



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

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties  
under article 9 of the Convention**

**Combined sixth and seventh periodic reports of States parties  
due in 2007**

**Turkmenistan \* \*\***

[20 January 2011]

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\* This document contains the sixth and seventeenth periodic reports of Turkmenistan, due in 2005 and 2007, submitted in one document. For the initial to fifth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/441/Add.1 and CERD/C/SR.1717, CERD/C/SR.1718 and CERD/C/SR.1719.

\*\* 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.

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## I. Introduction

1. This report is submitted pursuant to article 9 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination and has been prepared in accordance with the general guidelines regarding the form and content of reports to be submitted for consideration by States parties under that article.
2. Turkmenistan ratified the Convention on 23 September 1994, and in 2004 presented the combined initial to fifth periodic reports, which were considered at the sixty-seventh session of the Committee on the Elimination of Racial Discrimination on 11 and 12 August 2005. In accordance with the concluding observations (CERD/C/TKM/CO/5) drawn up by the Committee subsequent to such consideration, the Government of Turkmenistan presented in 2007 a supplementary report under article 9 (1) of the Convention and article 65 of the Rules of Procedure of the Committee.
3. Moreover, the Government has prepared and presented a report on the implementation of General Assembly resolution 63/242 of 22 January 2009 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.
4. The present document, combining Turkmenistan's sixth and seventh periodic reports on the implementation of the provisions of the Convention, was prepared in accordance with the principles formulated by the Committee and laid down in the "Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties" (HRI/GEN/2/Rev.1/Add.2) or the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 Corr.1). The report covers the period 2005–2010, during which Turkmenistan achieved considerable progress in meeting its obligations under the Convention.
5. The report contains information on key legislative, judicial, administrative and other measures adopted during the reporting period and directly related to the provisions of the Convention. In addition to covering the legal, structural and political changes having occurred since the presentation of the previous report, the present document provides replies to the concluding observations (CERD/C/TKM/CO/5) adopted by the Committee at its 1725th and 1727th meetings, held on 17 and 18 August 2005, after consideration of that report. In preparing the present report, due attention was also paid to the general recommendations adopted by the Committee.
6. Turkmenistan strictly fulfils its international obligations in the area of human rights. In Turkmenistan, there is no discrimination against ethnic minorities and no person is subjected to oppression or illegal detention or imprisonment.
7. The following principles of Turkmenistan's criminal legislation are enshrined in article 3 of the Criminal Code:
  - (a) A person is subject to criminal liability only for those acts or omissions and the ensuing harmful consequences, with respect to which his or her fault is established;
  - (b) Offenders are equal before the law and subject to criminal liability regardless of gender, race, nationality, property, official position, attitude to religion, views or membership in public associations.

8. Criminal statistics compiled by the information centre of the Ministry of Internal Affairs do not use the nationality criterion with regard to offenders and may refer only to the status of alien or stateless person.
9. Multi-candidate presidential elections were held for the first time in Turkmenistan in February 2007 and led to the election of Gurbanguly Berdymukhammedov as head of State. The Government proceeded without delay to make cooperation with international organizations, especially United Nations agencies and institutions, a foreign policy priority; and expressed its commitment to meeting its international obligations. In that connection, preference is given to open and constructive dialogue with United Nations human rights mechanisms. The Government has since consistently shown its resolve to implement fully its international obligations.
10. Turkmenistan's revival is characterized by extensive transformations in the political, economic, social and cultural spheres. These reforms, guided directly by the President of Turkmenistan, are conducive to the progressive renewal of the entire social and political system.
11. Having ratified the basic international documents on human rights and complying strictly with the international obligations that it has accepted, Turkmenistan is further reforming its national system for the protection of human rights and continues, steadfastly and consistently, to honour the pledges that it has made to the global community.
12. In the period 2005–2010, Turkmenistan acceded to the following major international treaties: Convention on the Rights of persons with disabilities (4 September 2008), Optional Protocol to the Convention on the Rights of persons with disabilities (25 September 2010), Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (18 April 2009), International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (25 September 2010) and the International Convention against Doping in Sport (25 September 2010).
13. In accordance with its obligations, Turkmenistan incorporates the basic principles and provisions of the above instruments into the national legislation and ensures their strict enforcement. The Turkmen State and society pay constant attention to the sphere of human rights. National programmes introduced by the President of Turkmenistan in the areas of education and health and such social programmes as the effective reform of village infrastructure are successfully carried out.
14. A series of ongoing practical steps launched in the country in recent years includes legal, economic and institutional measures related to the human dimension. Of the large-scale reforms introduced by the President of Turkmenistan, the preparation of national reports on compliance with basic United Nations treaties, the monitoring of the Turkmen legislation to ensure its alignment with the international agreements signed by Turkmenistan and the formulation of appropriate proposals for the implementation of such instruments are of current relevance. In view of their particular importance, the preparation of national reports on the state of implementation of international human rights instruments for submission to the United Nations treaty bodies has been entrusted to the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations, pursuant to a presidential order of 24 August 2007.
15. The Interdepartmental Commission is a standing interdepartmental advisory body responsible for coordinating the efforts of ministries, State committees and departments, Government bodies with local authority, enterprises, institutions and organizations to meet Turkmenistan's international legal obligations in the area of human rights. The Interdepartmental Commission's membership comprises representatives of the Majlis (Parliament), the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of the

Economy and Development, the Ministry of Education, the Ministry of Health and the Medical Industry, the Ministry of Social Welfare, the Ministry of Culture and Television and Radio Broadcasting, the Ministry of Internal Affairs, the Supreme Court, the Office of the Procurator-General, the Religious Affairs Council under the President of Turkmenistan, the State Statistics Committee, the National Institute for Democracy and Human Rights under the President of Turkmenistan, the Institute of State and Law under the President of Turkmenistan, the National Trade Unions Centre, the Women's Union and the Makhtumkuli Youth Organization.

16. The Interdepartmental Commission carries out the following functions:

- (a) Coordinating the activities of authorities responsible for meeting international obligations in the area of human rights;
- (b) Ensuring the preparation of national reports on the state of implementation of international human rights instruments for submission to the United Nations treaty bodies;
- (c) Monitoring the national legislation in order to ensure its compliance with international standards in the area of human rights;
- (d) Preparing proposals for aligning the national legislation with the provisions of international human rights instruments to which Turkmenistan is a party;
- (e) Cooperating with Government bodies and administration agencies, public associations and international organizations engaged in the protection of human rights.

17. The Interdepartmental Commission's activities are coordinated by the National Institute for Democracy and Human Rights. The Interdepartmental Commission conducted a number of interdepartmental meetings and consultations with international experts invited by United Nations agencies. As part of a joint project of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the European Commission and the United Nations Development Programme (UNDP) on building Turkmenistan's national capacity to promote and protect human rights, the Ministry of Foreign Affairs and the National Institute for Democracy and Human Rights organized and held a cycle of seminars, with the participation of international human rights experts, on methods for preparing national reports on the implementation of the provisions of United Nations human rights conventions.

18. A number of consultative seminars and working groups were held during the reporting period, with the participation of representatives of UNDP, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the OHCHR regional office, on methods for preparing reports, implementation of recommendations of treaty bodies, the procedure for the submission of periodic reports, and practices in other countries.

19. At a seminar held on 19–21 May 2010 on the procedure for the preparation of national periodic reports on the implementation of the Convention, international experts Mr. Alexei Avtonomov, doctor of science of law and member of the Committee, and Ms. Gabriella Habtom, OHCHR representative, exchanged their experience regarding such procedures and the formulation of concluding recommendations.

20. The present report is based on material provided by the Turkmen ministries, State committees and departments whose areas of competence include issues related to the safeguarding and exercise of citizens' rights and by public associations. Steps were taken to familiarize the general public with the content of the report during preparation. The draft report was transmitted to ministries, State committees and departments, and public organizations, whose comments and wishes were taken into account in preparing the final version.

## II. Implementation of articles 1 to 7 of the Convention

### A. Article 1

21. In order to strengthen the foundations of the rule of law, promote democratization, improve the legal basis for the political, social, economic, scientific and cultural reforms taking place in the country and bring domestic legislation into line with generally recognized international legal standards, the President of Turkmenistan established a State commission to update the country's legislation and a constitutional commission to draft proposals for amending the Constitution.

22. A new version of the Constitution, based on the Constitutional Commission's work and an analysis of the recommendations and proposals formulated, was adopted on 26 September 2008.

23. Aligned with the universally recognized international human rights standards, the new Constitution establishes the principle of separation of powers into the legislative, the executive and the judiciary, which underpins all democratic States based on the rule of law; and expands the range of citizens' rights and freedoms.

24. Under article 6 of the Constitution, Turkmenistan, as a full-fledged member of the international community, pursues a foreign policy based on the principles of permanent neutrality, non-interference in the internal affairs of other countries, renunciation of the use of force and of participation in military blocs and unions, and promotion of peaceful, friendly and mutually advantageous relations with the countries of the region and States throughout the world.

25. With respect to the Committee's recommendation regarding the status of the Convention in domestic law, note should be made that, under the second part of article 6 of the Constitution, "Turkmenistan recognizes the primacy of universally accepted norms of international law. If an international agreement concluded by Turkmenistan provides otherwise than domestic law, the provisions of the international agreement are applied". That constitutional provision governs the country's legislation as a whole.

26. In line with the recommendations of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, article 19 of the Constitution on the equality of citizens' rights regardless of various characteristics has been enriched with two new attributes, namely race and gender, and provides that the State guarantees the equality of human and citizens' rights and freedoms regardless of ethnicity, race, gender, origin, wealth, position, place of residence, language, attitude to religion, political convictions, or membership of a political party or of no party.

27. The rights and freedoms, and the rights and obligations, provided for in the Constitution for citizens of Turkmenistan are equally accorded to aliens and stateless persons present in Turkmenistan, except for the special rights directly associated with Turkmen citizenship. To all citizens of Turkmenistan is guaranteed the right to use their native language. According to the Language Act (24 May 1990), language is a determinant of the national identity of peoples and an inalienable characteristic of a nation. The Act provides legal guarantees for the free development and use of Turkmen as the country's official language, Russian as the language for international contact, and the languages of other peoples residing in the national territory.

28. The establishment of Turkmen as the official language does not violate the constitutional right of Turkmen citizens of other ethnic groups to use their national language. The official language and Russian are Turkmenistan's languages of international communication. Turkmenistan promotes the free use and development of the languages of

peoples living in the national territory; ensures that its citizens may study the official language; supports the development of bilingualism and multilingualism in ethnic languages and Russian; and provides assistance for the satisfaction of the intellectual, cultural and linguistic needs of Turkmen living abroad (articles 2 and 3 of the Act).

29. In Turkmenistan, alongside the official language, legal protection is ensured for Russian and the other ethnic languages, and conditions are created for their protection and development. Violations of the citizens' right to choose a language of instruction, education or contact with State and public bodies, courts and law-enforcement agencies, discrimination against citizens on linguistic grounds, the establishment of illegal privileges based on language and other infringements of the Language Act are not allowed.

30. The Parliament has adopted a number of relevant Acts, including those codified in conformity with international conventions to which Turkmenistan is a party, namely, *inter alia*, the Social Security Code (17 March 2007), the Labour Code (18 April 2009), the Code of Criminal Procedure (18 April 2009), the Criminal Code (new version) (10 May 2010), the Women's Equality (State Guarantees) Act (14 December 2007), the Human Trafficking Act (14 December 2007), the Education Act (15 August 2009) and the Legal Profession and Legal Practice Act (10 May 2010).

31. The Parliament is currently working on the preliminary version of a new Penal Enforcement Code which will take into account the international norms of the United Nations and the Organization for Security and Cooperation in Europe (OSCE) on the serving of criminal penalties and the humane treatment of convicted offenders. The provisions in question consist in the practical implementation of international law standards that guarantee civil, political, economic, social and cultural rights to all of the country's citizens without exception. The Government takes all necessary practical and legislative steps aimed at eliminating all forms of racial discrimination and incitement to acts against persons or groups of a different colour or ethnic origin. Turkmenistan has a system of legislative measures offering firm legal guarantees that any attempted discrimination on racial or ethnic grounds by officials, individuals, groups or institutions will be banned and, if necessary, suppressed. In addition to the Turkmen Constitution, the principle of non-discrimination on these and other grounds underpins the operation of all high-ranking and local authorities and administrations, the electoral system, the organization and work of the law enforcement and judicial agencies, and the health care, social security and education systems. Under the relevant legislation, incitement to ethnic or racial hatred, strife or scorn, or recourse to violence on ethnic, racial or religious grounds entail civil, criminal and administrative liability.

32. Article 4 of the Marriage and Family Code (25 December 1969) prohibits, upon entry into marriage and family relations, any direct or indirect restriction of rights or the establishment of direct or indirect advantages based on, *inter alia*, origin, social and property status, racial or ethnic affiliation, gender, education, language, attitude to religion, type and nature of occupation or place of residence.

33. Under Presidential Decision No. 11091 of 17 June 2010 on the preparation and conduct of the 2012 general population and housing census, the State Statistics Committee carries out the following specific tasks:

(a) Establishment of a working commission of the State Statistics Committee for the preparation of the census.

(b) Development and establishment, by order of the State Statistics Committee, of a timetable for the current organizational and methodological steps, including the formulation of census plans, broad dissemination of relevant information, and selection and training of census personnel in the country's regions.

- (c) Development of report forms for entering census information on persons and housing.
- (d) Development of the schedule for the conduct of the 2012 general population and housing census over the period 2010–2014.
- (e) Development of the census procedure as a basis for defining and coordinating cooperation between the State Statistics Committee and the ministries and departments concerned.
- (f) Preparation and presentation to the Ministry of Finance of the census preparation and conduct costs estimate.
- (g) Calculation of maximum requirements in temporary census personnel and determination of its necessary size.
- (h) Design of 120 model output tables for territorial and thematic areas, out of a total of more than 3,000 tables. Output tables will serve as the basis for the layout of the publication of census results.
- (i) Local preparatory work, carried out by State Statistics Committee staff in cooperation with local administrations, on census specifications, delimitation of territorial administrative units, ordering of street names, numbering of dwellings, establishment of lists of dwellings and determination of the number of inhabitants in the various localities.
- (j) In all velayats (regions) of the country and in Ashgabat, issuance by the local administrations of orders regarding the conduct of the census and the adoption of relevant measures in the areas concerned.

34. With financial support from the local UNFPA office, international experts carried out in the State Statistics Committee a six-day seminar for the staff of the Committee and its regional organs on methodological issues related to the conduct of the census. The staff of bodies essential to the census was also invited to the seminar. As a result of the seminar, the census documents were modified in order to ensure that the census will meet all international requirements and at the same time reflect the specificities of the country.

## **B. Article 2**

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

36. The obligation not to engage in any act of racial discrimination is reflected in the constitutional provisions establishing the equality of citizens with respect to their rights regardless of race, gender, ethnicity or language and is binding on the State, Government authorities and civil servants. It is thereby incumbent on the State not to allow any race- or ethnicity-based discrimination. Such a provision is also included in other legislative instruments. In particular, article 7 of the Labour Code prohibits any restriction on labour rights or any preferential treatment in their realization based on ethnic background, race, gender, origin, financial situation, official status, place of residence, language, age, attitude towards religion, political convictions, party affiliation or lack thereof, or other circumstances unrelated to the professional qualities of employees or the results of their work.

37. Persons who consider that they have been subjected to discrimination at work have the right to file a complaint in court. That State bodies will act in accordance with



Turkmenistan's obligations under the Convention on the Elimination of All Forms of Racial Discrimination is guaranteed by:

(a) The recognition in the Constitution and other legislation of obligations relating to racial discrimination;

(b) The independence of the judiciary as the chief mechanism under Turkmen domestic policy for enforcing legislation.

38. Under article 18 of the Constitution, the rights and freedoms of the person are inviolable and inalienable. No one has the right to deprive a person of any rights and freedoms, or to limit his or her rights, except as provided in the Constitution and the law. Any list of rights and freedoms of the person in the Constitution and the law may not be used to deny or diminish other rights and freedoms.

39. Under article 4 of the Complaints by Citizens and Procedure for Their Consideration Act (14 January 1999), it is prohibited to refuse to receive or consider a communication for reasons of race, gender, age, social or property status, party affiliation, nationality, religion or a citizen's ignorance of the official language.

40. The obligation under article 2 of the Convention not to sponsor, defend or support racial discrimination is reflected in the prohibition of political parties organized on racial or ethnic principles (article 30 of the Constitution) or of public associations seeking to propagate racial or religious division (article 4 of the Public Associations Act of 21 October 2003).

41. The use of religion to foment enmity, hatred or ethnic division is prohibited (article 5 of the Freedom of Worship and Religious Organizations Act of 21 November 2003). It is not allowed to use the media for the purpose of propagating national, racial or religious hatred (Press and Other Media Act of 10 January 1991).

42. Since independence, Turkmenistan has adopted no laws or regulations that have the effect of creating or perpetuating racial discrimination.

43. Legislation prohibits the occurrence of racial discrimination in any form. Article 145 of the Criminal Code provides for criminal liability for direct or indirect violation or restriction of human and civil rights and freedoms on grounds of gender, race, ethnicity, language, origin, property status, official position, place of residence, attitude to religion, convictions or membership in public associations.

44. Under the Criminal Code, social, ethnic, racial or religious hatred or hostility constitute aggravating circumstances of premeditated murder or infliction of severe personal injury and, therefore, according to the legislator, justify harsher penalties for the same crime. Even more severe punishments are incurred where the crimes in question are committed with use of the media or through actual or threatened physical violence or by an organized group.

45. Under article 168 of the Criminal Code, genocide, namely acts wilfully committed for the purpose of the total or partial destruction of any national, ethnic, racial, or religious group by extermination of members of such group or the infliction on them of grave bodily injuries, the creation of living conditions calculated to bring about the total or partial physical destruction of the group, measures to decrease or prevent childbearing in the group, or the forcible transfer of children from one group to another, and the issuance of an order to perpetrate such acts incur deprivation of liberty for 15–25 years.

46. Turkmenistan has a system of legislative measures offering firm legal guarantees that any attempted discrimination on racial or ethnic grounds by officials, individuals, groups or institutions will be banned and, if necessary, suppressed.

47. Under article 20 of the Code of Criminal Procedure, in the course of the administration of justice, no one may be subjected to any discrimination for reasons of origin, social status, material circumstances, official position, ethnic background, race, gender, education, language, attitude towards religion, political beliefs, place of residence or any other consideration.

48. Under article 178 (3) of the Code of Administrative Offences, it is an offence to form associations, including political parties, public organizations and mass movements, whose intended purpose is to foment ethnic or racial hatred, strife or scorn; to resort to violence on ethnic, racial or religious grounds; to engage in activities directly aimed at forcibly violating the country's territorial unity, enshrined in the Constitution; and to participate actively in action undertaken by the above associations.

49. Under article 5 of the Courts Act, justice in Turkmenistan is administered on the basis of equal rights and freedoms, the principle of adversarial proceedings and the equality of all before the law and the court, regardless of ethnic background, race, gender, origin, financial situation, official status, place of residence, language, attitude towards religion, political convictions, party affiliation or lack thereof, or other circumstances not stipulated by law.

50. In Turkmenistan, aliens and stateless persons are entitled to legal protection on an equal footing with citizens in accordance with the country's legislation and international agreements. Under article 1 of the Equality of Women (State Guarantees) Act, women, regardless of ethnic background, race, origin, property, official position, marital status, place of residence, language, attitude to religion, political views or party affiliation enjoy equal rights and freedoms with men in the political, social, economic, cultural and other areas of activity.

51. The principle of non-discrimination also governs the electoral system. Under article 2 of the Parliamentary Elections Act (10 November 2008), Turkmen citizens having reached the age of 18 by election day have the right to vote. Any direct or indirect restriction on the citizens' electoral rights on the basis of ethnic background, race, gender, origin, property status, official position, places of residence, language, attitude to religion, political views, party affiliation or lack thereof is prohibited. Similar provisions are contained in the Presidential Elections Act and the People's Council (Khalk Maslakhaty) and Local Council (Gengesh) Member Elections Act (25 September 2010).

52. Under the Education Act, citizens are ensured access to education regardless of gender, race, ethnic background, language, origin, place of residence, attitude towards religion, convictions, age, state of health, material situation, or social or official status. Aliens and stateless persons residing permanently in the country are entitled to education on an equal footing with citizens in accordance with the procedure established by Turkmenistan's law and international agreements. The Freedom of Worship and Religious Organizations Act refers to the citizens' constitutional right to follow any religion or none, to express and disseminate views related to attitudes toward religion, to participate in the practice of religious cults, rituals and ceremonies. In determining their attitude to religion and deciding whether to practise or not practise a religion, participate or not participate in acts of worship or religious rites and ceremonies, or receive spiritual instruction, citizens may not be subjected to coercion. Aliens and stateless persons permanently or temporarily residing in Turkmenistan enjoy the right to freedom of religion on an equal footing with Turkmen citizens and have the responsibilities specified by the law. It is an offence under Turkmen law directly or indirectly to restrict rights or confer advantages in connection with religious or atheist beliefs, to incite hatred or enmity in connection with such beliefs, or to injure the feelings of individuals on such grounds

### C. Article 3

53. Turkmenistan bases its domestic and foreign policy on international norms, including those that condemn racial segregation and apartheid. The Permanent Neutrality Act (27 December 1995) stresses that "within the framework of the exercise of the inalienable rights of a sovereign State, Turkmenistan voluntarily declares its permanent neutrality and will support and consistently implement it. Permanent neutrality is the basis of Turkmenistan's domestic and foreign policy, which is aimed at strengthening stability and harmony in society and the development of friendly and mutually advantageous relations with States in the region and throughout the world".

54. As a member of OSCE, Turkmenistan has assumed the obligations relating to national minorities set forth in section VII of the Helsinki Final Act, 1975 and other OSCE documents on the human dimension.

### D. Article 4

55. Discrimination in legislation by reason of race is contrary to the Constitution. Accordingly, laws or regulations containing discriminatory provisions are deemed illegal. Since independence, there have been in Turkmenistan no cases of adoption of unconstitutional laws or regulations.

56. Article 177 of the Criminal Code provides for criminal responsibility for the deliberate acts designed to inflame social, national, ethnic, racial or religious hatred or enmity, or offend ethnic pride, and propaganda attributing superior status or inferiority to citizens on the basis of attitude to religion or social, national, ethnic or racial background.

57. This provision refers to disputes arising among citizens of different nationalities, ethnic backgrounds or races that might involve violence, physical reprisals or threats thereof, destruction of or damage to property, or ostracism or segregation, the restriction of rights, privileges and advantages, or acts calculated to demean the shrines, way of life, structure and history of development of individual races, ethnic groups or peoples.

58. Under article 20 Code of Criminal Procedure, in the course of the administration of justice, no one may be subjected to any discrimination for reasons of origin, social status, material circumstances, official position, ethnic background, race, gender, education, language, attitude towards religion, political beliefs, place of residence or any other consideration.

59. The intentional infliction of physical or mental suffering by a procurator, an investigator or a person conducting an inquiry or by any other official with the aim of obtaining from a suspect, an accused person, a victim or a third person information or a confession or to punish him or her for an act which he or she committed or is suspected of having committed, or to intimidate or coerce the victim or a third person, or for any reason based on discrimination of any kind, is punishable under article 197 of the Criminal Code.

60. Under article 30 of the Constitution, the establishment and activity of political parties, or public paramilitary associations, aimed at altering the constitutional order by violence, engaging in violent acts, opposing the constitutional rights and freedoms of citizens, advocating war or racial, national or religious hatred, or acting in a manner detrimental to the health or morals of the people, and of political parties with ethnic or religious attributes, are prohibited.

61. Turkmenistan is fully committed to the combat against trafficking in human beings. In 2005, it acceded to the United Nations Convention against Transnational Organized Crime; 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. On 14 December 2007, the Parliament adopted the Human Trafficking Act. Condemning acts of terrorism in all its manifestations and in accordance with Security Council resolution 1373 (2001), Turkmenistan on 15 March 2003 adopted the Counter-Terrorism Act, which defined the legal and organizational bases for combating terrorism in the country; established a procedure for action and cooperation among the authorities, organizations, regardless of their form of ownership, and public associations to that end; and set forth the rights and duties of and guarantees for citizens in relation to counter-terrorism efforts. The social rehabilitation of victims of terrorism includes legal, psychological and medical support provided in accordance with the procedure determined by the Cabinet of Ministers.

62. Participants in terrorist activities are liable under the Criminal Code (articles 18, 19 and 23 of the Counter-Terrorism Act). The rule of law is a basic principle of combating terrorism in the country. The Procurator-General and his or her subordinate procurators ensure that the law is observed and applied in counter-terrorism activities. On 28 May 2009, the Money-Laundering and Financing of Terrorism Act was adopted in order to create a legal mechanism against the practices in question and thereby to protect the rights and lawful interests of the citizens, society and the State and the integrity of the country's financial system against such criminal offences.

63. Under the current relevant legislation, the prohibition of fomenting or encouraging racial discrimination applies also to State bodies and to organizations and institutions.

## **E. Article 5**

64. Article 43 of the Constitution and article 5 of the Courts Act guarantee the right of every person residing in the Turkmen territory, regardless of national, racial or ethnic background, to equal judicial protection. All persons who live in the country are equal in court and are entitled to a fair public trial.

65. The administration of justice in accordance with the principles of citizens' equality before the law and in the courts is enshrined in articles 3 of the Criminal Code, 20 of the Code of Criminal Procedure and 5 of the Code of Civil Procedure. This is a fundamental tenet of the country's entire legislation.

66. To ensure the fullest exercise of their right to equality before the courts, persons belonging to ethnic or linguistic minorities and not proficient in the official language or the language of the majority population in the area where legal proceedings are being conducted are provided with an interpreter (article of 13 Language Act).

67. Legal proceedings in Turkmenistan are conducted in the official language. Parties to the proceedings who are not proficient in the language in which the proceedings are being conducted have the right to be fully apprised of the case and participate in the proceedings through an interpreter, and the right to address the court in their native language (article 9 of the Courts Act). The arrangements for the exercise of this right are established in article 28 of the Code of Criminal Procedure. Where a suspect or accused person is not proficient in the language in which the case file is drawn up, the investigator or person conducting the inquiry provides, on his or her own or through a translator, a translation of the texts in question into a language with which that person is conversant. In such a case, the suspect or accused person certifies by his or her own hand that the texts in question were translated. This provision is also contained in article 8 of the Code of Civil Procedure.

68. In accordance with the procedure established by law, court documents are transmitted to litigants in their native language or in a language with which they are conversant. Under article 436 of the Code of Criminal Procedure, a convicted offender or

an acquitted person, their counsels or legal representatives, a victim and his or her representative may appeal judgements handed down by the courts. A civil plaintiff, a civil defendant or their representatives may appeal against the part of a judgement relating to a civil claim.

69. A person acquitted by the courts has a right of cassational appeal against a judgement of acquittal with regard to the reasons and grounds for the acquittal. A court decision may also be appealed to a higher court under the supervisory procedure.

70. Under article 23 of the Constitution, no one may have their rights restricted or be deprived of his or her rights, sentenced or punished otherwise than in strict accordance with the law. No one may be subjected to torture or cruel, inhuman or degrading treatment or punishment, or to medical treatment (with drugs or by a physician) or other experiments against his or her will. Citizens have the right to seek reparation for material or moral damage resulting from the unlawful actions of State bodies, other organizations, their agents or private citizens.

71. No one may be forced to give evidence or testimony against oneself or one's close relatives. Evidence obtained through psychological or physical pressure or other unlawful methods has no legal force. Article 197 of the Criminal Code provides for criminal liability for any procurator, investigator or person conducting an initial inquiry who uses threats, blackmail or other illegal acts to coerce a suspect, an accused person, a victim or a witness into giving evidence or an expert into giving an opinion. A citizen's right to personal security and protection by the State against violence or personal injury inflicted by civil servants, individuals, groups or institutions is safeguarded under various articles of the Criminal Code.

72. Under article 23 of the Weapons Act (21 November 2009), Turkmen citizens may use weapons, which they keep at their home, in accordance with the law for the protection of personal life, health, rights or lawful interests, the interests of society and the State and in self-defence and emergency cases specified by law. The person against whom the weapon is used must first be warned unless a delay in the use of the weapon may directly endanger lives or have other grave consequences. In such a case, use of the weapon in self-defence must not harm third persons.

73. In addition to the local nationality, the staff of the system of internal affairs agencies includes members of various ethnic groups. Currently, of the 5.4 per cent of the total number of such agencies' occupied posts that are filled by members of ethnic minorities, 5.2 per cent are held by persons of a Commonwealth of Independent States (CIS) nationality (Russians, Uzbeks, Kazakhs, Ukrainians, Belarusians, Armenians, Azerbaijanis, Tatars, Lezgins, Georgians, Tajiks, Ossetes, Dargins and Mordvins), 0.1 per cent by Kurds and 0.1 per cent by Koreans.

74. Under article 31 of the Constitution, every citizen has the right to take part in the conduct of public affairs directly or indirectly, through elected representatives. Under article 32 (1) of the Constitution, citizens have the right to elect representatives or to be elected to Government bodies.

75. Presidential, parliamentary and people's council and local council member elections are universal and equitable. Citizens having reached the age of 18 have the right to vote, casting one vote each.

76. Persons declared by the courts to be legally incapable or serving custodial sentences may not participate in elections. Restriction of the citizens' electoral rights in other cases is prohibited and entails liability in accordance with the law (article 89 of the Constitution). The Electoral Rights Guarantees Act (22 April 1999) provides for a system of relevant legislative, legal, economic, organizational and communicational safeguards.

77. Legal safeguards of the citizens' electoral rights consist in measures ensuring the citizens' freedom to express their will and the protection of electoral rights under the Act, including judicial protection, personal inviolability of candidates to elected bodies and other norms and rules designed to promote the citizens' effective participation in elections. It is guaranteed that participants in the electoral process, on the basis and under the procedure established by law, enjoy the privileges and receive the compensation associated with the exercise of their rights and mandates.

78. The electoral process is based on transparency and full information. The citizens' right to obtain and disseminate information related to the preparation and conduct of elections is guaranteed. To that end, the election committees, State bodies, public associations and citizens are entitled to use the press, television, radio and other generally accessible means of communication.

79. Elections in Turkmenistan are governed by the following basic principles: universal, fair and direct voting by secret ballot; free and voluntary participation of citizens; fair designation of and equal opportunities for the candidates; transparency, openness and free canvassing during the election campaign; and defence of the citizens' electoral rights.

80. The referendum is a form of direct participation of the country's citizens in the exercise of State power by voting (article 1 of the Referenda Act). National and local referenda are held to resolve crucial issues confronting the State or the community.

81. Citizens having reached the age of 18 and entitled to vote participate in referenda according to the law. Any direct or indirect restriction on the citizens' right to vote in a referendum is prohibited, save for cases specifically provided for by law.

82. Referenda are conducted on the basis of free participation and voluntary, universal, equal and direct voting in a secret ballot, each citizen casting a single vote. Referenda are conducted transparently and with the participation of the community, including in the vote tally. No campaigning on the issue put to the vote is allowed on the day of the referendum.

83. In accordance with the Constitution and the Parliamentary Elections Act, members of the Parliament are elected by the citizens through a universal, equal, direct and secret ballot based on multi-candidate principles.

84. The electoral process is based on the principles of free and fair designation of candidates standing for deputies, transparency and openness, freedom of campaigning and equal opportunities for all candidates during the election campaign. To be eligible as a candidate, a citizen must have reached the age of 25 by election day and resided in the country for the last 10 years.

85. A person with a criminal record which has not been cleared or expunged as prescribed by law by the date of designation of candidates may not stand in parliamentary elections. Under the People's Council and Local Council Member Elections Act (25 September 2010), to be a candidate in the elections in question a citizen must have reached the age of 21 by election day and reside in the area concerned.

86. A person with a criminal record which has not been cleared or expunged as prescribed by law by the date of designation of candidates may not stand in people's or local council elections. Under the People's Council and Local Council Member Elections Act (25 September 2010), to be a candidate in the elections in question a citizen must have reached the age of 21 by election day and reside in the area concerned.

87. A local council is a representative body of popular power located in a town, district, community or other area under local council jurisdiction. Local council multi-candidate elections were held in 2009. Of the local council members belonging to ethnic groups living in Turkmenistan, 5,738 (92.25 per cent) are Turkmen, 410 (6.59 per cent) Uzbek, 22 (0.35

per cent) Kazakh, 16 (0.26 per cent) Baluchi, 16 (0.26 per cent) Russian, 6 (0.10 per cent) Karakalpak, 4 (0.06 per cent) Tatar, 3 (0.05 per cent) Persian, 2 (0.03 per cent) Azerbaijani, 2 Ossete and 1 (0.02 per cent) Afghan.

88. Regional, district and municipal people's council multi-candidate elections were held on 5 December 2010. Of the people's council members belonging to ethnic groups living in Turkmenistan, 1,592 (95.90 per cent) are Turkmen, 56 (3.37 per cent) Uzbek, 3 (0.18 per cent) Russian, 2 (0.12 per cent) Uigur, 1 (0.06 per cent) Azerbaijani, 1 Baluchi, 1 Chuvash, 1 Kazakh, 1 Lezgin, 1 Persian and 1 Tatar. The procedure for the election of the President of Turkmenistan is governed by the Presidential Elections Act (26 December 2006).

89. To stand for President of Turkmenistan, a Turkmen citizen must have been born in Turkmenistan, be over 40 and under 70 years of age, be proficient in the official language, have been a permanent resident of Turkmenistan for the preceding 15 years and have worked in State bodies, public associations, enterprises, institutions or organizations.

90. Under the current legislation, aliens may not elect or be elected to State bodies or participate in national elections or referenda. Civil society institutions currently play an important role in the political system of the Turkmen State. NGOs and public, professional and creative-profession associations are actively involved in the formulation of the economic, social and cultural policy of the State. Under the law, Turkmenistan's most important public associations, namely the Democratic Party, the Women's Union, the Makhtumkuli Youth Organization, the Council of Veterans, the World Humanitarian Association of Turkmen, trade unions and other NGOs, are represented in all of the country's elected bodies. The members of such public associations are members of the Parliament and of local government bodies and thus directly participate in preparing social, economic, and cultural development programmes for the country and individual areas.

91. Since 2008, UNDP and the National Institute for Democracy and Human Rights have been implementing a joint project on strengthening and further developing the country's democratic processes in respect of elections.

92. During the preceding period, a number of conferences, seminars, round tables, training events and workshops were carried out in the framework of cooperation on such topics related to the further improvement of the Turkmen electoral system as, inter alia, "Cooperation on strengthening the electoral system and processes" (19 September 2008), "International standards and building the capacities of election committees" (27 November 2008), and "International election-related standards and best practices" (3 July 2009).

93. Outreach seminars have been organized in all regions of the country and Ashgabat with a view to enhancing the capacities of the members of election committees at all levels and of the national observers. Under article 32 (2) of the Constitution, citizens have an equal right to enter public service, according to their skills and professional training.

94. The professional activity of public servants is governed by the Labour Code, the Civil Service Act (12 June 1997) and other Acts and regulatory instruments of Turkmenistan.

95. Upon reaching the age of 18, citizens have the right to serve in State bodies regardless of their social status, financial situation, race, ethnic background, gender, attitude towards religion or political views.

96. A person may not be admitted to service in State bodies if he or she:

(a) Has been declared to be incompetent or of limited competence by a court decision which has entered into effect;

(b) Is related by blood or marriage (as a parent, husband, sibling, child or close in-law) to a public servant, if their common employment involves for one of them direct subordination to or control by the other (article 13 of the Civil Service Act).

97. Labour disputes involving public servants are examined through a judicial procedure. Article 11 of Employment Act (12 November 1991) guarantees protection from any form of discrimination, and equal opportunities for all citizens with regard to access to an occupation or employment and choice of conditions of employment and work.

98. Under article 26 of the Constitution, all citizens have the right to freedom of movement and choice of place of residence within the borders of Turkmenistan. Entry into or on movement within specific areas may be curtailed only by law.

99. On 7 December 2005, the Parliament adopted the Migration Act, which defines procedures for Turkmen citizens, aliens and stateless persons entering or leaving Turkmenistan; legal relations in the framework of migration processes in the country; and the powers of the authorities in regulating such processes.

100. Article 4 of the Act prohibits discrimination and the violation of a person's rights and freedoms on the basis of, inter alia, origin, gender, race, ethnic background, language, religion or political or religious views. Under article 26 of the Act, every citizen is entitled to leave or enter Turkmenistan and may not be deprived of that right. The right to leave the country is subject to temporary restriction under article 32 of the Act.

101. The Government abolished previous restrictions on freedom of movement in Turkmenistan for all citizens. The Presidential Order of 13 July 2007 abolished the internal visa regime for Turkmen citizens, including in the border areas. Citizens may challenge decisions, actions or omissions of State authorities and administration bodies, public servants or other legal entities or individuals, which affect a citizens' rights to freedom of movement and choice of place of residence or stay within the country before a higher ranking body or official or a court.

102. Under article 42 of the above Act, every citizen has the right to be protected against forcible displacement from his or her place of residence or stay. A citizen may request a court, according to the procedure established by law, to uphold that right. A citizen may be forcibly displaced from his or her place of residence or stay on the basis of a court decision.

103. In the interests of national security, the rule of law or the protection of the health of the population, the Cabinet of Ministers may impose restrictions on freedom of movement and on the choice of a place of residence or stay in the following places: border areas; closed military garrisons; environmental disaster areas or areas subject to natural or man-induced disaster in view of a risk of extensive propagation of infectious diseases or intoxication; and state of emergency areas (article 43 of the Migration Act).

104. Aliens and stateless persons enter Turkmenistan for temporary or permanent residence on the basis of a residence permit. To reside in Turkmenistan on a permanent basis, an alien must obtain a residence permit issued by the country's migration service. The procedure for the delivery of residence permits is laid down by the President of Turkmenistan.

105. In accordance with the Constitution and the Refugee Act, Turkmenistan grants the right of asylum to persons persecuted in their countries on grounds specified in relevant international instruments.

106. As a result of the implementation of the provisions of the 1951 Convention Relating to the Status of Refugees and the Refugee Act and the Government's cooperation with the mission of the United Nations High Commissioner for Refugees (UNHCR), more than



16,000 displaced persons and refugees (ethnic Afghans and Tajiks), an unprecedented number, have received Turkmen citizenship or a permit to reside in the country.

107. Under a presidential decree of 4 August 2005, 13,245 refugees residing in Turkmenistan obtained Turkmen citizenship and under a presidential decision of the same date, 3,053 refugees received a permanent residence permit.

108. Aliens present in Turkmenistan on other legal grounds are considered as temporary residents and must, according to a standing procedure, register their foreign passports or equivalent documents, and they must leave the country at the end of their authorized period of stay.

109. Under article 7 of the Constitution, Turkmen citizens may not be extradited to another State or deported, nor may their right to return to Turkmenistan be restricted. Turkmen citizens under the age of 18 may leave Turkmenistan unaccompanied by any legal representative on the basis of a notarized power of attorney signed by the minor's legal representatives and designating an accompanying person. In the absence of legal representatives, the minor may leave on the basis of a court decision.

110. Minors aged 14–16 may leave Turkmenistan to travel to a permanent place of residence solely on the basis of their notarized written consent. Exit from Turkmenistan of Turkmen citizens declared by the courts to be legally incapable may be permitted on the basis of a notarized power of attorney signed by their legal representatives or of a court decision (articles 28 and 29 of the Migration Act).

111. Under article 32 of the Act, Turkmen citizens are subject to a temporary restriction of their right to leave the country in the cases and for the periods indicated below:

- If they hold information constituting a State secret, up to the time limit stipulated by law;
- If criminal proceedings have been initiated against them, up to the conclusion of such proceedings;
- If they have been convicted for a crime, up to completion of or release from the sentence;
- If they refuse to fulfil a court-imposed obligation, until such fulfilment occurs;
- If they are subject to the draft, up to the end of or exemption from military service, unless they are to travel to their permanent place of residence abroad;
- If they have filed a civil petition with a court, up to the conclusion of the relevant proceedings;
- If they have been characterized as especially dangerous recidivists by court decision or are on parole, until the conviction is cancelled or expunged or the parole is terminated;
- If there are fears that, while abroad, they may fall victims to human trafficking or slavery;
- If they have violated the law of a host country during an earlier stay abroad;
- If their departure is incompatible with Turkmenistan's national security interests.

112. In the event in a foreign State of an emergency which makes it impossible to ensure the security of Turkmen citizens, the Government may impose a temporary restriction on travel to that State. Under article 34 of the above Act, Turkmen citizens not in military service may study or work abroad. To study abroad, Turkmen citizens must have received a

confirmation or invitation to that effect from an educational institution. To work abroad, Turkmen citizens must have:

- (a) An employer's invitation stating the exact address of the enterprise;
- (b) A work permit issued by the competent authorities of the host country.

113. Travel to another country for study or work may be declined, if the above conditions are not met or to ensure the security of Turkmen citizens abroad. Citizens may leave Turkmenistan for official or private business or for tourism in accordance with the above Act and other legal or regulatory instruments.

114. Provided they hold an appropriate visa or authorization issued according to the law of the country of destination, Turkmen citizens may leave Turkmenistan in order to travel to a place of permanent residence abroad. The procedure for entry into the foreign State is governed by the law of that State and Turkmenistan's international agreements.

115. Upon returning to take up permanent residence in Turkmenistan, Turkmen citizens having left a permanent place of residence abroad enjoy all of the rights and have all of the obligations stipulated by Turkmen law, on a common basis. Under article 38 of the above Act, exit of Turkmen citizens in possession of State secrets from Turkmenistan may be prohibited in cases specified by the State Secrets Act (24 November 1995).

116. Upon recruitment, citizens to be given access to State secrets or to be involved in the administration of an enterprise, institution or educational establishment or in the command of troops must be informed of any temporary restrictions imposed on leaving the country.

117. Under article 5 of the Migration Act (21 November 2009), the activity of the migration service is based on the principles of legality, humanism, equality of citizens before the law, observance of civil rights and freedoms, and respect for the citizens' dignity regardless of nationality, race, gender, origin, property status, official position, place of residence, language, attitude to religion, political views, party affiliation or lack thereof.

118. Under article 7 of the Constitution, "Turkmenistan has its own citizenship. Citizenship is attained, preserved, and lost in accordance with the law. No one may be deprived of her or his citizenship or the right to change her or his citizenship. A citizen of Turkmenistan may not be turned over to another Government, driven out of Turkmenistan or limited in her or his right to return to her or his native land. Turkmen citizens are guaranteed the protection and patronage of the Government in the national territory and abroad".

119. Issues related to Turkmen citizenship are regulated by the Turkmen Citizenship Act (30 September 1992). An order on the procedure for considering petitions and applications for Turkmen citizenship (10 May 1993) has been issued by presidential decision in order to ensure the implementation of the relevant provisions of the law. An agreement on the regularization of dual citizenship was signed between Turkmenistan and the Russian Federation on 23 December 1993, entered into force on 18 May 1995 and was terminated by a protocol signed on 10 April 2003.

120. To leave the country, holders of a Turkmen passport may cross the State borders on the basis of a passport visa for the first foreign State to be entered (article 3 of the Procedure for Turkmen Citizen's Exit from and Entry Into the Country Act. Aliens may enter Turkmenistan on the basis of an appropriate visa (article 7 of the Migration Act). Before deciding to cross the Turkmen border or purchase an airplane ticket, holders of a Turkmen and simultaneously a foreign passport must abide by the provisions of article 7 of the Constitution and the afore-mentioned Acts.

121. More extensive information on this issue was provided in the report submitted in 2004. Under article 10 of the Constitution, the economy of Turkmenistan is based on the

principles of market relations. The State encourages and supports enterprises and contributes to the development of small and medium-sized firms.

122. To that end, the national legislation on taxation, investment and enterprises is liberalized. A national programme has been adopted for the development of the Avaza free tourist area. The Government has taken a series of measures to encourage the acquisition of private housing and to promote residential construction.

123. Under Presidential Decision No. 9361 of 11 January 2008, any citizen who desires to construct a home of up to two floors on a pre-existing or newly allotted plot in a town, settlement or rural community may conclude a bilateral owner-contractor agreement with a State construction organization, which builds the house with its own funds or an interest-free bank loan. After construction, the client occupies the building and, as owner of the house, may obtain a long-term (up to 30-year) mortgage loan at an interest rate of 1 per cent p.a. and a grace period (no capital reimbursement for the first five years).

124. In Ashgabat, ministries and departments also construct high-class dwellings affording greater comfort that are built by workers who pay 50 per cent of the total cost of a flat, the remaining 50 per cent being recompensed by the State. On moving into the accommodation, the owner of a flat initially pays 10 per cent of the actual cost. For the remaining sum, he or she has the right to receive a long-term mortgage, with the flat as security, a duration of up to 30 years at an interest rate of 1 per cent p.a., and a five-year grace period for repayment of the capital. Flats in houses built with State funds are allocated to needy citizens in accordance with the housing laws.

125. Civil-law relations pertaining to the right to inherit are regulated by the rules of civil law. Part V of the Civil Code is entirely dedicated to inheritance law. Turkmen citizens have the right to inherit. More extensive information was provided in the report submitted in 2004 (CERD/C/441/Add.1).

126. Under article 12 of the Constitution, the State guarantees freedom of religion and faith and the equality of religions and faiths before the law. Religious organizations are separate from the State and may not interfere in State affairs or perform Government functions. The State system of education is separate from religious organizations and is secular in nature. Everyone has the right independently to determine her or his own religious preference, practice any religion alone or in association with others, practice no religion, express and disseminate beliefs related to religious preference, and participate in the performance of religious cults, rituals, and ceremonies. The Freedom of Worship and Religious Organizations Act (21 October 2003) guarantees everyone's right to freedom of religion and prohibits discrimination based on religion.

127. The current Turkmen legislation establishes criminal liability for obstructing exercise of the right to freedom of conscience and religious belief (article 154 of the Criminal Code). Incitement to racial or religious discrimination is a punishable offence (articles 33, 145, 154 and 168 of the Criminal Code). In accordance with the Order on the Religious Affairs Council under the President of Turkmenistan, the Council is a State expert and advisory body on religious matters and carries out continuous information and clarification activities among registered and unregistered religious organizations, believers and State bodies. At the request of religious organizations, the Council provides them with assistance necessary for resolving organizational, legal, social, economic and other issues. Council representatives frequently participate in services, festivals and other events organized by religious organizations, and meetings are held with believers. For instance, in May 2007 an exhibit entitled "A healthy way of life", where ways of leading a healthy life and giving up harmful habits were shown through visual aids, was successfully held, with Council participation, by the Seventh Day Adventists.

128. In the period 2008–2009, as part of international experience exchange, spiritual counselling and care for the religious communities concerned, visits to Ashgabat were made by the German citizens preacher Andrea Schwarz ("Seventh-day Adventists"), Vladimir Dyachenko, and Wolfgang Nadolny and Thomas Herm ("New Apostolic Church"); the Chinese spouses Shidvash and John Farid of Baha'i Faith, Turkmenistan; the Russian doctors of theology spouses Galina and Arthur Shtele and the Kyrgyz spouses Maria and Rubin Ott ("Seventh-day Adventists").

129. 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. In accordance with the Freedom of Worship and Religious Organizations Act, a presidential decree on the registration of religious organizations was issued, and rules for their registration were laid down, on 14 January 2004. A presidential decision dated 11 March 2004 established registration of religious organizations and groups regardless of their faith. Continuing the improvement of national legislation and its alignment with international standards, Act No. 220–P of 13 May 2004 amended the Criminal Code, abolishing criminal liability for violations against legislation on religious organizations. On 19 September 2005, a committee was set up in the Ministry of Justice to examine matters related to the registration of religious organizations and public associations. The structure of the committee was determined by presidential decision.

130. A total of 127 religious organizations are currently registered. Of these, 103, which follow Islam, include 98 Sunni and 5 Shiite organizations; 13 are orthodox and 11 profess other faiths. In particular, the following religious organizations are currently registered and function in the country: "Yakup ishan", "Gurbanmyrat ishan", "Main Mosque" of the Mary region, "Said Jamal ad-Din" and "Said Ibrahim" of the Akhal region, "Seventh-day Adventists", "Baha'i Faith", "Evangelical Christian Baptist Church", "Church of Evangelical Christians 'High Grace'", "Roman Catholic Centre", the "Krishna Consciousness Society" religious group, "Church of Christ" (Evangelist Christian organization), "Full Gospel Christians" (Protestant Evangelist organization), "New Apostolic Church" (NAC) (New Apostolic Christian organization), "Light of the East" (Evangelist Christian organization) and "Source of Life" (Pentecostal Christian organization).

131. The Ministry of Justice engages in extensive information and clarification activities among religious organizations, organizes seminars and round tables and provides explanatory replies to specific inquiries by the organizations in question. That the number of religious organizations of Islamic faith are more numerous and the majority of population consists of followers of traditional Islam in no way impedes the implementation of any of the rights provided for in the Convention nor leads to discrimination against followers of other religions or persons having no religion. That is in line with the Turkmen people's time-honoured tradition of majority respect for the minority. Discrimination against minorities in civil service recruitment is prohibited. An example in point is the case of Father Andrey (Sapunov Andrey Ivanovich), Orthodox Rural Dean of Turkmenistan and, concurrently, deputy chairman of the Council for religious affairs Under the President of Turkmenistan.

132. Under article 28 of the Constitution, citizens enjoy the right of freedom of opinion and expression, and the right to obtain information, provided it is not a State or other legally protected secret. The nation-wide debate on the draft of the new version of the Constitution, adopted on 26 September 2008, testifies to the freedom of expression. The draft was the subject of open discussion for several months in the press, on radio and television and in seminars and round tables. The final version was drawn up and adopted by the Constitutional Committee on the reform of the Constitution on the basis of proposals by

individuals, administrative bodies, enterprises, organizations, and public and political associations.

133. The openness with which public opinion was considered, examined and taken into account during the preparation of the improved new version of the Constitution attests to the broad democratic basis of the process. Elections to State bodies are based on transparency and full information. The citizens' right to obtain and disseminate information related to the preparation and conduct of elections is guaranteed. To that end, the election committees, State bodies, public associations and citizens are entitled to use the press, television, radio and other generally accessible means of communication (article 10 of the Electoral Rights Guarantees Act).

134. Under the new Parliamentary Elections Act, adopted in 2008, the electoral process is based on the principles of free and fair designation of candidates, transparency, openness, freedom of canvassing and equal opportunities for all candidates in the election campaign. Under the People's Council and Local Council Member Elections Act (5 November 2010), the same principles underpin the election of people's council and local council members.

135. The Constitution guarantees the citizens' freedom to hold assemblies, meetings and demonstrations (article 29). Under article 30 of the Constitution, citizens have the right to create parties and public associations acting within the framework of the Constitution and the law. The establishment and activity of political parties or public paramilitary associations aimed at altering the constitutional order by violence, engaging in violent acts, opposing the constitutional rights and freedoms of citizens, advocating war or racial, national or religious hatred, or acting in a manner detrimental to the health or morals of the people, and political parties based on ethnic or religious attributes are prohibited.

136. Under the Public Associations Act, public associations may be created on the initiative of citizens on the basis of shared interests in achieving common goals, stated in the public association's regulation. Citizens create public associations of their choice and may join such associations, provided the citizens comply with the regulations of such entities. The current legislation applies to public associations created on the initiative of citizens, save for religious organizations set up by commercial entities and for non-commercial unions or associations, political parties, trade unions and other public formations, the procedure for the creation and activity of which is determined by special laws.

137. Turkmenistan has voluntary associations for, inter alia, young persons, women, war and labour veterans, unions of elders, artists, architects and designers, whose members belong to various ethnic groups. Public associations are registered by the Ministry of Justice. There currently exist 94 registered public organizations, broken down as follows: 74 nationwide, 17 local and 3 international (the World Humanitarian Association of Turkmens, the Gurbansoltan-eje World Association of Turkmen Carpet Weaving and the International Association of Akhal-Teke Horse Breeding).

138. Discrimination in respect of pay is prohibited. An employer must remunerate workers equally for work of equal value. It is not permitted to modify pay terms in such a way that a worker is thereby disadvantaged.

139. Under article 33 of the Constitution, all citizens have the right to work; to choose at their discretion a profession, type of occupation, and place of work; and to have the benefit of healthy and safe work conditions. Distinctions in the employment sphere are not discriminatory if they are based on requirements inherent in the job or are prompted by the State's special concern for persons in need of greater social and legal protection (women, minors and persons with disabilities). Under article 6 of the Labour Code, the citizens' right to work is guaranteed by the Constitution and includes the right to free choice of employment and nature and place of work, and the right to protection against unemployment. Every citizen has the exclusive right to use his or her capabilities for

productive and creative work and to engage in any activity not prohibited by the law. Every citizen has the right freely to choose a workplace by addressing directly an employer or through public employment agencies or services, which provide free assistance in the selection of suitable work and finding a job.

140. Employees are entitled to remuneration reflecting the quantity and quality of their work. Such remuneration may not be less than the minimum wage set by the State. Under article 111 of the Labour Code, an employer, regardless of the employer's financial situation, must pay an employee for work performed in accordance with the established conditions and wage payment periods.

141. The wage paid by the employer may not be less than the legal minimum wage, and there is no wage ceiling. Article 113 of the Labour Code specifies that wages are a function of an employee's qualifications, the complexity and stress of the work involved, working conditions and the quantity and quality of labour expended. Pursuant to Presidential Decision No. 35624 of 9 July 2010, as from 1 January 2011 the minimum wage is established at 350 Manats. Under article 34 of the Constitution, citizens have a right to leisure. Such leisure is expressed in the established work week of limited duration, in annual paid leaves, and in weekly days of rest. The Government creates favourable conditions for leisure and the rational use of free time. Under article 84 of the Labour Code, employed citizens have a right to paid leave in the following forms:

- (a) Annual basic leave;
- (b) Additional leave (for work under special working conditions, for the particular nature of work done, for marriage, for funerals and memorial services, and on reaching the age of 62);
- (c) Social leave (maternity, study or training leave).

142. Moreover, workers are entitled to unpaid leave of a duration of 10 calendar days once a year. The duration of annual basic leave is 30 calendar days per year and, for teaching employees, heads of educational institutions of any type and persons with disabilities, 45 calendar days per year.

143. Scientific workers filling a regular post in scientific organizations or institutions and enterprises and holding a science doctorate or a candidate of sciences degree are entitled to annual basic leave of, respectively, 45 and 36 calendar days. Annual basic leave must be taken by the workers every year. During the first year of employment, the right to annual basic leave is acquired after eleven months of continuous work from the date of conclusion of the employment contract.

144. The following categories of workers are entitled upon request to annual basic leave during the first year of employment before completing eleven months of continuous work:

- (a) Women on or after maternity leave;
- (b) Persons with disabilities;
- (c) Minors and other worker categories.

145. The core legislative instruments guaranteeing the citizens' right to healthy and safe work conditions are the Labour Code and the Enterprise Act (15 July 2000). Under article 175 of the Labour Code, workers occupied under high risk production conditions are entitled to obligatory personal insurance contracted by the employer against industrial accidents and occupational diseases in accordance with the law.

146. A worker who has carried out work under harmful and particularly difficult work conditions is entitled to a labour pension for special work conditions, a higher wage, free

therapeutic and preventive nutrition, milk or equivalent foodstuffs, paid breaks, a reduced workday, additional leave and other compensation.

147. Under articles 178 and 179 of the Labour Code, it is incumbent on the employer to take industrial safety measures and create, in the enterprise, working conditions which meet safety and hygiene requirements. The employer is liable for industrial safety violations under the procedure established by law.

148. In Turkmenistan, trade unions are voluntary associations which protect their members' work-related, economic, social, cultural and other rights in full compliance with the law. They develop reciprocal communication and cooperation with the trade unions of other countries and the international associations of trade unions. The country's trade unions currently comprise 6,588 grass roots organizations, 58 district or town associations, 5 regional organizations and 15 branch organizations; and number 1,066,462 members.

149. Under article 24 of the Constitution, every citizen is entitled to State support in acquiring well-constructed accommodations or building a private dwelling. The home is inviolable. No one may enter a home or in any other manner infringe the inviolability of a home against the wishes of the residents or without legal justification. Citizens have the right to defend their homes against unlawful encroachments.

150. Unless the law otherwise provides, no one may be deprived of her or his home. Under article 25 of the Constitution, every person has the right to be protected from arbitrary interference in her or his personal life and from infringement on written, telephone or other communications or on her or his honour or reputation.

151. Charges for violations of the above citizen rights may be brought under articles 146, 147 and 148 of the Criminal Code. Under article 34 of the Constitution, citizens have the right to health protection, including free use of the State network of health care establishments. Under article 35 of the Constitution, citizens who are elderly, sick, disabled, unable to work, left without a breadwinner or unemployed are entitled to social benefits. Under article 35 of the Constitution, large families, children who have lost their parents, war veterans and other persons whose health was damaged in the defence of State or social interests are provided with additional support and benefits out of social funds.

152. Under the Health Protection Act, all citizens residing in Turkmenistan, regardless of ethnic background, origin, property status, official position, place of residence, language, attitude to religion, political views or party affiliation are guaranteed the right to health care. Aliens in Turkmenistan are guaranteed the right to health care in accordance with the country's international agreements. Aliens and stateless persons temporarily or permanently in Turkmenistan and refugees have the same rights to health care as Turkmen citizens, unless otherwise stated in the said agreements.

153. Health protection issues are regulated by the Pharmaceutical Industry and Medical Supplies Act (5 July 2002), the Narcotic Drugs, Psychotropic Substances and Precursors (Measures to Counter Illegal Trafficking) Act (9 October 2004), the Act on preventing diseases caused by HIV infection (7 July 2001), the Act on the Protection and Promotion of Breastfeeding and Infant Diet Requirements (18 April 2009) and the Foodstuffs Quality and Safety Act (18 April 2009).

154. The State health-care programme, the national programme for the socio-economic development of Turkmenistan for the period 2011–2030, 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 improvement of social and living conditions in villages, settlements, towns and district centres for the period up to 2020 and other social programmes promote equal access to the decision-making process on questions relating to maternal and child welfare and contribute to supporting and strengthening the family.

155. Maternal and child health care is a Government priority. According to the main thrusts of the policy of the President of Turkmenistan, considerable attention is paid to women's health, including reproductive health, in keeping with Goal V of the Millennium Declaration, namely to improve maternal health. The State grants women equal free access to health care and family planning resources and also addresses their special health-care needs. In tackling problems of women's health, the Ministry of Health and the Medical Industry takes gender issues into account in all its strategies and programmes, and gives full support to maternal and child-welfare services, above all those that focus on women's interests, because it considers such services to be essential for reducing maternal morbidity and mortality and the number of abortions and extragenital pathologies.

156. The country's comprehensive mother and child support system provides for mandatory care for women during pregnancy, childbirth and the postnatal period; and for children, especially in the first five years of life. Various informational activities are carried out in the area of nutrition, breast-feeding and promoting a healthy lifestyle. The strategy for promoting women's reproductive health in the period 2000–2010 contributes to the successful resolution of family planning issues. The objectives of the strategy are safe motherhood and the reduction in pregnancy risks, complications during pregnancy and extragenital pathologies among women of reproductive age. The effectiveness of measures to protect reproductive health in the family depends on the people's awareness of childbearing monitoring methods and on the broad accessibility of such methods by the persons who may need to use them. In turn, such accessibility depends on the quality and number of the relevant units. Reproductive health services function successfully in the country through mother and child care centres in every region. Moreover, with active UNFPA support, well equipped reproductive-health offices operate in every district and there are 402 women's clinics (obstetrical-gynaecological units).

157. The national reproductive health centre, organized as a research and clinical institution for mother and child care, coordinates the activity of all related services. An analogous national system of reproductive health centres is organized for adolescents.

158. Broad access to vaccines is one of the public health system's major achievements so far. The expanded programme on immunization (EPI) aims at the protection of children against infections, namely poliomyelitis, tuberculosis, tetanus, diphtheria, pertussis and measles. A self-sufficient immunization system comprising quality vaccination and safe injections is necessary for the daily implementation of immunization programmes.

159. Such a system has been created in Turkmenistan. Since 1995, immunization is conducted with quality vaccines purchased through the local UNICEF office with State budget funds. Vaccines are delivered in complete sets containing self-destructing disposable syringes and injection safety kits. A procedure for monitoring post-vaccination reactions is followed.

160. Every citizen in Turkmenistan is currently given preventive inoculations against poliomyelitis, diphtheria, tetanus, pertussis, tuberculosis, measles, rubella, mumps and hepatitis. These are given free of charge with single-use self-destructing syringes at urban and rural health centres. Immunization coverage against a number of infections has attained 99 per cent in the country (Report of the Ministry of Health and the Medical Industry).

161. Social welfare issues, particularly the granting of pensions and benefits, are governed by the Social Security Code, which entered into force on 1 July 2007. Turkmen citizens and aliens and stateless persons permanently residing in the national territory are entitled to a pension and State benefits (articles 3 and 56 of the Code). Pensions in Turkmenistan are provided through State social security and voluntary pension insurance.

162. Pensions in Turkmenistan comprise work pensions and cumulative pensions. Work pensions are paid to persons who have reached pensionable age in respect of the period of



work during which deductions were made for State social security and particular periods included in their length of service (studies in higher and secondary educational establishments, childcare and military service). The minimum length of service for which a pension is payable is five years. A cumulative pension is paid to persons who have reached pensionable age and have a pension pot. The cumulative pension system is voluntary.

163. Old-age pensions are paid to men aged 62 and women aged 57. Early retirement with a pension is also provided for in the legislation. For instance, mothers may retire at 56 if they have brought up three children, at 55 for four and at 54 for five or more or for having brought up a disabled child; male and female military personnel at, respectively, 52 and 48; and male and female aircraft personnel at, respectively, 50 and 48. Pensions are determined and paid regardless of employment.

164. Older, disabled and other categories of citizens, aliens and stateless persons who need permanent or temporary assistance from other persons are entitled to social services (article 125 of the Social Security Code). There are six social service centres in Turkmenistan to provide social amenities and social and medical services, and to ensure the social integration of elderly and disabled citizens living alone. Established in regional administrative centres, they operate under the supervision of the Ministry of Social Security and include sections for home services and day and 24-hour care.

165. Public associations of veterans and associations of persons with disabilities operate in the country in order to defend the rights and lawful interests of those groups. In Turkmenistan, disabled persons enjoy all social and economic, political, individual rights and freedoms. Discrimination based on disability is prohibited and subject to prosecution. Pensions and grants are increased every year through presidential decrees. On 1 January 2010, the retirement pensions of persons who had been employed in the agricultural sector were reviewed, and the pensions of approximately 60,000 retirees, including 36,000 women, were raised by 42 per cent (over and above the annual increase for all pensioners). The average monthly pension of these beneficiaries increased from 181 to 258 Manats. Men and women not entitled to an old age pension receive a social benefit, the eligibility age for which, 67 for men and 62 for women until 1 July 2007, was lowered as from that date to 62 for men and 57 for women.

166. Disadvantaged persons not entitled to a pension or State assistance whose average income is less than the minimum consumer budget are also eligible for State support, which takes the form of monetary payments from the national budget or free or concessional social services funded by enterprises, organizations and institutions.

167. Considerable attention is paid to social support for disabled persons, mothers and children. Pursuant to amendments to the Social Security Code, which were introduced in March 2009 and took effect on 1 July 2009, disability, childbirth and childcare benefits were increased and the duration of childcare benefits was lengthened from 18 months to three years.

168. As a result, on 1 July 2009 the above benefits increased on the average by 27–28 per cent. The average monthly amounts of disability and childcare benefits increased, respectively, from 93 to 120 Manats and from 55 to 71.50 Manats.

169. Turkmenistan provides the right to education regardless of ethnic background, race, gender, language, religion, political or other views, social origin, property status or other circumstances. Under article 38 of the Constitution, every citizen has the right to education. General intermediate education is mandatory and everyone has the right to receive it free of charge in State schools. The State ensures that every person has access to vocational or professional education according to his or her abilities. On the basis and according to the procedure established by the law, State organizations, NGOs and individuals may engage in

paid educational activities. The State sets educational standards which are binding on all educational institutions.

170. Under article 4 of the Education Act, citizens are ensured access to education regardless of gender, race, ethnic background, language, origin, place of residence, attitude towards religion, convictions, age, state of health, material situation, or social or official status. According to the procedure stipulated in the Act, the State guarantees free-of-charge access to State educational institutions for pre-school and general intermediate education and, on a competitive basis, for vocational or professional education, provided that the student is receiving such education for the first time,.

171. The country's 831 pre-school establishments and 1,730 intermediate education schools are attended by, respectively, 155,700 thousand children and 931,300 pupils or students; and offer, respectively, activities in 12 subject areas and teaching in 23 subject areas. In the last three years, 34 new pre-school establishments and 40 new general intermediate education schools were built in the country. All intermediate schools are endowed with new and modern teaching laboratory equipment, computers, interactive multimedia technologies, furniture, sport equipment and accessories. The computer equipment has been manufactured by such well known high technology companies as Hewlett Packard, Lenovo and Acer. The stock of teaching and other material of pre-school establishments (furniture, sport equipment, bedding items, kitchen equipment and toys) is duly renewed.

172. All pupils and students are provided with textbooks and teaching aids free of charge. Subjects taught in intermediate schools include "Foundations of the rule of law in Turkmenistan", covering the principles of human rights, including the major international treaties related to human and civil rights and freedoms, and "Basics of everyday living", partly devoted to Turkmen legislation on the protection of the mother, the child, marriage and the family.

173. Of the 27 intermediate vocational schools operating in Turkmenistan, 8 are new establishments, which opened in 2010 and will prepare intermediate level specialists in 5 branches and 54 specialties. In the 2010–2011 school year, 3,600 students were admitted to intermediate vocational schools. Of the 21 higher education institutions operating in the country, 2 opened in 2010. Turkmenistan has 4 universities, 3 academies, 12 institutes, 1 conservatory and a branch of the I.M. Gubkin State Oil and Gas University, Moscow. In the 2010–2011 academic year, 5,400 students were admitted to the country's higher education institutions.

174. In the area of higher education, Turkmenistan cooperates with European Union countries through the Tempus and Erasmus Mundus programmes; with the initiatives German Organisation for Technical Cooperation (GTZ), German Academic Exchange Service (DAAD) and Pedagogical Exchange Service (PAD); with the United States IREX and Edmund S. Muskie programmes; with the CIS countries; and with other States in the framework of bilateral interdepartmental and intergovernmental agreements.

175. Of the 122 foreign students from 11 countries who received training in Turkmen higher-education and intermediate vocational education establishments during the 2009–2010 academic year, 63 were Afghan Government scholarship holders. Pursuant to the educational reforms recommended by the United Nations Committees on the Elimination of Racial Discrimination and on the Rights of the Child, more young people are being sent by the Government to study in higher education institutions abroad. To that end, agreements have been signed at the State and Government levels with the Russian Federation, Kazakhstan, Ukraine and Belarus.

176. Of the Turkmen citizens who studied abroad in the academic year 2009–2010, 1,575 did so in nine countries (Canada, the Republic of Korea, China, Russian Federation,

Turkey, Jordan, Rumania, Belarus and Malaysia) in the framework of intergovernmental and interdepartmental agreements involving various Turkmen ministries and departments; and 14,203 studied on a private basis in 33 countries. In the 2010–2011 academic year, more than 2,800 Turkmen citizens left to study abroad in the framework of Government initiatives.

177. Since 24 May 1996, Turkmenistan is a party to the 1979 Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region and the 1983 Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific. Issues related to the recognition and appraisal of the equivalence of foreign higher education titles are handled by the Ministry of Education in accordance with the relevant procedure regarding Turkmen citizens having studied abroad, which is laid down in Ministry of Education order No. 121 of 3 June 2009. Currently, 2,401 foreign higher education degrees are recognized (issued in the Russian Federation, Ukraine, Belarus, Malaysia, China, Turkey and Iran).

178. Under article 5 of the Education Act (15 August 2009), the languages of instruction and education used in educational establishments are determined in accordance Turkmen law. As the official language, Turkmen is the basic language of instruction and education used in educational establishments of all types, regardless of form of ownership. The State provides assistance to Turkmen citizens in the study of their native language in accordance with the law. In educational establishments created in Turkmenistan by or in cooperation with foreign organizations under the country's legislation and international agreements, the basic language of instruction is one or more of the foreign languages concerned. In such establishments, Turkmenistan's official language is used in teaching the subjects which are part of the national component of the curriculum.

179. The State encourages the study of foreign languages in all types of educational institutions, regardless of form of ownership. Foreign language study is a general and vocational education curriculum requirement. Moreover, instruction is conducted in Russian and English in independent educational institutions. There are in the country 16 Turkmen-Turkish and Turkish schools and boarding schools and the "A. S. Pushkin" Turkmen-Russian school. In accordance with international agreements, Turkmenistan helps Turkmen nationals residing abroad to receive general intermediate education in their native language. Overall, 129 schools in the country use a different language of instruction.

180. Under article 11 of the Constitution, the State is responsible for preserving the national historical and cultural heritage and the natural environment, and for ensuring equality among social and national groups. It encourages scientific and artistic creation and the dissemination of the related achievements, and facilitates the development of international contacts in the areas of science, culture, education, sports and tourism.

181. Under article 39 of the Constitution, Turkmen citizens have a right to freedom of artistic, scientific, and technical creation. The citizens' intellectual property rights and interests in the areas of scientific and technical creation and artistic, literary, and cultural activity are protected by law. The State facilitates the development of science, culture, art, folk art, sport and tourism. An important aim of the Government's policy in this respect has been and remains the development of Turkmen culture by protecting it, ensuring its recognition, safeguarding it, encouraging its development and enriching its many values. In the present international context of globalization, the maintenance and encouragement of the national cultural identity is crucial task. The national strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020 is aimed at this goal.

182. The following instruments have been adopted to implement the Government's policy on the development of culture, art, literature, science, the mass media and sport to realize the right of every citizen to take part in cultural life: the Protection of Historic and

Cultural Monuments Act (19 February 1992), the State Scientific and Technological Policy Act (19 February 1992), the Scientific Intellectual Property Act (30 September 1992), the Museums and Museum Management Act (20 December 1996), the Libraries and Librarianship Act (15 June 2000), the National Applied Arts and Crafts Act (19 December 2000), the Physical Education and Sport Act (07 July 2001), the Tourism Act (10 May 2010) and the Culture Act (19 March 2010).

183. Pursuant to a presidential decision, a creative competition is held every year in order to encourage creative activities among in culture, art and literature workers, young interpreters and gifted children, with the active participation of ethnic minorities living in Turkmenistan. In 2008, the President adopted a decision on the annual holding of a competition among culture, art and literature workers and a decision on the proclamation of 27 June as the Workers in Culture and the Arts Day, a national holiday.

184. One of the main tasks in the sphere of culture is still to develop professional arts and the training of senior personnel. The extensive network of cultural and arts schools is helping to achieve this aim. Turkmenistan now has 3 higher education establishments, 7 specialized secondary schools, 1 musical boarding school, 12 children's arts and crafts schools and 80 schools for the arts, attended by 13,539 students and pupils and staffed by more than 3,500 teachers.

185. Turkmenistan's library network is a key to the preservation, development and dissemination of cultural achievements. State policy on libraries is geared towards the creation of conditions for universal access to information and cultural values and for maintaining and increasing library stocks and providing material and technical supplies. Libraries operate under the Libraries and Librarianship Act (15 June 2006). Every citizen is entitled to library services. This is ensured by the creation of a State network of universally accessible libraries providing the main forms of library services free of charge (article 19 of the Act).

186. The Ministry of Culture and Radio and Television Broadcasting operates 88 libraries. They include one national library, two State libraries, eight provincial libraries, 47 district libraries and 33 urban libraries, 10 theatres, 32 museums, 678 clubs and 230 libraries, including 1 national library, 1 State central children's library, 1 library for the blind and deaf, 9 regional libraries (5 for adults and 4 for children), 15 municipal central libraries, 36 branches of municipal libraries, 50 district central libraries and 117 branches of district libraries (in villages). Subsequent to the adoption on 24 February 2010 of a presidential decision on the establishment of regional, district and municipal central libraries and their branches, the number of libraries increased from 89 to 230. Pursuant to the policy of promotion of cultural activities, in only the last several years new buildings were constructed to house eight theatres, three museums, a library, a philharmonic society and an arts academy.

187. Museums in Turkmenistan are crucial to making Turkmen citizens aware of the artefacts of the national and world historical and cultural heritage. There are currently in Turkmenistan 32 museums, housing more than 281,000 valuable exhibits, employing 769 persons and visited by approximately 319,000 persons every year. It is planned to construct two new museum buildings in Balkanabad and Turkmenabad, under a presidential decision of 12 May 2008.

188. The achievements of Turkmen arts and culture are given wide coverage in the media. The principal broadcasting body in Turkmenistan is the Turkmen Television Board, which consists of five television channels, "*Altyn asyr: Türkmenistan*", "*Türkmenistan*", "*Miras*", "*Ýaşlyk*" and "*Türkmen owazy*", and four radio stations, "*Car tarapdan*" "*Owaz*", "*Miras*" and "*Watan*".

189. Turkmenistan maintains and actively develops cultural ties with foreign States. Currently, it is actively cooperating with more than 60 countries. Cooperation with international organizations is being intensified and is bringing tangible results. A wide range of various cultural programmes is being carried out with such international organizations as UNICEF, UNESCO, the Turkish International Cooperation Agency (TIKA) and the Joint Administration of Turkic Culture and Art (TURKSOY).

190. In recent years, Turkmenistan concluded and signed a number of agreements, treaties, protocols and cooperation programmes in the cultural, arts and humanitarian spheres with various foreign countries. They include, among others, the Programme of Cooperation between the Governments of Turkmenistan and Uzbekistan in the cultural and humanitarian spheres for the period 2008–2010, the Protocol on cooperation in radio and television broadcasting between the Turkmen Ministry of Culture and Radio and Television Broadcasting and the Turkish Radio and Television Organization, the Agreement between the Governments of Turkmenistan and Tajikistan on culture and the arts, and the Programme of Cooperation between the Governments of Turkmenistan and India on culture, the arts, science, education, the media and sport for the period 2008–2010.

191. The President is reforming the activities of the media, especially radio and television, and the national opera has been revived. Eminent Turkmen experts are being brought in, a specialized centre has been set up to acquire and distribute new books to local libraries through a centralized library network, the State Circus building in Ashgabat has been rebuilt and refurbished, there have been new circus performances, including national horse shows, a wildlife museum and a zoo have been opened, and existing cinema and concert halls are being repaired and modernized.

192. The Culture Act regulates public relations with regard to the creation, revival, preservation, promotion, dissemination and use of the culture of the people of Turkmenistan. It is designed to ensure and protect the citizens' constitutional right to participate in cultural life and have access to cultural treasures, and defines the legal, economic, social and organizational foundations of State policy in the cultural sphere.

193. Under article 2 (3) of the above Act, legislative tasks in respect of culture consist in safeguarding and defending the citizens' constitutional right to engage in activities in the area of culture; laying down the principles of State policy in that area; guaranteeing the citizens' free access to items of cultural value; formulating principles and legal rules on relations among actors in the area of culture; and creating a legal framework for the preservation and development of the culture of the people of Turkmenistan and for State support for culture.

194. Under article 4 of the Act, State policy on culture should be based on the following the principles:

- (a) State support for culture and realization and protection of the rights of the citizens of Turkmenistan to engage in cultural activities and take part in cultural life;
- (b) Revitalization and development of the national culture of Turkmenistan;
- (c) Accessibility of items of cultural value and all forms of services in the area of culture;
- (d) Freedom of citizens to engage in creative activity, both professional and non-professional (amateur), in accordance with their interests and abilities;
- (e) Equality of rights and opportunities of citizens in the creation, restoration, preservation, development, disposal and use of items of cultural value;
- (f) Intellectual and moral cultivation of the personality through the use of items of cultural value;

- (g) Protection of the national historical and cultural heritage and the continuity of its development;
- (h) Familiarization of the young people with the intellectual and moral values of the national and world culture through the educational system;
- (i) Development of cultural links with fellow citizens living abroad as a means of fostering the integrity and mutual enrichment of Turkmen national culture;
- (j) Support for the development of international links in the area of culture;
- (k) Support for cultural organizations in the creation of a favourable environment for their operation under market conditions.

195. The Tourism Act, adopted on 10 May 2010, is aimed at creating a legal framework for promoting tourism as a highly profitable economic sector, enhancing employment, increasing exchange earnings, protecting the rights and lawful interests of tourists and actors of the tourist sector and defining their obligations and responsibilities. Under article 10 of the Act, State administration in the area of tourism is accomplished by the Cabinet of Ministers, a State agency authorized to administrate the sector, and local government bodies within the limits of their mandates under the law. Ensuring the realization and protection of human and civil rights and freedoms in the area of tourism is incumbent upon the Cabinet of Ministers (article 13 of the Act).

196. Under article 5 of the Culture Act, the State guarantees all citizens, regardless of ethnic background, race, gender, origin, financial situation, official status, place of residence, language, attitude towards 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 treasures located at State cultural organizations.

197. The State ensures 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. A citizen's right to engage in creative activities may be exercised on a professional and a non-professional (amateur) level.

198. The State creates for the citizens conditions facilitating the realization of their right to education in the area of culture by organizing a system of institutions for initial, intermediate, higher and postgraduate professional education aimed at training culture sector staff, and by promoting musical, artistic, choreographic and other schools or centres for the arts, providing training for children and adults.

199. The State provides citizens with the right to create enterprises, establishments and organizations for the production, circulation, preservation and dissemination of items of cultural value according to the procedure established by the law. Citizens may create associations, creative-activity unions or other public associations in the area of culture according to the procedure established by the law with regard to public associations. Citizens may export abroad items of cultural value for exhibition, public presentation, restoration, scientific research, other useful purposes or sale according to the procedure established by the law. The State guarantees the right to the preservation and development of the ethnic cultural identity of the peoples living in Turkmenistan; ensures the legal protection of citizens against illegal interference with their creative activity; and promotes the dissemination of the cultural heritage of the people of Turkmenistan through the media and cultural organizations. In Turkmenistan, no prerequisites or criteria restrict access to places visited by the public, such as theatres, cinemas, cafés, stadiums, restaurants or parks.

200. According to article 5 (2) of the Tourism Act, tourist activities relate to, inter alia, natural sites and natural climatic areas (including natural reserves), places of interest, historical, ethnographic and sociocultural sights and other items that may satisfy needs that

the tourists may have while travelling. Under article 12 (1) of the Act, State regulation of the tourism sector is mainly aimed at the creation of an environment conducive to a profitable use of free time; the accessibility of tourism to all categories of tourists; the development of the country's tourism and the tourist industry with a view to job creation and a higher standard of living for the population of tourist areas; the protection of the environment; the development of a tourist industry that meets the tourists' needs; and the defence of the rights and interests of stakeholders in the area of tourism and the tourist industry.

201. In Turkmenistan's judicial practice and social life, there are no precedents involving violations of the above rights.

## **F. Article 6**

202. Under articles 43 and 44 the Constitution, citizens are guaranteed legal protection of honour and dignity, and of the personal and political human and civil rights and freedoms enshrined in the Constitution and the law; may challenge the decisions and actions of State bodies, public associations and officials before a court; and are legally entitled to damages for material and moral injury suffered as the result of unlawful acts of State bodies, other organizations, their employees or other individuals.

203. In order to improve procedures for the review of complaints by citizens, the implementation of the principles of the rule of law, and equality of all before the law, the President of Turkmenistan created a State commission in the office of the President to review complaints by citizens regarding the activities of law enforcement agencies (19 February 2007). This measure was the beginning of a legal system reform.

204. The Act on challenging in a court of law the actions of State bodies, public associations, local government bodies and officials that violate constitutional civil rights and freedoms (6 February 1998) and the Courts Act (15 August 2009) laid down the procedure allowing citizens to challenge in court the actions or decisions of the bodies and officials in question and the procedure for considering such grievances.

205. Under the Courts Act, any citizen whose constitutional rights or freedoms have been violated or impaired by actions or decisions of the bodies and officials in question may file a complaint with a court of law. Foreign nationals and stateless persons have the right to file such a complaint in accordance with the statutory procedure. Citizens may challenge collective or individual actions or decisions of State bodies, public associations, local government bodies or civil servants in a court of law, if as a result such actions or decisions:

- (a) Human or civil rights or freedoms enshrined in the Constitution and the law are violated;
- (b) Human or civil rights or freedoms enshrined in the Constitution are impaired or obstacles to their realization are created;
- (c) An obligation is illegally imposed on the citizen.

206. In the case of actions or decisions violating constitutional human or civil rights or freedoms, a person is entitled to bring a complaint before a higher body, a higher ranking official, a procurator or, directly, a court. The complaint may be submitted by the citizen whose constitutional rights and freedoms have been violated or by his or her representative. The complaint may be submitted, at the citizen's discretion, either to a court having jurisdiction over the area in which he lives or to a court having jurisdiction over the area containing the authority or place of work of the official against whose actions or decisions

the complaint is being made. Filing a complaint with a court is subject to the following time limits:

- (a) One year from the day on which the citizen became aware of the violation of his or her rights or freedoms;
- (b) Three months from the day on which the citizen was notified in writing that the higher ranking body or official declined to take satisfactory action on the complaint;
- (c) Three months from the day of expiration of the time limit for hearing the complaint, if the citizen has received no written reply in that period.

207. A court may reset the time limit for filing a complaint, if the deadline has been missed for a valid reason. A complaint filed in accordance with the established procedure must be considered and may not be refused. After admitting a complaint for consideration, the court:

- (a) Requests the necessary information from the bodies or civil servants concerned;
- (b) At the request of the citizen or his or her representative or on its own initiative, decides whether to suspend the challenged action or decision until the complaint is considered on its merits.

In the event that it finds the complaint justified, the court characterizes the challenged action or decision as illegal and calls for satisfying the citizen's request, namely redressing the violation of his or her constitutional rights and freedoms or removing the circumstances that impair or impede the realization of the citizen's rights and freedoms.

208. A court decision on a citizen's complaint may be appealed before a higher court. A court decision which has entered into effect is binding on all State bodies, public associations, local government bodies, civil servants and individuals. The legal costs of the consideration of the complaint are charged to the agency or the official, if the court has found their actions or decisions to be illegal and violate, impair or prevent the realization of the citizen's constitutional rights or freedoms, but may not be charged to the citizen should the court decide not to give him or her satisfaction with regard to the complaint.

209. On 10 May 2010, the Legal Profession and Legal Practice Act was adopted with a view to protecting human rights and freedoms and the lawful interests of legal entities, and to safeguarding and strengthening the rule of law. Under article 3 of the Act, legal practice is based on the following principles: legality, independence, autonomy and equal rights; exercise of the constitutional right to professional legal assistance, access to justice on the basis of the parties' equality and adversarial proceedings; accessibility of legal counsel to all; use of all methods and means not prohibited by law; inadmissibility of interference in a lawyer's activity, save for cases explicitly specified by law; exercise of the profession in compliance with moral standards, legal ethics and the client-lawyer privilege.

210. Pursuant to article 4 of the above Act, the State ensures the availability of necessary professional legal assistance to all. All individuals and legal entities in Turkmenistan are entitled to receive legal assistance as well as information on its nature and the procedure for obtaining it, and the State guarantees free legal assistance for individuals and legal entities in cases provided for by law. Of the 51 legal counselling services operating in Turkmenistan and providing legal assistance to the public, 3 are in Ashgabat and 10 in the Akhal, 4 in the Balkan, 9 in the Dashoguz, 12 in the Lebap and 13 in the Mary regions.

211. Under the Office of the Procurator Act (15 August 2009), the Procurator-General and his or her subordinate procurators monitor compliance with the law regarding communications from citizens. Under article 1040 of the Civil Code, if a civil servant deliberately or inadvertently acts contrary to his or her duties towards third persons, the



State or the body in which that official works must provide redress for the damage. In the event of deliberate or grossly negligent action, the official and the State are jointly liable.

212. Under article 721 of the Code of Civil Procedure, a judge in preparing a case to be heard or a court in hearing a case may, on the basis of the financial situation of the citizen concerned, exempt him or her in full or in part from the payment of legal costs and charge the remuneration of the counsel to the State. The legal counselling fees are based on rates set by the Bars for the provision of such services to citizens. The decision of the judge or the court to exempt a citizen in full or in part from the payment of legal costs is transmitted simultaneously to the legal counselling office and to the financial authority of the court's area for enforcement.

213. The head of the legal counselling office or the board of the Bar may, according to the procedure established by law, exempt a suspect, accused person or defendant in full or in part from the payment of legal costs. In that case, the counsel's fees are paid by the board of the Bar. If the suspect, accused person or defendant is exempted by the investigative or preliminary investigation agency, procurator, judge or court from paying for legal assistance, the counsel's fees are paid by the State according to the procedure established by the Council of Ministers. Harm caused to rehabilitated citizens as a result of unlawful conviction, unlawful criminal prosecution, unlawful application of the law, unlawful preventive measures such as remand in custody or travel restraints, or imposition of unlawful administrative penalties, such as detention or punitive deduction of earnings, must be compensated by the State, regardless of the guilt of the officials of the bodies conducting the initial inquiry or pre-trial investigation, the procurator's office or the courts. If the harm was caused intentionally or as a result of gross negligence, these persons share liability with the State.

214. In the period 2005–2010, no complaints or communications regarding civil rights violations, incitement to social, ethnic or religious hatred, or genocide were filed with procuratorial offices by citizens, stateless persons, refugees or aliens. Citizens' complaints and communications are received and examined by the following official bodies: Ministry of Justice, Supreme Court, Office of the Procurator-General, the Bar and the editorial office of the newspaper *Adalat* ("Justice"). The National Institute for Democracy and Human Rights and the National Trade Unions Board receive citizens and provide advice free of charge.

## **G. Article 7**

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

216. The text of the Convention was published in the official language, Russian and English and broadly disseminated. The National Institute for Democracy and Human Rights regularly publishes compilations of international and national legal and regulatory instruments. That series includes 19 compilations prepared in cooperation with delegations of specialized United Nations bodies and released under the general title "Human rights. The Government, the European Union, the local UNDP office and OHCHR are currently carrying out a joint three-year project, launched in September 2009, on "Building Turkmenistan's national capacities for human rights support and protection". The project includes the preparation of a collection of international human rights treaties for publication in the official language and Russian.

217. In the period June-August 2010, with the participation of foreign international experts and specialists in human rights protection, seminars on human rights were carried out in Ashgabat and all of the country's regions for the staff of law-enforcement agencies and representatives of State and local government bodies and public associations. Turkmenistan is characterized by amicable relations among all national and ethnic cultural traditions. National holidays are welcome events. The representatives of all ethnic groups and nationalities make every effort to promote a broad range of creative activities. The increased frequency of marriages between Turkmen citizens and nationals of other countries in recent years contributes to strengthening interrelations with other peoples. Weeks of friendship with the peoples of other countries are regularly held in Turkmenistan.

218. An upbringing based on the notion that all people are equal, regardless of their race, colour or ethnic origin, is a hallmark of the Turkmen education system as a whole. Pre-school institutions and schools teach Turkmen, Russian and English, and in line with the curriculum seek to instil the habits of equality, friendship and comradeship. State policy on education (the Education Act) is based on the following principles:

- Equal rights of all persons in fully developing their potential and talent;
- Humanist education; priority of general human values and life and health; free development of the person;
- Intrinsic linkage of education with the national history, culture and traditions of the people of Turkmenistan;
- Upbringing imbued with a sense of citizenship, patriotism, diligence and respect for human rights and freedoms, and love of the natural environment, the family and the native country;
- Integration of science and production into the education system and interaction with the education systems of other countries;
- Secular nature of the State system of education, and separation of education and religious organizations.

The content of education must ensure:

- Development of a general and professional personal culture which meets global standards;
- Integration of the person into the national and world culture;
- Forging of high spiritual and moral personal qualities;
- Preservation and development of Turkmenistan's human resources;
- Acquisition of a profession or specialty and respective qualifications by the students.

219. Moreover, the content of education must promote the national consolidation of the people of Turkmenistan; domestic, international and interconfessional peace and consensus in Turkmenistan; awareness of the variety of ideological approaches; and the students' right to choose and express freely their opinions and views. Discipline within the educational establishments is based on respect for the human dignity of the pupils, students and teachers. The use of methods involving physical and mental violence towards the pupils or students is prohibited.

220. Textbooks in national minority languages comprise 141 published or reprinted titles in 28 subjects of the approved curriculum. Currently, 52 textbook titles for new programmes and 19 teaching aids have been published, while 89 such items are in the process of publication. Electronic textbooks in Turkmen, Russian and English are in preparation. Various State and private educational centres in Ashgabat city and the regions offer classes in computer literacy,

foreign languages and other subjects of interest to the public. International cooperation on education takes place under relevant programmes of such United Nations agencies as UNESCO, UNDP, UNICEF and UNFPA; and of the European Union, Germany, the United States, the Republic of Korea, Japan and other States.

221. Organizations of the United Nations system in Turkmenistan develop their activities on the basis of the United Nations Development Assistance Framework (UNDAF), a joint strategic document of the Government and United Nations bodies on agreed support for the implementation of national plans for development. Every year, pursuant to presidential decisions, various international festivals and conferences are held to promote mutual cultural enrichment and an international exchange of views on culture and the arts and make the world's peoples aware of the rich cultural heritage of the Turkmen people. The international festival "National Folklore and Theatre", the international scientific conference "Turkmenistan: Museum of the Golden Age" and other international events were held in Ashgabat in 2007. The international festival "Turkmenistan: musical arts are the spiritual treasure house of mankind", the international exhibition "Turkmenistan and the masterpieces of world art", the international gifted children's festival "The golden generation of the golden age", the international scientific conference "The land of Turkmenistan — cradle of ancient cultures and civilizations" and the international festival of documentary and short feature films "Turkmenistan and world cinema" all took place in 2008.

222. In 2010, 12,000 Manats were earmarked under the budget as allocations for cultural activities, which involved musicians, singers, scientists, artists, applied and decorative arts craftsmen, film directors, scenario writers and dancing and folklore groups from Russia, the United States, Canada, France, Ethiopia, Saudi Arabia, the United Arab Emirates, Uzbekistan, Tajikistan, Azerbaijan, Ukraine, Kazakhstan, South Korea, China, Iran, Belarus and other countries. An international exhibit of applied and decorative arts and a national folklore festival entitled "Spiritual treasure house of mankind" took place on 21–23 April 2010. More than 200 persons from Russia, Ukraine, Korea, Belarus, Tajikistan, Uzbekistan, Kyrgyzstan, China, Kazakhstan, Turkey, Iran, Azerbaijan, Armenia and other countries participated in the festival. On 28 May — 2 June 2010, the international gifted children's festival "Avaza — Land of friendship" took place in Turkmenbashi city with the participation of approximately 200 children, including 10 earthquake victims from Haiti and children from more than 10 countries, inter alia Senegal, Korea, China, Kazakhstan, Uzbekistan, Kyrgyzstan, Azerbaijan, Turkey and Armenia. On 18–20 August 2010, the "Avaza — 2010" international festival featuring a variety of music, songs and dances was held in the same city with the participation of singers and musical and dancing groups from Senegal, Uzbekistan, Belarus, the United States, Tajikistan, India, Korea, Kazakhstan, Kyrgyzstan, Austria, Azerbaijan, Turkey, Russia and other countries.

223. On 18–20 October 2010, a festival dedicated to the friendship of the Turkmen and Uzbek peoples took place in Dashoguz city with the participation of 130 Uzbeks prominent in the areas of culture and art. The festival was emblematic of the age-old traditions of good-neighbourly relations, friendship, brotherhood, respect and interest in national culture, traditions, ceremonies and customs linking the Turkmen and Uzbek peoples. Every year, pursuant to presidential decisions, a competition entitled "Turkmen Golden Age" is held among culture, art and literature workers, young interpreters and gifted children, including members of ethnic minorities. On 26–28 January 2009, Tajik Cinema Days took place in Turkmenistan's Makhtumkuli National Music and Drama Theatre. On 2–9 February 2009, an Iranian Culture Week was organized in Ashgabat, Mary and Dashoguz; and on 22 May 2009, the "Revival" joint Turkmen-European symphony orchestra gave a performance.

224. In 2008, Turkmen Culture Days took place in Kazakhstan, Austria and Germany. On 6 June 2009, an exhibition of the works of Alexander Sergeyevich Pushkin was organized in the National Library of Turkmenistan on the occasion of the two-hundred-and-tenth

anniversary of the poet's birth. On 17–19 September 2009, Uzbek Cinema Days took place. Russian Language Days, held on 28–30 September 2009, provided the framework for a concert of Russian music and songs interpreted by Turkmen artists, an exhibit of the work of artists, sculptors and applied and decorative arts craftsmen attending higher education institutions in the Russian Federation, and the screening of a documentary film entitled "Turkmenistan-Russia: bilateral cooperation in a period of revival". Moreover, in 2009, Turkmenistan hosted days of culture of the Russian Federation (6–12 April), Kazakhstan (5–9 June) and Azerbaijan (3–6 November).

225. In 2010, days of culture of the Russian Federation were held in Turkmenistan (6–12 April), and days of culture of Turkmenistan were organized in Belarus (8–12 June), Tajikistan (21–25 September), Iran (September 29–October 2) and Azerbaijan (4–6 November). Turkmenistan hosted days of culture of Tajikistan (10–14 November) and Germany (30 November–3 December). The Ministry of Culture and Television and Radio Broadcasting actively cooperates with the International Foundation for Humanitarian Cooperation among CIS States, with whose assistance various events took place in Turkmenistan in the same year, including the "Cinema: open frontiers" festival of popular films of the CIS countries (26–29 March), the "Friends' melodies" concert with the participation of various stars from Russia, Ukraine, Belarus, Estonia and Georgia (28 April) and the "One victory for all" film festival, dedicated to the sixty-fifth anniversary of the victory in World War II (17–19 June). The journal "Revival" and the newspaper "Neutral Turkmenistan", published in Russian, and the private newspaper "RYSGAL", published in Turkmen and Russian, cater to Turkmenistan's Russian-speaking population. The "Turkmenistan" television channel ensures the translation of television broadcasts into seven languages. Turkmenistan has a State theatre for Russian drama, the A. S. Pushkin Theatre.

226. In Turkmenistan, the reviews *Democracy and Law*, *Miras* (or "Heritage"), *Diyar* (or "Land"), *Golden Age Economy* and *Turkmenistan: The week's events* are published in the official language and in Russian and English; while a magazine entitled *Turkmenistan* is published in Russian and English.

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