legislation relating to human rights and freedoms and of the international agreements to which Turkmenistan accedes.

270. With the cooperation of the offices of international organizations and accredited foreign embassies in Turkmenistan, long-term humanitarian programmes are being conducted to draw public attention to the fundamental international conventions on human rights and freedoms.
