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Implementation of the International Covenant on Economic, Social and Cultural Rights

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

Turkmenistan*

[30 June 2010]

* 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. Turkmenistan acceded to the International Covenant on Economic, Social and Cultural Rights (hereinafter "the Covenant") on 20 December 1996.
2. A permanent Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations (hereinafter "the Commission") was established in 2007. The Commission's main work is the preparation of national reports on the implementation of international human rights conventions and their submission to United Nations treaty bodies. The process of preparing the report on the implementation of the Covenant was transparent. The commission and an expert working group held "round tables" to discuss the draft national report: these were attended by international experts and representatives of State institutions, civil society and international organizations.
3. The present report has been prepared in accordance with the general guidelines on the form and content of initial reports set out in article 16, paragraph 1(a), of the Covenant. It is based on information from the ministries, State committees and departments whose responsibilities include tackling issues related to guaranteeing and realizing human rights, and information from voluntary organizations working on issues covered by the present report.
4. This report, the initial report to the Committee on Economic, Social and Cultural Rights, covers all the basic legislative standards governing the questions dealt with in the Covenant.
5. Efforts to familiarize the general public with the content of the report began during drafting. The Commission held a number of meetings and consultations with representatives of central and local authorities and administrations and international organizations. The draft report was transmitted to ministries, State committees and departments, associations and international experts, whose comments and wishes were taken into account in preparing the final version.

II. Articles

Article 1 The right to self-determination

6. Turkmenistan's right to self-determination and independence was proclaimed on 27 October 1991. Under the Constitutional Act on independence and the principles of the State structure of Turkmenistan of 27 October 1991 and the Constitution of Turkmenistan dated 18 May 1992, as amended on 26 September 2008, Turkmenistan is a democratic, secular State based on the rule of law, in which State administration is exercised in the form of a Presidential republic. Turkmenistan's State sovereignty and territory are unified and indivisible. State power in Turkmenistan is based on the following principles: the sovereign power of the people, from whom all power emanates and in whom all power resides; recognition of the human being as the highest value of society and the State; the responsibility of the State for the people and for the protection of life, honour, dignity, freedom, personal inviolability, and the natural and inalienable rights of citizens; the separation of State power into legislative, executive, and judicial branches; and limitations on the functions and powers of the central organs of power and local governmental bodies.

7. The Constitutional Act on Turkmenistan's permanent neutrality was adopted on 27 December 1995. In line with the Constitution, it governs the political, economic and humanitarian bases of the country's permanent neutrality, recognized and supported by the international community in the General Assembly resolution on Turkmenistan's neutrality of 12 December 1995. 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 governments in the region and throughout the world.

8. Turkmenistan, a member of the world community with full rights, determines and implements its foreign policy independently, is a full member of the United Nations and other international organizations, maintains diplomatic, consular, trade and other relations, exchanges plenipotentiary representative offices and concludes international treaties.

9. Turkmenistan's economy is based on market principles. The State guarantees equal protection and creates equal conditions for the development of all forms of ownership. Turkmenistan upholds the right of private ownership of the means of production, land, other materials and intellectual property. They may also belong to associations of citizens and the State. Items that are the sole property of the State are established by law.

10. Turkmenistan determines its financial policy and monetary system independently and establishes State banking organizations.

11. Turkmenistan determines its military policy independently, ensures its territorial integrity and the protection of its independence, and has armed forces. Turkmenistan's territory is free of nuclear, chemical, bacteriological and other types of weapons of mass destruction.

12. Turkmenistan is concerned to promote the national and cultural re-emergence of the Turkmen people, national self-awareness and popular traditions, and ensures that the State language is Turkmen. The representatives of all nations and peoples living in the country are guaranteed the right to free national cultural development.

Article 2

Prohibition of discrimination

13. Article 19 of the Constitution guarantees the equality of human and citizens' rights and freedoms irrespective 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.

14. 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. Turkmenistan extends the right of asylum to foreign citizens and stateless persons according to the universally recognized standards of international law and the procedure established by law.

15. Turkmenistan is party to:

- a) The International Convention on the Elimination of All Forms of Racial Discrimination;
- b) ILO Convention 111 on Discrimination in Respect of Employment and Occupation;

c) The International Convention on the Elimination of All Forms of Discrimination against Women;

and a number of other international instruments.

16. Under article 5 of the Equality of Women (State Guarantees) Act of 14 December 2007, discrimination, whether explicit or implicit, against women is prohibited in any sphere of activity. Discrimination means any difference, exception or preference that limits or denies members of either sex equal realization of their human and civil rights and freedoms in the political, economic, social, cultural or any other sphere. Under the law, charges may be brought against persons allowing explicit or implicit discrimination against women. The following do not constitute discrimination against women: protection of the functions of motherhood; the performance exclusively by men of universal military service in the conditions laid down by the legislation of Turkmenistan; and prohibition of the use of women to carry out forms of work listed in the legislation of Turkmenistan. Persons permitting explicit or implicit discrimination against women bear the liability laid down in the legislation of Turkmenistan.

17. The Freedom of Religion and Religious Organizations Act of 21 October 2003 guarantees the exercise of citizens' constitutional right to profess any faith or none, to express and propagate religious beliefs and to participate in the performance of religious services, rituals and ceremonies. Citizens of Turkmenistan are equal before the law in all areas of civil, political, economic, social and cultural life, regardless of their religious beliefs. Any direct or indirect limitation of rights whatsoever or the provision of any advantage for citizens in respect of their religious or atheistic beliefs, as well as incitement to hostility or hatred as a result, or insult to the feelings of citizens, constitute grounds for bringing charges under the laws of Turkmenistan.

18. Under article 8 of the Act, a religious organization may be formed on the initiative of not less than five adult Turkmen citizens permanently resident in Turkmenistan. A religious group must consist of less than 50 citizens of Turkmenistan, while a religious organization consists of more than 50.

19. By Presidential Order dated 29 May 1992, 140 pilgrims were sent to Saudi Arabia with State support to perform the full hajj. Since then, the number of pilgrims performing the hajj annually in Saudi Arabia has increased to 188.

20. A Presidential Decision dated 20 April 1994 established the Gengesh (Council for Religious Affairs) attached to the Office of the President, in order to enhance the cooperation of all faiths with the State. The Gengesh is a State expert and advisory body that carries out continuous information and clarification activities among registered and unregistered religious organizations, believers and State bodies. Gengesh representatives frequently take part in services, festivals and other events organized by religious organizations, and meetings are held with believers. For example, in May 2007 an exhibition entitled "A healthy way of life", at which ways of leading a healthy life and giving up harmful habits were shown through visual aids, was successfully held, with Gengesh participation, by the Seventh Day Adventists.

21. By Presidential Resolution of 17 June 1994, a faculty of theology was created in the Magtymguly State University to promote training for professionals highly knowledgeable about religion and its history and philosophy. Before the opening of the faculty, theology experts were sent, with Government support, for training in Egypt, Saudi Arabia, Syria, Turkey and other countries.

22. In accordance with the Freedom of Worship and Religious Organizations Act of 21 October 2003, a Presidential Ordinance on the registration of religious organizations was issued and Rules for their registration were laid down. Presidential Resolution No. 6627

dated 11 March 2004 established registration of religious organizations and groups irrespective of their faith. A total of 122 religious organizations are currently officially registered in Turkmenistan. Of these, 99 follow traditional Islam, 13 are orthodox and 10 are various religious organizations professing other faiths. They include the religious organizations Baha'i, Church of Evangelical Christians - Baptists, Gurbanmyrat ishan (Moslem) and the evangelical Christian church Abundant Grace, as well as the religious groups Seventh Day Adventists, Society for Krishna Consciousness, Church of Christ (evangelical Christians), Full Gospel Christians (evangelical Protestants), New Apostolic Church (new apostolic Christians), Light of the East (evangelical Christians) and Source of Life.

23. In order to restore ancient traditions of the people, which have practically disappeared, and to safeguard freedom of religion, the religious holidays of Lesser Bairam (lasting one day) at the end of the month of Ramadan and Greater Bairam (lasting three days) are observed every year by the members of all religious communities, in accordance with the relevant Presidential Ordinances.

24. Article 16 of the Turkmen Code of Labour Laws prohibits any direct or indirect limitation of rights or establishment of any direct or indirect advantages in hiring in relation to sex, race, ethnicity, language, social origin, wealth, place of residence, attitude to religion, beliefs, membership of social associations, or other circumstances unrelated to the working qualities of employees.

25. In 2004, Turkmenistan submitted to the relevant treaty bodies reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Discrimination against Women; additional information concerning article 2 of the Convention on the Prevention of Discrimination is contained in these reports.

Article 3

Gender equality

26. The principle of equality between men and women is an integral part of Turkmenistan's legal system that is proclaimed in the Constitution and guaranteed to all by the current national legislation. Article 20 of the Constitution provides that men and women in Turkmenistan have equal civil rights. Gender-based violation of equal rights gender is illegal.

27. Women currently make up 50.1 per cent of the population, and men 49.9 per cent. Seventeen per cent of the deputies in the Mejlis elected on 14 December 2008 are women, and women are also represented in elective and executive bodies at all levels of government.

28. The Women's Equality (State Guarantees) Act was passed on 14 December 2007. It is intended to promote the attainment of the main principles of Turkmen policy on human rights, eradicate all forms of discrimination against women and bring about the all-round development and advancement of women, and establishes State guarantees for women's exercise of human rights and freedoms in the political, economic, social, cultural and other spheres on an equal footing with men.

29. The Hero of Turkmenistan Gurbansoltan Edzhe Women's Union of Turkmenistan participates in a programme to enhance women's potential and promote the broadening of their opportunities and capabilities. As part of this programme, the Union is carrying out a joint programme with the United Nations Development Programme (UNDP) entitled "Support to Gender Mainstreaming in Policy Making in Turkmenistan". This programme

has three main aims: (a) enhancing the targeted elements of the legal base of gender equality; (b) strengthening measures for reporting and implementation of United Nations ratified conventions and conferences on gender issues; and (c) strengthening the national system for gender analysis and gender mainstreaming.

30. A National Action Plan for the period 2005-2010 has been prepared in Turkmenistan to implement the Declaration and Beijing Platform for Action. It sets out the general strategy and priority areas of the national policy for women. The Plan is directed towards realization of the principle of equal rights and freedoms and the creation of new opportunities for men and women in accordance with the Constitution, Turkmenistan's international obligations and the recommendations of the Fourth World Conference on Women, taking into account the actual social and economic situation in Turkmenistan. Under the National Action Plan, the most important activity of the Women's Union is helping to create and expand a network of women's associations, comprehensive support for their activities and gender mainstreaming. In this connection, some progress has been made towards the resolution of gender issues. For example, the project "Enhancing the role of women in the social and economic development of Turkmenistan" has been successfully completed (1998-2001).

31. Definite results have been achieved in increasing the gender education of workers in State bodies, social organizations and the population as a whole, through educational programmes, seminars, conferences, publication of statistical data on gender differences, issue of newspapers, and also publications and other materials on human right and gender matters, including such reports as "The women of Turkmenistan and gender statistics", "Women's rights in Turkmenistan" and "Report on the status of women in Turkmenistan" and the booklets "Gender stereotypes", "Gender and gender equality", "Gender and sex" and "The triple role of women". Seminars with representatives of local authorities and society to discuss gender issues and publicize the Convention on the Elimination of All Forms of Discrimination against Women are held in all provinces of the country. Seminars have been held with representatives of the mass media ("Women and the mass media - the gender approach") and with representatives of schools, higher educational establishments and colleges ("Research on and teaching of gender in Turkmenistan").

32. The Women's Union, supported by UNDP, has set up more than 30 provincial women's information and resource centres. These resource centres play an important role in increasing awareness of political, legal, economic, environmental and reproductive issues, including the further development of their active participation in all spheres of social life, including participation of women in furthering national gender equality reforms.

33. Documents have been prepared to help women's associations. These are systematic extracts from current Turkmen legislation on the protection of women's rights and freedoms governing issues relating to labour, the family and discrimination against women, information material about the Convention on the Elimination of All Forms of Discrimination against Women, and tools for students of the international protection of women's rights and freedoms. These documents have been prepared and distributed in electronic and printed form.

34. Enhancing the role of women in the process of market reforms, their active participation in all spheres of activity, and the establishment of legal and social guarantees enabling them successfully to combine motherhood and being more active in industry, entrepreneurship and the process of radical change - all these require the implementation of new programmes, and a sociological survey was carried out to determine what they should be. An analytical report was prepared on the basis of the results of the survey and the joint UNDP-Women's Union project "Support to Gender Mainstreaming in Policy Making in Turkmenistan".

35. One of the priority areas of the National Action Plan is the participation of women in economic affairs. The choice of this priority area stems from women's role in shaping the new economy and social change. Being able to work provides women with financial independence, thereby enhancing their social and political standing. The role of women in small and medium-sized businesses is on a continuous uptrend. Individual work or entrepreneurship without forming a company has currently become quite widespread among women. In view of the interest shown among the women surveyed in the development of a business, it is essential to promote the establishment of programmes for women to develop entrepreneurial skills through training courses and to campaign for the use of special loan schemes and greater gender sensitivity among bankers and organizations supporting the establishment of small and medium-sized enterprises.

36. With the support of UNDP, the Women's Union drew up a programme to create self-employment opportunities for women living in rural areas: its main aim was to develop the potential of women in etraps (districts) and the creation of conditions for women's self-employment through practical courses and measures enabling women to acquire knowledge leading to their economic independence. The target group for the project was women from poor families living in rural areas who are unemployed and/or not fully employed. A group of these women were trained in the skills needed for self-employment. The course was prepared in the light of the women's abilities and the local market. Trade fairs and exhibitions, at which the women could not only advertise their goods but also find potential buyers and markets, were organized.

37. A centre for women journalists has been set up, thereby not only promoting greater professionalism but also providing an opportunity, through the professional women journalists of the centre working in central and local media, to clarify gender education issues. With UNDP support, the Women's Union publishes an internet newsletter entitled "Ene myakhri", which highlights current issues relating to gender, health and educational matters.

38. The Women's Union of Turkmenistan also devotes great attention to environmental questions. With UNDP support, a series of seminars on issues relating to the environment and factors affecting it was held in districts. Questions were raised regarding environmentally safe methods of protecting plants from agricultural pests and the effect of human activity on agricultural and biological diversity, as well as pollution of foodstuffs and food safety. The seminars were broadly welcomed by society.

39. Work on protecting women's health is being carried out under the national "Health" programme and is based on improving women's health and protecting the family's reproductive health. The programme, which is being run by the Women's Union, provides principally for greater preventive work, more active promotion of a healthy lifestyle, incorporation of hygienic habits in daily life, and the elimination of unhealthy factors such as smoking, alcohol and narcotic substances consumption and inappropriate nutrition.

Article 4

Limitations on the exercise of rights

40. 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 laws. Any list of rights and freedoms of the person in the Constitution and laws may not be used to deny or diminish other rights and freedoms.

41. A person may not be limited in his or her rights, deprived of the rights which belong to him or her, convicted, or subjected to punishment, except in exact accordance with the law (Constitution, art. 23).

42. Under article 1 of the Civil Code, civil rights may be restricted solely on the basis of the law with a view to protecting the morals, health, rights and legitimate interests of others, public safety and State security, and protecting the environment.

Article 5

Prohibition of activities and acts aimed at the destruction of any rights or freedoms or at the limitation or lessening of fundamental human rights

43. The individual is the highest value of society and the State in Turkmenistan. The State is responsible to every citizen and ensures conditions for the free development of the personality and protects life, honour, dignity, freedom, individual inviolability, and the natural and inalienable rights of the citizen (Constitution, art. 3). The exercise of the civil rights and freedoms enumerated in the Constitution may be temporarily suspended only in a state of emergency or in wartime, in the manner and to the extent established by the Constitution and laws (Constitution, art. 47).

Article 6

The right to work

44. Article 33 of the Constitution guarantees citizens the right to work, to choose at their own discretion a profession, type of occupation and place of work, and to healthy and safe work conditions. The labour laws of Turkmenistan do not permit any kind of exemptions or benefits for workers in respect of their race, gender, beliefs, ethnicity, origin or official or property status. Hired workers have the right to remuneration commensurate with the quantity and quality of work. This remuneration may not be less than the minimum living wage set by the State.

45. Labour relations in Turkmenistan are governed by the Code of Labour Laws, ratified by the Act of 28 June 1972, as amended on 1 October 1993. In addition to the Code of Labour Laws, there are also numerous laws and regulations on employment and social issues.

46. The State guarantees citizens living in Turkmenistan freedom in the choice of their form of employment and legal protection against unfair dismissal, free assistance in selecting suitable employment and job placement in accordance with their capabilities, professional training and education, protection against all forms of discrimination, equality of opportunity for all citizens in acquiring a vocation and a job and choosing the conditions of employment and labour, suitable jobs for young specialists graduating from higher and secondary educational establishments, jobs for persons who have retrained as directed by the employment service, in accordance with agreements with enterprises and organizations, free vocational advice, training, retraining and further training, and reimbursement of material costs associated with job relocation, in accordance with current legislation (Employment Act, art.1 and Code of Labour Laws, art. 43).

47. In order to ensure that Turkmenistan's legal system is in conformity with international human rights standards, article 6 of the Code of Labour Laws stipulates that where an international agreement to which Turkmenistan is a party establishes rules other than those contained in its own legislation, the rules of that agreement shall apply.

48. Turkmenistan has been a member of the International Labour Organization (ILO) since 24 September 1993 and has acceded to seven ILO conventions:

| <i>No.</i> | <i>Title</i> | <i>Date of ratification</i> |
|----------------|---|-----------------------------|
| Convention 87 | Convention on Freedom of Association and the Right to Organize (1948) | 20.12.1996 |
| Convention 29 | Convention concerning Forced and Compulsory Labour (1930) | 20.12.1996 |
| Convention 111 | Convention concerning Discrimination in Respect of Employment and Occupation (1958) | 20.12.1996 |
| Convention 98 | Convention concerning the Application of the Principles on the Right to Organize and to Bargain Collectively (1949) | 20.12.1996 |
| Convention 100 | Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951) | 20.12.1996 |
| Convention 105 | Convention concerning the Abolition of Forced Labour (1957) | 20.12.1996 |
| Convention 138 | Convention concerning Minimum Age for Admission to Employment (1973) | 20.12.1996 |

49. Article 2 of the Code of Labour Laws sets out workers' basic rights to:

- Conditions of work that meet safety and hygiene requirements
- Compensation for damage caused to health at work
- Equal remuneration for equal work, without any discrimination and not less than the minimum wage specified by law
- Rest, through maximum working hours for a number of vocations and jobs, provision of weekly days off, days off for holidays and festivals, and paid leave
- Organize themselves in trade unions
- Social security by reason of age, loss of fitness for work and in other cases specified by law
- Court protection of their labour rights

50. Article 1 of the Employment Act states that citizens are guaranteed the right freely to choose their form of employment provided it is not prohibited by law. They have the exclusive right to use their capabilities for productive and creative work. Administrative imposition of compulsory labour, except where provided for by Turkmen legislation, is not permitted in any form, except in cases specified by law. The fact that a citizen is voluntarily unemployed may not serve as grounds for administrative, penal or other action against him or her.

51. Under the above Act, the fundamental principles of State employment policy are:

- The provision of equal opportunities for all citizens in Turkmenistan, irrespective of race, gender, attitude to religious, age, political beliefs, ethnicity or social situation, to exercise their right to work and freely to choose their employment
- The voluntary nature of work, in accordance with which employment is based on the free expression of citizens' wishes
- The promotion of effective and freely chosen employment of the population and prevention of unemployment

- The provision of social security in the sphere of employment and carrying out of special measures to further the employment of citizens experiencing difficulties in finding work
- The coordination of employment activities with other areas of political and social policy
- The participation of trade unions and associations (employers' associations) in preparing, carrying out and monitoring the implementation of measures to ensure employment in cooperation with State administration authorities
- International cooperation in resolving employment problems, including work done by Turkmen citizens abroad and by foreign citizens in Turkmenistan

52. Immediately following independence, the State took specific steps to ensure employment of the population. During those early years, a great many facilities were built and brought into use in various areas and sectors, providing jobs for thousands of Turkmen citizens. Turkmenistan's basic sectors - oil and gas, and textiles - may be cited as an example. During the years since independence, more than 20 modern factories and closed-cycle textile mills have been built, providing employment for many thousands of Turkmen citizens, especially women.

53. In accordance with the constitutional principle that citizens enjoy equal rights, freedoms and opportunities in relation to employment, women are guaranteed the right to work on an equal footing with men. Women have equal rights in the free choice of occupation, type of employment and place of work. Any gender-based limitations in relation to work are prohibited. To protect minor citizens and women, Turkmen legislation accords them specific concessions in matters of employment, job placement, working conditions and labour protection. In addition to the Employment Act, the basic regulatory instruments providing for concessions are the Code of Labour Laws and the Labour Protection and Young People's Right to Work (Guarantees) Acts. For example, chapters XI and XII of the Code of Labour Laws govern employment of women and young people.

54. Article 165 of the Code of Labour Laws contains a list of jobs which women may not be employed to perform. The list of arduous work and jobs entailing harmful working conditions for which women may not be employed, and maximum standards for the carriage and transport of heavy objects, are drawn up by the Turkmen Government.

55. Women may not be employed for night work, except in those economic sectors where this is made necessary by a special need and is authorized as a temporary measure. Articles 167 and 168 of the Code of Labour Laws prohibit the use of pregnant women and women with a child under the age of 3 for night and overtime work, while women with a child between the ages of 3 and 14 (disabled children - under the age of 16) may not be employed for overtime work or sent on business trips without their consent.

56. Pregnant women engaged in farm work in the fields work a reduced working day of six hours but continue to be paid the average wage. The output or service norms of pregnant women producing a doctor's certificate may be reduced, or they may be transferred to less arduous work while retaining the average wage at the previous workplace.

57. Under article 175 of the Code, women with children aged up to the age of 18 months may, in addition to the general break for rest and food, be granted additional breaks to feed their children; these are included in the working time and are paid according to average earnings.

58. Article 176 of the Code sets out guarantees on recruitment and prohibits the dismissal of pregnant women or women with a child under the age of 3 (disabled children - under the age of 6) and of single mothers with a child under the age of 14.

59. In the case of a pregnant woman, a woman with a child under the age of 14 (disabled children - under the age of 16), including those in her care, or persons caring for a sick family member, the employer must, on production of a doctor's certificate, put them on a shortened working day or week. In such cases, work done on a reduced working schedule does not entail any limitation of the worker's annual leave, calculation of service or other labour rights.
60. The labour laws provide for services to be made available to women in companies employing a large proportion of women. Crèches and kindergartens, breast-feeding rooms and ladies' rooms are available at such companies without loss of working time.
61. Single fathers, and guardians and foster parents of minors, are accorded the same guarantees and concessions as those extended to women in relation to motherhood.
62. Under the Presidential Decree on extending the right of citizens having attained the age of 16 of 2000, minors are permitted to enter legal labour relations with companies, organizations and establishments under various forms of ownership.
63. In 2005, in implementation of the norms of international conventions, the Mejlis (Parliament) adopted the Right of Young People to Work (Guarantees) Act. The Act governs protection of children against economic exploitation involving the use of force and prohibits situations which may endanger their health, prevent them from receiving an education, harm their health, physical, mental or spiritual development, or prevent them from exercising freedom of conscience.
64. The Act prohibits the conclusion of contracts of employment with children under the age of 16; those having reached the age of 15 (previously 14) may be taken on for work only with the written consent of one of the parents, provided the work does not hinder education in school. Employers, irrespective of the form of ownership, may not use workers under the age of 18 for work involving special conditions. Under chapter XII of the Code of Labour Laws, minors are accorded the following benefits: in legal labour relations, workers under the age of 18 years have the same rights as those of full legal age; with respect to labour protection, they enjoy the benefits set out in the Code of Labour Laws and other legislative instruments on employment.
65. All persons under the age of 18 may be employed only after a preliminary medical examination and are subsequently subject to mandatory annual medical examinations, conducted during working time without loss of average earnings, until they reach the age of 18.
66. It is prohibited to assign persons under the age of 18 to night work, overtime work or work on holidays, festivals and commemorative days.
67. Production norms for workers under the age of 18 are based on those for adult workers, with the former working a proportionately shorter day. They are paid the same wage as workers in the same categories completing a full working day.
68. Workers under the age of 18 may be dismissed by the management only with the consent of the commission for minors' affairs; the overall dismissal procedure must also be observed. In individual cases they may not be dismissed without being placed in other employment. Contracts of employment with persons under the age of 18 may be revoked at the request of his or her parents, adoptive parents or guardians, or of the tutorship or guardianship authorities and other bodies responsible for monitoring compliance with labour laws, if the continuation of the contract endangers the health of the minor or infringes his or her legitimate interests.

69. The Labour Protection Act (art. 14) sets out the principles governing labour relations for various categories of worker (women, young people, the disabled) and workers engaged in arduous work and work involving harmful or dangerous conditions.

70. The favourable demographic situation in Turkmenistan, with its high birth rate, has led to an absolute growth in the economically active population. In 2007, the economically active population, constituting the workforce available for the production of goods and services, amounted to 2.6 million persons, or 1.5 times more than in 1997.

71. The level of economic activity of the population determines the growth in the economically inactive population, which is characterized by an increase in the relative number of women who are housewives. The structure of women's employment is strongly influenced by family customs and traditions that have evolved over thousands of years. Turkmen women have always placed the highest value on their families and children. Almost one family in three has more than five members, and given the importance of the social function of child-rearing, a certain proportion of women are homemakers. There are other reasons besides traditional ones, such as bringing up children and others, why women are remaining housewives. One of them is the increasing incomes of family members, enabling the family to maintain a high level of prosperity.

72. The economic reforms being carried out in Turkmenistan are intended to increase the demand for labour by companies and organizations, mainly in the private sector. As a result, a favourable market infrastructure has been built up during the years since independence, many market-based methods of trading have been developed and there have been specific changes in people's economic awareness and behaviour. These changes, based on the use of share, joint and foreign capital, have led to positive trends in employment, as shown by the elimination of employment monopoly in the State sector and the development of alternative employment in other sectors of business activity.

73. Agriculture is the main source of employment in Turkmenistan. This stems from a favourable climate, available land, demography - more than half of the population lives in rural areas - and the national objective of food self-sufficiency. The attainment of this objective has been greatly facilitated by the implementation of land reform in villages and the increase in the size of the private plots turned over to families for farming. The allocation of land for private use has promoted the development of farming, while the increase in economic activity has had a positive effect on business activity without formation of a company.

74. As a result, the number of persons employed in the economy in 2007 rose by 1.25 times compared with 1997. The number of citizens working in the private sector rose by 1.5 times in the same period.

75. Persons engaged in business activity without forming a company comprise a significant group among the employed population. The proportion of such persons rose from 7 per cent in 1997 to 20 per cent in 2007. Individual, joint and foreign enterprises, employing 2.5 per cent of total labour resources, are being developed. The process is dynamic and is covering an increasing proportion of labour resources. The growth of employment in these enterprises is not very great, but there is still potential in this sector of the economy.

76. The distribution of the working population by economic sector is characterized by the preponderance of workers in productive sectors. In 2007, 69.3 per cent of the population employed in the national economy was working in these sectors, including 48.7 per cent in agriculture, forestry and fisheries, 14.7 per cent in industry and 5.9 per cent in construction.

77. Sectors providing paid public services employed 30.7 per cent of workers. In this group, the largest proportion of workers was concentrated in education, trade and catering companies and transport and communications organizations.

78. Another positive factor has been the substantial increase in employment in a number of sectors that determine progress in the national economy. A significant rise occurred in industry, where employment doubled. The distribution of jobs in industry has altered substantially in favour of the processing sector, attesting to a shift away from raw-material production.

79. An informal labour market has sprung up in Turkmenistan since the early 1990s. It has become a virtually independent segment of the labour market with a significant number of persons employed in particular forms of activity. Surveys of the workforce are used to determine the extent of employment in the informal sector of individual entrepreneurship in Turkmenistan. Determining the number of persons engaged in informal (unregistered) activities stems from the desire to reflect more fully the number employed in the production of goods for sale and the provision of paid public services. This is in line with international accounting and statistical practice.

80. The proportion of the economically active population seeking work in Turkmenistan (through labour exchanges or independently) remains low. In 2007 it represented 5 per cent of the economically active population, against 6.3 per cent in 1997.

81. Able-bodied citizens of working age who require social protection but cannot compete in the labour market on equal terms are afforded extra employment guarantees, stipulated in article 12 of the Employment Act. The beneficiaries include young people, single parents and parents raising large families of minor children or children with disabilities, people approaching retirement age (women of 53 years or over, and men of 58 years or over), war veterans, disabled persons, the long-term unemployed, and individuals released from penal institutions or institutions providing compulsory treatment under a court order. These guarantees take the form of specially created jobs and businesses employing persons with disabilities, rehabilitation centres, special training programmes and other measures.

82. The Act stipulates that local authorities can set enterprises, institutions and organizations annual hiring quotas of up to 5 per cent of all available posts, including the creation of special posts for disabled persons.

83. The guarantees of the exercise of the right to work by citizens permanently resident in Turkmenistan are set out in article 43 (1) of the Code of Labour Laws. They are:

- Freedom of choice of type of employment, including work with different work regimes
- Free assistance from the national employment service in choosing suitable employment and finding a job
- Suitable job offers by companies to graduates of educational establishments, in accordance with previously submitted declarations
- Free training in a new vocation (speciality) and further training in the employment service system free of charge, or with payment of a grant in other educational establishments, when directed there by the service
- Reimbursement, in accordance with the laws, of material expenditure when sent to work at a different location on the proposal of the employment service

- Possibility of concluding daily contracts of employment to undertake paid social work organized in the light of citizens' age or other special considerations
- Legal protection against unfair dismissal

The legal, economic and organizational conditions for providing employment and guarantees of the exercise of citizens' right to work are determined by legislation. The rights of foreign nationals living in Turkmenistan are not limited. The laws of Turkmenistan accord them access to work and regulate the conditions and manner of their participation. This is set out in article 3 of the Legal Situation of Foreign Nationals in Turkmenistan Act. Foreign nationals in Turkmenistan enjoy the same rights and freedoms and have the same duties as Turkmen citizens, unless otherwise specified in the Constitution, the Act or other legislative instruments. They are equal before the law irrespective of their origin, social status, wealth, race, ethnic origin, sex, language, political views, religious beliefs, nature and type of occupation, place of residence or other circumstances.

84. The labour rights of foreign nationals are set out in article 7 of the Act. It provides that foreign nationals permanently resident in Turkmenistan may work as manual or non-manual workers in enterprises, establishments and organizations or undertake other work on the basis and in the manner applicable to Turkmen citizens. Foreign nationals who are temporarily resident in Turkmenistan may also work if this is compatible with the purposes of their stay and the type of work is not contrary to Turkmen laws. At the same time, foreign nationals may not be appointed to particular posts or carry out certain work if, under Turkmen law, appointment to such posts or carrying out such work requires citizenship of Turkmenistan. Foreign nationals also enjoy the same rights and have the same duties in labour relations as Turkmen citizens.

85. Article 1 of the Employment Act prohibits administrative imposition of compulsory labour, except where provided for by Turkmen legislation. The fact that a citizen is voluntarily unemployed may not serve as grounds for administrative, penal or other action against him or her.

The fundamental principles of State employment policy are set out in article 4 of the Act. They are: providing equal opportunities for all citizens in Turkmenistan in the exercise of labour rights and the free choice of employment, irrespective of race, gender, attitude to religion, age, political beliefs, ethnicity or social situation, and the voluntary nature of employment, whereby employment is based on the voluntary expression of citizens' wishes.

86. Adhering to this principle of the equality of citizens, the Act provides, in article 7, for the right of citizens to free vocational guidance, training and further training, with the aim of choosing their type of employment, vocation and place of work.

87. Under article 11 of the Employment Act, citizens living in Turkmenistan are guaranteed:

- Freedom to choose their type of employment and legal protection against unfair dismissal
- Free assistance in choosing suitable work and finding a job, in accordance with their abilities, vocational training and education
- Protection against any form of discrimination and equality of opportunities for all citizens in learning an occupation and finding work and choosing their employment and working conditions

- Provision of suitable work for not less than three years for young specialists graduating from State higher and specialized secondary educational establishments, and vocational and technical colleges, previously declared by employers
- Provision of work for persons having retrained under a posting by the national employment service, in accordance with agreements with enterprises and organizations
- Free vocational guidance, training, retraining and further training for persons registered as seeking work in the national employment service and, on referral, in other educational establishments, with payment of a grant
- Reimbursement, in accordance with the laws, of material expenditure when sent to work at a different location on the proposal of the employment service
- The possibility of concluding fixed-term contracts and undertaking paid social work organized in relation to citizens' age or other circumstances

88. In May 1997, independent labour exchanges were set up in provincial administrations and Ashgabat under Presidential Resolution No. 3171, to provide a modern solution to citizens' job placement problems and arrange for their vocational guidance in market conditions. They control labour supply and demand in the provinces, maintain records of the non-working population and provide assistance in finding a job. These exchanges provide full and reliable information on available positions and job vacancies and publish statistics and information on labour supply and demand, opportunities for job placement, vocational training and retraining, vocational guidance and social and labour rehabilitation.

Provincial labour exchanges conduct daily registration of citizens seeking job advice and help them to choose suitable work and find employment. They advertise job vacancies through the media and help employers select the staff they require; they advise economic leaders and keep them informed of labour market conditions. Periodically, together with the local administrations, businesses and organizations, they organize jobs fairs.

89. In 2007, 92,000 persons registered at labour exchanges, or 19 per cent more than in 1997. The proportion of citizens finding work through a labour exchange has risen from 30.5 per cent in 1998 to 62 per cent in 2007. Labour-exchange statistics show that men seek work there more often than women (42.3 per cent in 1998 and 35.7 per cent in 2008). In addition, more jobs are found for men: in 2007, the proportion of women placed in jobs was 48.8 per cent of the total number of women registered, against 25 per cent in 1998, the comparable figures for men being 69.3 per cent and 34.4 per cent respectively. This stems from the fact that the labour market in Turkmenistan is geared towards professional work, increasing the possibility of placing men in jobs because their professional skills are better suited to the demand.

90. To improve the employment situation and increase the number of job placements, new positions are being created and employment at enterprises working over the long term is being maintained, and the system of workers' vocational training and retraining, both for new workers and for workers being released from production, is being improved. The national programme entitled "Strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020" is an effective tool for State management of employment and labour market processes. It determines the long-term trends in the development of employment by sector and province, taking into account the presence of natural resources and the able-bodied population. During the years since independence, multi-sectoral industry boasting the latest equipment and state-of-the-art technology has been built up in the country. The basic sectors of the economy - the oil and gas, chemical and textiles industries - have grown rapidly. Transport and communications, industrial

construction and civil engineering are developing dynamically. The distribution of agricultural production has changed radically, and agribusiness enterprises are meeting the country's requirements for basic agricultural products and also their processing.

91. The technical re-equipment of factories and mills and the commissioning of new plants and enterprises fitted with modern equipment helps to create more favourable working conditions in various sectors of the Turkmen economy and leads to a reduction in the number of workers engaged in work involving unfavourable conditions. As a result, working conditions in large and medium-sized enterprises have improved appreciably and there has been a declining trend in the number of persons working in conditions that do not meet health and hygiene standards and engaged in arduous physical work. Under the laws of Turkmenistan, citizens working in such conditions are granted various benefits and allowances. The most widespread benefits are additional leave, additional payments for conditions and intensity of work and provision of free milk or other foods of equal value.

92. The total amount paid by large and medium-sized enterprises in benefits and allowances for employees working in unfavourable conditions was more than 10 times higher in 2007 than in 1997.

93. Turkmenistan is a party to the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951). With the adoption of the Women's Equality (State Guarantees) Act, Turkmenistan laid down guarantees establishing the equal rights of women with men to:

- The protection of work-related rights and legitimate interests
- Hired work
- Entrepreneurial activity
- Access to vacant jobs on the basis of aptitude and professional qualifications
- Equal remuneration for work of equal value, entitlement to all work-related benefits, creation of equal working conditions for work of equal value and equal access to evaluation
- Healthy and safe working conditions, particularly in the case of pregnant women and mothers
- Advancement, capacity-building and further training
- Reconciliation of work with parental responsibilities

and enshrined them in the Act. The State creates conditions for women equal to those applicable to men regarding access to managerial duties in enterprises. The principle of work-related equality also applies to household duties, which may be carried out by women and men on an equal footing and must not serve to justify discrimination against women. Chapter III-A of the Code of Labour Laws is devoted to securing employment and guarantees for the exercise of the right to work. Article 43, for example, states that citizens permanently resident in Turkmenistan are guaranteed the freedom to choose their type of employment, including work with varying schedules.

94. In order to preserve citizens' rights and guarantees in the sphere of labour relations, articles 145 and 152 of the Criminal Code state that violation of the equal rights of men and women and, or unfair dismissal of, a pregnant woman are criminal offences. For example, direct or indirect infringement of the human rights and freedoms of citizens on grounds of gender, race, ethnicity, language, origin, wealth, official status, place of residence, attitude to religion, beliefs or membership of social organizations is punishable by a fine, corrective labour or deprivation of freedom (Criminal Code, art. 145). Unwarranted refusal to give

work to a woman because she is pregnant and unfair dismissal on the same grounds are punishable by withdrawal of the right to occupy a particular post or carry out particular work, or by a fine (Criminal Code, art. 152).

95. Under article 250 of the Code of Labour Laws, the implementation of labour laws and labour protection regulations is monitored by:

- Specially authorized State bodies and inspectorates whose work is not dependent on enterprises' management and superior bodies
- Trade unions and their technical and legal works inspectorates

96. The Education Act stipulates that education, as the basis for the spiritual, social, economic and cultural advancement of society, constitutes a priority area of national development. Its aim is the comprehensive development of the individual on the basis of national and universal values. Educational laws are aimed at ensuring and protecting citizens' constitutional right to education. Education in Turkmenistan is based on the principles of humanism, democracy, national self-awareness and mutual respect between individuals and peoples. Under article 3 of the Education Act, one of the basic principles of education in Turkmenistan is universal access to all forms and types of educational services provided by the State. Citizens of Turkmenistan can acquire specialist knowledge in accordance with their vocation, interests and abilities at all levels of education. The law establishes a unified educational system, including: vocational training, further training and retraining of senior staff. The most direct form of the educational system is associated with the labour and employment market in terms of preparing the population for work, from childhood up. The first elements of preparation for work are to some extent included in programmes even of pre-school education and upbringing. The axiom that all people are equal, regardless of their race, colour or ethnic origin, is a hallmark of the whole Turkmen education system, from pre-school institutions (nurseries and infant schools) right through to higher education. Pre-school institutions teach Turkmen, Russian and English, and in line with the curriculum they seek to instil the habits of equality, friendship and comradeship, irrespective of social status, wealth, race or ethnic origin. These principles are developed in subsequent educational levels, in particular in vocational training, which is a basic element in the system of education to train management staff.

97. Radical changes have been carried out in the system of vocational training during the years since independence. Article 14 of the Education Act reads: "Vocational training enables citizens of Turkmenistan to acquire a profession (speciality) in accordance with their vocation, interests and abilities. Vocational training is provided in vocational educational establishments of various kinds on the basis of general secondary education".

98. Professional workers in Turkmenistan are trained at 18 higher education institutions, 9 of which have been opened in the years since independence, 18 specialized secondary education establishments and 131 vocational schools.

99. One type of vocational training establishment is the vocational school. Training of the skilled labour force takes place at vocational primary schools and directly on the job. About 25,000 persons are studying in vocational primary schools. Vocational education establishments currently operate under the aegis of the relevant ministries, departments and local authorities, which themselves determine the numbers of skilled workers to be trained in accordance with sectoral and regional requirements.

100. Enterprises and organizations meet their requirements for a skilled workforce through in-house training and courses. In 2007, 31,300 employees, including 25,400 manual workers, improved their skills or underwent professional training. Presidential Resolution No. 3281 of 5 August 1997 instructed the Ministry of Education, provincial administrations and Ashgabat, together with ministries and departments, to organize short

vocational training courses for general-education school leavers and vocational training courses for non-workers on referral by labour exchanges.

101. Under article 22 of the Employment Act, persons registered with the employment service as job-seekers may receive vocational training, retraining and further training if:

- They are unable to choose suitable employment because of they lack vocational training or the necessary professional qualifications
- They have to change their vocation (qualifications) because of a lack of jobs corresponding to their professional skills
- They have lost the ability to work in their previous profession

Job seekers are given vocational training, retraining or skills upgrading on referral by the employment service, at the service's own training centres or at other training establishments.

102. In making referrals for training, the employment service gives preference to unemployed persons with dependants and previous work experience, and to people discharged from the Armed Forces, the border guards, or the internal, railway or other uniformed forces. Time spent in vocational training, retraining or skills upgrading is counted towards the total length of uninterrupted service.

103. All Turkmen legal regulations guarantee that there must be no discrimination of any kind in vocational training, labour and employment, as set out in previous paragraphs of the present report. The absence of any discrimination in this sphere is practically the norm for people in Turkmenistan. Turkmen laws do not provide for any exemptions or privileges on grounds of race, skin colour, gender, faith or ethnic origin.

104. A solid material base, the dynamic and sustained development of a national competitive economy, the activation of capital investment and the introduction of new technology - all these create favourable conditions for wages to increase faster than consumer prices. Conditions are thus created for a radical increase in real wages and the attainment of a wage level enabling a corresponding rise in living standards. Turkmenistan's steady social and economic development will enable the wages of workers in all sectors of the economy to be raised from 1 January 2009, through improvements in the structure of enterprises, organizations and institutions, greater efficiency in the use of productive capacity and increased productivity among workers, and the use of unused domestic reserves. Under the national programme entitled "Strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020", the most important task of national social policy is to ensure steady growth in living standards, and it is planned to increase wages twice every five years, the next increase to occur in 2010. The manner in which the national programme is to be implemented is through the achievement of growth in people's monetary incomes and maintaining them in real terms by continuously increasing wages. Wages play an important role in people's income, and they are continuously being raised in order to bring the welfare of the Turkmen people closer to the level of the world's highly developed nations.

Article 7

The right to just and favourable conditions of work

105. Under article 33, paragraph 2, of the Constitution, persons working for hire in Turkmenistan have the right to compensation commensurate with the quantity and quality of their work.

106. The Code of Labour Laws (para. 78) states that pay depends on a worker's individual work contribution and the quality of the work performed. There is no upper limit on pay. Any reduction in a worker's pay based on gender, race, ethnic origin, attitude to religion or membership of social organizations is prohibited.

107. Turkmen legislation stipulates that employers must create healthy and safe conditions of work for employees and introduce the latest methods and technology to ensure that health and hygiene standards and labour protection regulations are complied with.

108. The conditions of a work agreement or contract must meet with the requirements of labour protection laws. They must contain a reliable description of the position, including harmful or dangerous production factors, and details of benefits and remuneration for arduous work and work involving harmful or dangerous conditions.

109. The management (employer) must introduce modern means of labour protection and provide working conditions that comply with safety and hygiene requirements and prevent industrial accidents and occupational ill-health. If the conditions of work do not correspond to standard requirements or a worker is not provided with the necessary means of individual protection, he or she is entitled to refuse to carry out the work until the workplace is brought into compliance with labour protection requirements. A worker's refusal to carry out work because of unfavourable or dangerous working conditions is not an offence, unless otherwise stated in the work agreement or contract. Workers retain their positions (posts) and average earnings during forced stoppages for which the management (employer) is to blame.

110. In the exercise of their official duties, State officials and civil servants have the right to advancement in service, in accordance with their qualifications, professional skills, abilities, and the conscientious performance of their official duties. Their financial remuneration is made up of their salary, salary supplements and bonuses.

111. Official retraining of State officials and civil servants is carried out as needed by the State or service concerned and taking into account experience of managerial and organizational work, skills and professional training.

112. Under article 45 of the Code of Labour Laws, the normal working time of workers in establishments may not exceed 40 hours a week. Article 46 prescribes shorter working hours for persons aged between 16 and 18 years, who work a 36-hour week, and persons aged between 15 and 16 (students aged between 14 and 15 employed in the holidays (art. 179)), who work a 24-hour week. The length of time worked by students in the school year during their free time may not exceed half the maximum working time laid down in the first paragraph of this article for persons of corresponding age; workers engaged in activities involving harmful conditions of work may not work for more than 36 hours a week. The list of industries, workshops, trades and positions that involve harmful conditions of work and which give rise to an entitlement to reduced working hours is approved by the Cabinet of Ministers. The legislation also prescribes shorter working hours for particular categories of worker (teachers, doctors, women working in rural areas, etc.).

113. Article 32 of the Constitution guarantees the right to leisure. Citizens' right to 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.

114. The duration of weekly uninterrupted rest may not be less than 42 hours. Under the Code of Labour Laws (article 59) workers are entitled to a break of no more than two hours for rest and food. The break is not included in working time. In general, breaks for rest and food must be offered every four hours after

commencement of work. Workers may use them at their discretion. They may be absent from their post during this time. In the case of jobs in which it is not possible to provide for breaks because of the conditions of work, workers must be allowed to take refreshment during working hours. The list of such jobs and the procedures, and place allocated, for taking refreshment are established by the management, by agreement with the establishment's trade union committee or body representing the workforce.

115. In the case of work performed in the open air or in closed premises during a hot time of the year, if the microclimatic conditions do not comply with the health standards laid down by the Cabinet of Ministers, workers are granted breaks or work may be interrupted (stopped). When work during a hot period is stopped because of high temperatures the employer has the right to transfer workers to other work with more favourable working conditions (Code of Labour Laws, art.59-1).

116. Workers are given two rest days for a five-day working week and one rest day for a six-day working week. The rest day is generally Sunday. If the second rest day for a five-day week is not determined by the employer, it is established by the enterprise's work schedule and must, as a rule, follow the general rest day.

117. In enterprises at which work cannot be stopped for production and technical reasons or because of the need to provide uninterrupted public services, and at other enterprises with uninterrupted production, rest days are provided on various days of the week to each group of workers in turn, in accordance with the schedule of shifts.

118. In enterprises at which work cannot be stopped on the general day of rest because of the need to provide public services (shops, consumer service enterprises, theatres, museums, etc.), rest days are determined by local authorities.

119. Double remuneration is paid for work on holidays and commemorative days (article 67 of the Code):

- a) Piece-rate workers are paid at twice the piece rate;
- b) Workers on hourly or daily rates are paid double;
- c) Workers on monthly salaries receive a single hourly or daily premium in addition to their salary if the work on a holiday or commemorative day was within the norm for their monthly working time, and a double hourly or daily premium if it was above the monthly norm.

If a worker who has worked on a holiday or commemorative day so desires, he may be given another day of rest.

120. The Leave Act, adopted in 1997, enables citizens to exercise their right to rest and regulates the duration of leave and the conditions in which it is granted. It established the following types of leave: daily paid basic leave of 24 calendar days, and 35 calendar days for workers in educational establishments and disabled persons. Under the Act, workers have the right to additional leave as follows:

- Additional leave of up to 15 days for jobs involving special conditions (the list of which is approved by the Cabinet of Ministers)
- Additional leave of up to 15 days for air crew and air traffic controllers

Provision is also made for additional leave for weddings and funerals, and for citizens who have reached the age of 62. In addition, the Act provides for social leave such as maternity leave of 112 calendar days and unpaid leave to care for a child up to the age of three. The Leave Act prescribes unpaid leave of varying

duration depending on the grounds, circumstances and need. Foreign nationals and stateless persons have the same right to leave as Turkmen citizens.

121. The concept of a new policy of meeting the population's needs for goods and services through wage and business income is set out in the national programme entitled "Strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020", adopted at the fourteenth meeting of the Khalk Maslakhata (National Council)¹ in 2003. The priority thrust of the national wages policy is to raise it by stages in all areas and sectors of the economy and in enterprises and organizations under all forms of ownership in order to increase citizens' real incomes and attain world standards of living. The main criterion in carrying out these measures remains the quality of employee's work and bringing their pay more into line with the level of their skills.

122. The labour laws provide for labour standards which form the basis for determining rates of pay. Under article 104 of the Code of Labour Laws, labour standards - for output, time, servicing and numbers - are established for workers in relation to the level of techniques, technology, organization of production and workforce attained. Enhanced and aggregated standards may be used for collective forms of organization.

123. Labour standards must be replaced by new ones as workplaces are assessed and rationalized and new techniques, technology and organizational and technical measures to increase productivity are introduced.

124. The wages policy currently pursued in Turkmenistan provides for flexible regulation of wages and income. The system of wages and their regulation is based on the average wage, as prescribed by law. The level of the national average wage is guaranteed by systematic Government decisions to increase it, with the aim of ensuring essential living standards and maintaining the purchasing power of real wages as part of social protection measures.

125. State authorities monitor observance at enterprises and in organizations of requirements relating to the established average wage. If these are found to have been infringed, the management of enterprises and organizations are liable under articles 41 and 225 of the Code relating to Administrative Offences and article 225 of the Code of Labour Laws.

Average wage of workers in the Turkmen economy*

| <i>Year</i> | <i>Average wage, thousands of manat</i> | <i>Average annual change (increase) in nominal wage, percentage</i> |
|-------------|---|---|
| 1997 | 185,5 | 156,9 |
| 1998 | 271,4 | 46,3 |
| 1999 | 330,7 | 21,8 |
| 2000 | 596,8 | 80,5 |
| 2001 | 878,1 | 47,1 |
| 2002 | 950,0 | 8,2 |
| 2003 | 1750,0 | 84,2 |
| 2004 | 1850,0 | 5,7 |
| 2005 | 2503,0 | 35,3 |

| <i>Year</i> | <i>Average wage, thousands of manat</i> | <i>Average annual change (increase) in nominal wage, percentage</i> |
|---------------------|---|---|
| 2006 | 2504,7 | 0,1 |
| 2007 | 2535,7 | 1,2 |
| 2008 (projected) | 2900,0 | 14,4 |

* at large and medium-sized enterprises

126. Under article 40 of the Enterprises Act of 15 June 2000, an enterprise functions through the use of workers' labour. Relations between the enterprise and a worker are governed by a labour agreement (contract) or contract agreement. Any terms in the labour agreement (contract) that makes a worker's situation worse than that provided for by law are invalid. An enterprise must pay its workers the minimum wage and provide the health and safety conditions and social protection measures prescribed in Turkmenistan.

127. The Farmers' Unions Act of 30 March 2003 stipulates that citizens working under a labour agreement shall be paid a wage. It does not depend on the results of the farmers' union, unless there is a special agreement to that effect, and may not be less than the established average wage in Turkmenistan.

128. The basic legislative instrument aimed at securing citizens' rights to healthy and safe work is the Labour Protection Act. Article 5 of the Act sets out the basic aims of labour protection policy:

- The priority of workers' life and health over the results of the enterprise's work and responsibility of enterprises to create safe and healthy working conditions
- The comprehensive resolution of labour protection issues through State and targeted programmes
- Social protection of workers, full compensation for injury to workers resulting from industrial accidents, occupational disease or other damage to health sustained in the performance of their duties
- The establishment of unified labour protection standards for all enterprises
- Protection of workers' health, hygiene and safety
- International cooperation in resolving labour protection issues and use of world experience of organizing efforts to improve working conditions and workers' safety

129. The requirements applicable to ensuring workers' safety are established on the basis of scientifically valid standards, regulations and norms. The administration (employer) ensures that the requirements set out in the collective agreement are met and draws up labour protection instructions. Any work in an enterprise, workshop or sector, operation of means of production or use of production that does not meet safety requirements and creates a direct threat to workers' health or life may be halted by the authorities until they are brought into line with labour protection requirements.

130. Citizens are protected against discriminatory acts intended to infringe their freedom in recruitment matters by the independence of the judicial power (Constitution, art. 99 and 101), the right to professional legal assistance

(Constitution, art 108), the work of the procuracy (Constitution, art. 110), law-enforcement agencies and trade unions (the department for the protection of social and economic rights of member unions of the National Trade Union Centre of Turkmenistan and the corresponding geographical trade union sections), relevant legal procedures laid down in the civil procedure laws of Turkmenistan and the Code of Labour Laws (chapter XIV, "Labour Disputes", art. 208-231) and by an act of a body of State administration or local government being declared invalid (Civil Code, art. 11, para. g).

131. In the sphere of labour hygiene, there are sanitary laws and regulations for various industrial sectors. The sanitary and epidemiological service studies sanitary and hygienic working conditions and conducts hygienic assessments of the productive environment, prevents occupational hazards of production and occupational disease, and monitors the sanitary working conditions of women and young people.

132. State monitoring of labour protection is carried out by the State standards service in accordance with its Statutes. Social monitoring of compliance with the legal rights and interests of workers with respect to labour protection is carried out by trade unions, through their technical inspectorates operating in accordance with the Technical Inspectorates Regulations.

133. In 1997 the Cabinet of Ministers of Turkmenistan approved the List of arduous work and work involving harmful or dangerous working conditions, which provides that workers are given additional paid leave, of a duration prescribed by law, and that they are entitled to a shorter working day.

134. Material, disciplinary, administrative and criminal charges may be brought, in the manner prescribed by law, against officials and workers guilty of infringing labour protection legislation. The legislation provides that in the event of the death of a worker the enterprise must pay material damages to persons entitled to them, in the manner and amount prescribed by law, and must also pay a lump sum in the amount of the earnings lost, calculated up to retirement. The minimum amount of the lump sum must be:

- For death - not less than ten times the annual wage

In case of disability:

- Group I - not less than five times the annual wage
- Group II - not less than three times the annual wage
- Group III - not less than the annual wage
- In case of an accident resulting in temporary incapacity for a period of more than four consecutive months - not less than half the annual wage

135. The Presidential Resolution of 13 January 1999 set out the Regulations on Investigating and Recording Industrial Accidents and the Rules for Compensating Damage to Workers through Industrial Accidents, Occupational Disease or Other Damage to Health related to the Performance of Duties at Work, which govern the procedure for investigating industrial accidents.

Article 8

The right to form trade unions

136. Under article 30 of the Constitution, citizens may form political parties or other public associations operating 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 with ethnic or religious attributes, are prohibited.

137. The freedom to gather, meet and hold demonstrations in a lawful manner is guaranteed (Constitution, art. 29).

138. Under article 232 of the Code of Labour Laws, workers have the right to form trade unions. According to the Trade Unions Regulation, trade unions are voluntary associations formed by citizens having common interests depending on the type of their activity in production and non-production areas in order to formulate, realize and defend the work-related, social and economic rights and interests of their members. Trade unions in Turkmenistan are non-political independent public associations.

139. In order to enhance the unity of national advancement, to carry out their statutory tasks of defending the rights and interests of their members, and to manage trade-union organizations and professional bodies, trade unions established the National Trade-Union Centre of Turkmenistan. Under the Regulation, any citizen may be a trade-union member, provided he or she accepts the Regulation, is registered with a primary trade-union organization and pays his or her membership dues. A trade-union member has the right to:

- Have the trade union defend his or her legitimate interests and present them to the authorities and management and to employers, and to apply to any professional organization
- Receive social assistance, support and free legal assistance from the trade union
- Stand for election, elect and be elected to trade-union organs
- Leave the trade union on the basis of a personal statement

140. Under a Presidential Decree on social partnerships in the area of social and labour relations, adopted in 1992, annual agreements on social and economic issues are signed by the Government, the Council of the Federation of Trade Unions of Turkmenistan and the authorized representatives of entrepreneurs. These agreements set out obligations regarding employment, gradual upgrading of social insurance, social protection for the most vulnerable population groups, and guaranteed income increases in proportion to the stabilization of the economy. Similar agreements are signed between local authorities and trade-union bodies.

141. In order to facilitate the implementation of trade union action in the country, a Presidential Resolution was issued in 1994, approving and supporting a National Trade-Union Centre initiative for launching a nation-wide patriotic movement under the slogan “Our contribution to Turkmenistan’s social and economic development”. In that framework, ministries, departments, provincial governors and city and regional authorities, together with trade-union organs, actively participate in annual assessments of the movement’s achievements. Work collectives and leading workers that have attained outstanding results through their labour receive distinctions and rewards, and the most successful are awarded State prizes.

142. There are currently 1,066,462 trade-union members in Turkmenistan, including 471,774 women. Trade-union membership consists of the following social groups:

- Manual workers - 302,125 members
- Farm workers - 418,217 members, the remainder being civil servants and engineers and technicians

143. Under the law, trade unions, within the limits of their power, represent and protect their members' social, economic, employment and other rights and provide their members with material assistance.

144. The organizational structure of trade unions is based on a combination of production-related and regional principles and comprises the following:

- Primary trade-union organizations: 6,588;
- Industry trade unions: 16;
- Provincial trade-union associations: 5;
- National Trade-Union Centre.

The highest trade-union body is the Congress, which meets once every five years. Citizens serving in the armed forces and the police may not be trade-union members concurrently with such service.

145. Trade unions are independent in their activities and are subject only to the Constitution and the laws of Turkmenistan. They are not accountable or subordinate to bodies of State power and administration, employers, political parties or other public associations. Any interference that may restrict the rights of trade unions or hamper their establishment is prohibited, unless otherwise prescribed by law.

146. Membership or non-membership of a trade union does not entail any limitation of the labour, social, economic, political or personal rights and freedoms of citizens guaranteed by the Constitution.

147. In labour relations, members and non-members of trade unions enjoy the same rights.

148. No strike has ever occurred so far in Turkmenistan.

149. Technical and legal labour inspections to supervise and monitor compliance with labour legislation and labour protection rules are carried out by trade unions.

150. Under article 4 of the Trade Unions Regulation, trade unions may establish bilateral relations and cooperation with trade unions in other countries and also with international trade union associations.

Article 9

The right to social security

151. Citizens have the right to social security if they are elderly, sick, disabled, no longer able to work, have lost the breadwinner, or are unemployed. Families with many children, children who have lost their parents, and war veterans and other people whose health has suffered in defence of governmental or social interests are provided with additional assistance and benefits out of State and social funds.

152. Social security in Turkmenistan is a State system of material and social services for citizens who are unable to work, the disabled, families with children and other persons,

effected through the payment of pensions and State allowances and provision of social benefits. Citizens of Turkmenistan, foreign nationals and stateless persons permanently resident in Turkmenistan have the right to social security. Citizens of all categories enjoy this right in equal measure irrespective of race, gender, ethnicity, religion, type of employment or place of residence.

153. The Social Security Code was adopted on 17 March 2007 with the aim of improving the social security system. It set out measures intended further to raise the standard of living of pensioners, recipients of allowances and other categories of citizens requiring social protection.

154. Current legislation provides for the following types of social assistance in Turkmenistan:

- Old-age pension
- Allowance for temporary incapacity
- Allowance for pregnancy and childbirth
- Allowance for the birth of a child
- Allowance for childcare
- Allowance for disability
- Allowance for loss of the breadwinner
- Social allowance
- Lump sum award for an important date - reaching the age of 62
- Payments and services in the form of State support

155. A base rate established by Presidential documents is used to determine minimum pensions and State allowances. The base rate has been set at 500,000 manat since 1 July 2007. Pensions and allowances, with the exception of those for temporary incapacity and pregnancy and childbirth, are not taxable. It is planned to establish a Pension Fund and introduce a standard cumulative pension system in 2012.

156. The allowance for temporary incapacity is paid to persons who have lost their ability to work during a working period. It is paid up to the time of the worker's recovery or the end of the disability. The amount of the allowance depends on the worker's earnings and length of service, and the number of days of unfitness to work. It amounts to:

- 60 per cent of earnings for up to five years' service
- 80 per cent of earnings for from five to eight years' service
- 100 per cent of earnings for eight years' service and more

The allowance amounts to 100 per cent of earnings irrespective of length of service for:

- Persons who became unfit for work as a result of an industrial accident (injury) or occupational disease
- Persons under the age of 18
- Persons under the age of 21 who do not have both parents
- Persons officially registered as disabled
- Mothers bringing up a disabled child up to the age 16 or with three or more dependent children under the age of 16

- Persons who became unfit for work following blood donation
- Veterans of foreign wars
- Persons who became unfit for work as a result of the effects of radiation

157. The allowance for pregnancy and childbirth is paid to working women who are entitled to maternity leave. Maternity leave is granted for not less than 112 calendar days. The amount of the allowance is calculated on the basis of earnings and the number of days of maternity leave.

158. This type of allowance was introduced from 1 July 2007. The mother or father of a child that has been born is entitled to the allowance irrespective of his or her employment. The amount of the allowance following a birth is:

- First and second child - base rate
- Third child - twice the base rate
- Fourth child and subsequent children - four times the base rate

The allowance is paid in a lump sum to one of the parents.

159. Before 1 July 2007, the allowance for childcare was paid only to parents who were unfit for work until the child's third birthday, at 40 per cent of the base rate. Since that date, it has been paid to parents of children up to the age of 18 months at 50 per cent of the base rate. The allowance is paid irrespective of employment.

160. Pensions in Turkmenistan are provided through State social security and voluntary pension insurance. They 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, 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. 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 example: women having given birth to and brought up three children - at 56, four children - 55, five or more children or having brought up a disabled child - 54; male military personnel - 52, female military personnel - 48; aircrew: male - 50, women 48. Pensions are determined and paid irrespective of employment.

161. Persons registered as disabled are subdivided into the following categories: disabled children up to the age of 16; those disabled since childhood; those disabled as a result of general diseases in groups I, II and III; those disabled as a result of an industrial accident (injury) or occupational disease. Allowances for disability are paid to persons officially registered as being disabled irrespective of whether or not they are insured through social security. The amount of the allowance depends on the disabled person's earnings and length of service and it is paid irrespective of employment. A disabled person without service is paid the minimum allowance. Disabled persons in groups I and II are paid a supplement amounting to 20 per cent of the base rate for each child. Disabled persons in group I and single persons in group II because of eyesight are paid an additional care supplement of 20 per cent of the base rate. There are more than 776,000 disabled persons in the various categories in Turkmenistan, 10,700 of whom are disabled children under the age of 16.

162. Allowances for loss of the breadwinner are paid to dependants irrespective of whether or not the breadwinner was insured through State social security. The following are considered dependants: children (including adopted children and stepchildren) under the

age of 18; brothers, sisters and grandsons under the age of 18 (if they do not have able-bodied parents); father, mother (including adoptive parents), husband, wife, grandfather and grandmother if they have reached pensionable age or are disabled and are not receiving a pension or allowance. The allowance is calculated as a percentage of the base rate, in relation to the number of dependants, as follows:

- For one dependant - 60 per cent
- For two - 110 per cent
- For three - 130 per cent
- For four or more - 150 per cent

The allowance for orphans and children whose single mother has died is calculated as a percentage of the base rate, as follows:

- For one - 120 per cent
- For two - 200 per cent
- For three or more - 250 per cent

163. Before 1 July 2007, men over the age of 67 and women over the age of 62 without a permanent source of income and not receiving any allowance received social assistance. Since that date, men over the age of 62 and women over the age of 57 not having the right to a pension are entitled to receive social assistance in the amount of 60 per cent of the base rate.

164. Under a Presidential Decree, citizens reaching the age of 62 are paid a lump sum: workers in accordance with their wages; pensioners in accordance with their pension; recipients of an allowance in accordance with the allowance. These payments are made from the national budget.

165. State support is provided to the least well-off persons who are not entitled to a pension, while State assistance is provided to persons whose average income is less than the minimum consumer budget. State support in the form of monetary payments is provided from the national centralized budget, while support in the form of free or concessional social services is provided through the resources of enterprises, organizations and institutions.

166. There are six social service centres in Turkmenistan to provide social amenities and social medical services, and to ensure the social integration of elderly and disabled citizens living alone. In 2007, 130 persons received these services in day and 24-hour centres, and 1,859 at home.

167. Basic social services indicators

| <i>Indicators</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|--|---------------|---------------|---------------|
| number of pensioners | 171 594 | 173 187 972,9 | 246 339 917,9 |
| average monthly pension, thousands of manat | 1 009,2 | | |
| number of persons receiving allowances, ¹ | 122 722 278,3 | 121 993 | 246 979 |
| average amount of monthly allowance, ² | | | |
| thousands of manat | | 273,5 | 423,0 |
| of which: | | | |
| number receiving allowance for disability | 73 952 | 73 813 | 76 271 |

| <i>Indicators</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|---|-------------|-------------|-------------|
| average amount of monthly allowance, thousands of manat | 279,6 | 275,9 | 416,9 |
| number receiving allowance for loss of the breadwinner | 47 691 | 46 787 | 51 170 |
| average amount of monthly allowance, thousands of manat | 278,2 | 270,0 | 483,8 |
| number receiving allowance for childcare | 8 | 8 | 110 053 |
| average amount of monthly allowance, thousands of manat | 200,0 | 200,0 | 250,0 |
| number receiving social assistance | 1 071 | 1 385 | 9 485 |
| average amount of monthly allowance, thousands of manat | 200,0 | 200,0 | 300,0 |
| Number of persons paid a lump sum on the birth of a child | - | - | 30 956 |
| Lump sum, billion manat | - | - | 23,6 |
| Expenditure on social services, billions of manat | 3 054,5 | 2 458,5 | 3 084,5 |
| of which: | | | |
| on pensions, billion manat | 2 657,5 | 2 053,3 | 2 345,6 |
| on allowances ² , billion manat | 397,0 | 405,2 | 738,9 |

¹ Not including allowances for temporary incapacity, pregnancy and childbirth, or the birth of a child.

² Not including allowances for temporary incapacity or pregnancy and childbirth.

168. Funding of pensions and State allowances

| <i>Type</i> | <i>Source of funding</i> |
|---------------------------------------|---|
| Work pension | 20 per cent of the provision for social security paid by the employer from the wages fund |
| Disability pension | |
| Allowance for loss of the breadwinner | |
| Cumulative pension | Not less than 2 per cent of workers' pension contributions from the wages fund |
| Allowance for temporary incapacity | From enterprises' own resources |
| Pregnancy and childbirth allowance | |
| Allowance for the birth of a child | |
| Childcare allowance | Resources of the national centralized budget |
| Social assistance | |
| State support | |
| | |

169. Expenditure on pensions, State allowances and other social payments as a percentage of GDP

| <i>Year</i> | <i>Per cent</i> |
|-------------|-----------------|
| 2000 | 3.75 |
| 2001 | 4.70 |
| 2002 | 3.46 |
| 2003 | 3.58 |
| 2004 | 3.85 |
| 2005 | 4.05 |
| 2006 | 2.72 |
| 2007 | 2.89 |

The reduction in the percentage of expenditure on pensions, State allowances and other social payments in relation to GDP in Turkmenistan stems from the high rates of economic growth and relatively low rates of growth in the number of persons receiving social payments and expenditure on funding them.

170. The Government of Turkmenistan is cooperating actively with the United Nations in the social sphere. Under the Framework Agreement to promote development in 2005-2009 signed between the Government of Turkmenistan and the United Nations, the Turkmen Ministry of Social Welfare, together with UNDP, is carrying out a programme entitled "Support for the social protection system". Under this programme, UNDP is undertaking measures to raise the level of professional skills of specialists and organizing training seminars with the participation of international experts.

Article 10

The right to marry and to a family life

171. Under article 27 of the Constitution, upon reaching the legal age for marriage, women and men may mutually consent to join in wedlock and form a family. The spouses enjoy equal rights in family relations. Parents and substitute parents have the right and obligation to raise the children, care for their health, development and education, prepare them for work, and instil in them the culture of respect for the law and for historical and national traditions. Adult children are obliged to take care of their parents and to extend support to them.

172. Article 4 of the Marriage and Family Code stipulates that all citizens have equal rights in family relations. No direct or indirect restriction of rights may be established, or any direct or indirect preference, upon entry into marriage or in family relations on grounds of origin, social or property status, racial or ethnic affiliation, gender, education, language, attitude to religion, type and nature of occupation, place of residence or other factors.

173. The Government has manifested its concern for the family by setting up and developing an extensive network of maternity wards, nurseries, day-care centres, boarding schools and other child care establishments or organizations, improving consumer services and nutrition, ensuring the payment of childbirth benefits, providing for allowances and advantages for single mothers and large families, and making available various other family benefits and support.

174. In Turkmenistan, motherhood is surrounded by honour and respect and is protected and encouraged by the State. The interests of the mother and the child are safeguarded through special measures for women's occupational safety and health protection, measures facilitating the reconciliation of work and motherhood, legal protection, and material and moral support for mothers and children, including pregnancy and maternity leave with pay and other benefits for pregnant women and mothers.

175. Marriages are concluded in the State civil registries. They are registered both in the State and the public interest and to protect the personal and property rights and interests of spouses and children. The rights and obligations of spouses arise only from a marriage that is concluded in a State civil registry.

176. Marriages may be concluded one month after an application to marry is made to a civil registry. If there are valid reasons, the civil registrar may reduce the period of one month or extend it, but not to more than three months. Marriages are concluded in a solemn manner. The civil registry, with the consent of the spouses, ensures that the marriage is registered in a solemn setting.

177. Citizens of Turkmenistan may marry foreign nationals or stateless persons by concluding a marriage contract setting out the property rights and duties of the spouses, and also their obligations regarding the maintenance of children and of an incapacitated spouse requiring material assistance, as provided in the Code. The marriage contract is deemed valid once it has been signed by the spouses and registered by the civil registry. Marriages between Turkmen citizens and foreign nationals or stateless persons may be concluded three months after an application to marry is made, and if necessary this period may be extended to six months.

178. The mutual consent of the future spouses and their attainment of the minimum age for marriage are required for the conclusion of a marriage. To marry a Turkmen citizen, a foreign national or stateless person must also have resided in Turkmenistan for at least one year.

179. The marriage age is set at 16 years. For citizens of Turkmenistan who are marrying foreign nationals and stateless persons, the marriage age is set at 18 years.

180. Article 14 of the Preservation of Citizens' Health Act of 14 December 2002 states that, in accordance with the Constitution, all citizens, regardless of ethnicity, race, gender, origin, property and official status, place of residence, language, attitude to religion, political beliefs, or membership of a party or of no party, are guaranteed the right to health care. Turkmen citizens abroad are guaranteed the right to health care in accordance with Turkmenistan's international agreements. Citizens are guaranteed the right to State voluntary medical insurance.

181. Foreign nationals in Turkmenistan are guaranteed the right to health care in accordance with Turkmenistan's international agreements. Foreign nationals and stateless persons temporarily or permanently in Turkmenistan and refugees have the same rights to health care as Turkmen citizens, unless otherwise stated in Turkmenistan's international agreements.

182. The right of pregnant women and mothers to health care is secured through:

- The organization and conduct of preventive measures, the introduction into medical practice of modern scientific advances aimed at the prevention and treatment of gynaecological illnesses and prenatal, childbirth and post-natal complications, the detection of anaemia, and the promotion of a healthy lifestyle among women
- Studies on contraception by effective and harmless means and methods and on preventing abortion

- The provision, during pregnancy and during and after childbirth, of free skilled specialist medical care in establishments of the State health system
- The provision of social and legal help in accordance with Turkmen legislation

183. The State guarantees pregnant women the right to work in conditions corresponding to their physical particularities and state of health. All pregnant women, during pregnancy and during and after childbirth until the child reaches the age of one year, and also children up to the age of one year, have the right to free specialized medical care and other benefits in general health clinics in the State health care system. The benefits available to women, during pregnancy and during and after childbirth until the child reaches the age of one year, and also to children up to the age of one year, are listed in the comments on article 9 of the Convention above.

184. The maternity guarantees and benefits accorded to pregnant women (restriction of night and overtime work, restriction of assignment to work on holidays, festivals and commemorative days and of assignments away from the workplace, unpaid leave, creation of special working conditions and other guarantees and benefits established by current legislation) also apply to fathers raising children without a mother (if she is deceased, has been deprived of parental rights or requires long-term treatment in a medical facility, and in other cases of the absence of maternal care), and to tutors and guardians of minors.

185. With a view to protecting their health and that of their offspring, citizens entering into marriage in Turkmenistan have the right to medical and medico-genetic examination in appropriate health clinics of their choosing.

186. The Rights of the Child (Guarantees) Act of 5 June 2002 stipulates that all children living in Turkmenistan have equal rights, irrespective of their or their parents' or other legal representatives' ethnicity, race, gender, language, faith, social origin, property or other status, education or place of residence, and regardless of the circumstances of their birth, their state of health or other factors.

187. A child has the right to exercise all of its acknowledged rights and freedoms. The realization of rights and freedoms must not adversely affect a child's life, health, education and overall development. Equal rights for children are guaranteed by the country's legislation and other regulatory instruments and universally recognized principles and standards of international law.

188. Turkmenistan's State policy for children provides for:

- Legislative support for children's rights and legitimate interests and consequent prohibition of discrimination against children, and restoration of their rights in the event of violations
- The development and implementation of special State programmes to secure children's rights and legitimate interests, and support for mothers and children
- The establishment of State social norms for children's living standards
- The promotion of children's physical, intellectual, spiritual and moral education and development
- Support for and cooperation with social and other organizations working in the interests of children
- Fulfilment of Turkmenistan's international obligations concerning protection of children's rights and legitimate interests

State orders for the production of goods and provision of services for children may be placed as part of measures to implement the State policy for children.

189. Children have the inalienable right to life and to normal conditions of physical, mental and spiritual development. The State and its relevant organs adopt legal, economic, social and other measures to ensure normal conditions for the life and development of children, and a healthy and safe home environment.

190. From the time of their birth, children have the right to preserve their identity, including citizenship, ethnicity, first name, surname and family ties. A child's birth is officially registered in a civil registry.

191. No child may be left without essential means of support or without care and custody. Children's right to the necessary standard of living is ensured by their parents or legal representatives, State authorities and administrations, and local executive bodies and local government authorities.

192. Children have the right to live in the family with their parents or legal representatives and may not be separated from them against their will, except in cases provided for in Turkmen legislation. Children who do not live with their parents or legal representatives have the right to maintain personal relations with them and receive information about them if that does not harm the child or infringe secrecy of adoption. The State and relevant State bodies promote family reunification.

193. Violation of a child's right to privacy through violent or unlawful interference injurious to a child's honour, dignity, affections or reputation is prohibited.

194. Children have the right to freedom of conscience, faith and the free expression of their opinions and views. The views and wishes of children must be taken into account, depending on their age and maturity, in all decisions affecting them.

195. Children are entitled to work as determined by their age, health, education and vocational training. The child's right to work arises at the age of 16. A contract of employment may be concluded with a child from the age of 16. A child may be allowed to work from the age of 15 with the written consent of one of his or her parents (or his or her legal representative). The conditions and manner in which child labour may be used, and the benefits accorded child workers, are established by law. State bodies draw up the list of positions available for children.

196. The State protects children against all forms of exploitation in the workplace through a range of legal, economic, social, medical and pastoral measures. No child may be employed in work hazardous to health or that might endanger his or her physical, mental or moral development. Children are not permitted to engage in work connected with the manufacture or sale of tobacco products or alcoholic beverages. It is prohibited for students to be employed during the academic year on agricultural or other work not connected with their education.

197. The Young People's Right to Work (Guarantees) Act of 1 February 2005 prohibits the conclusion of a contract of employment with a child under the age of 16 years; children who have reached the age of 15 years can take a job only with the written permission of one of their parents (tutor or guardian) and if the job will not hamper the continuation of their studies at school. Employers, irrespective of the form of ownership, are prohibited from using minors for arduous, harmful or dangerous, or underground work. Parents, tutors and guardians must not use a child to perform work involved in a permanent job, especially work that takes a child away from his or her studies or that entails a violation of the child's rights and interests as enshrined in Turkmen laws and regulations and the generally recognized norms of international law. The work of children, regardless of the form in which it is carried out and whether it is permanent or temporary, must not hamper their studies at school. Infringement of children's employment rights is punishable by law. The Young People's Right to Work (Guarantees) Act was adopted in 2005. Today, a contract of

employment may be concluded with a young person aged 16; children who have reached the age of 15 years can take a job with the written permission of one of their parents, provided the work will not hamper the continuation of their studies at school. This Act revokes part of article 179 of the Code of Labour Laws, in which the minimum age at which a contract of employment could be concluded with the consent of one of the parents was set at 14. Turkmenistan has an extensive system of State protection of the work of young people against economic exploitation and situations which may constitute a danger to health, harm physical, mental and spiritual development, or hamper education. Measures to protect young people's work are set out, principally, in the Code of Labour Laws and the Labour Protection Act. The Code of Labour Laws sets out jobs which may not be done by persons under the age of 18 (art. 181), prohibition of employment of workers under the age of 18 for night and overtime work (art. 183), obligatory annual medical examinations for persons under the age of 18 (art. 182), restrictions on the dismissal of workers under the age of 18 years (art.189) and annulment of the contract of employment with workers under the age of 18 at the request of parents or guardians (art. 190). The number of working young people in Turkmenistan under the age of 16 is not high. They constitute no more than 0.2 per cent of the total number of workers at large and medium-sized enterprises.

198. Anyone under 18 can be employed only after undergoing a medical check-up; thereafter, they are subject to a mandatory annual check-up to the age of 18, conducted during working hours and paid at the average wage.

Article 11

Standard of living

199. The first standard-of-living survey of the population in Turkmenistan was carried out in the spring of 1998 with the cooperation of the World Bank. It resulted in the formation and analysis of a database on basic key indicators of the standard of living of Turkmenistan's population as of 1998. The next survey of this kind was carried out five years later, in 2003, on the basis of an agreement between the Government of Turkmenistan and the Asian Development Bank for purposes of monitoring and revealing basic trends and changes in the indicators. According to the Survey of the Standard of Living of the Population of Turkmenistan (2003), total household incomes rose 6.1 times between 1998 and 2003. The difference in incomes by province was reduced by more than 3 times, and that between high-income and low-income groups by 4 times. The income of the wealthiest among the population was 3.7 times higher than that of the poorest. The degree of differentiation of the population by level of material sufficiency was substantially reduced. In 1998 the wealthiest 20 per cent (fifth quintile) accounted for 55.7 per cent of total incomes, excluding social transfers. This proportion has more than halved over the past five years, to 27 per cent in 2003. During the same period, the proportion of incomes in the least well-off household groups rose to 15 per cent. The real incomes of inhabitants of Turkmenistan in this period increased 3.6 times. Because of low rates of income tax and favourable conditions for its payment, disposable incomes rose 5.1 times in 2003 compared with 1998.

200. Turkmenistan is a socially oriented State. The domestic policies of the country's new leadership are aimed at bringing a decent standard of living and security to the population, protecting citizens' rights and freedoms, developing democratic processes and establishing a legal system. Since 1993, Turkmenistan has provided its citizens, free of charge, with gas, electricity, water, table salt, medical care, and the opportunity to receive free secondary and higher education. By a resolution of the People's Council of Turkmenistan of 25 October 2006, the use by citizens, free of charge, of natural gas,

electricity, drinking water and salt has been extended until 2030. Token charges have been set for municipal services, telephone service and public transport.

201. Turkmenistan's State budget for 2009 will amount to 294.5 trillion manat (58.9 billion old manat). Income and expenditure will be 39.5 per cent higher than in the State budget for 2008. Social investments - in education, the social security system and public health - will rise by 13 per cent compared with 2008 to 18.1 trillion manat. GDP is expected to increase by 110.7 per cent compared with 2008, with inflation at 7-8 per cent. The priority status of Gurbanguly Berdimuhamedov's social policy is vividly reflected in Turkmenistan's legislation and legal practice. A Social Security Code has been adopted: it focuses principally on measures to protect the mother and child, introduces new measures for the birth of a child and child care up to the age of 18 months, addresses issues of job placement and vocational training for the disabled and provides for State support for the most vulnerable segments of society. The Head of State's Decree increasing wages, allowances and pensions by 10 per cent from 1 January 2009 was an important advance in ensuring the population's social protection. The State is particularly concerned to improve the living standards of citizens of Turkmenistan: to this end, it has accorded them the right to a mortgage at a rate of 1 per cent per annum over a period of 30 years. The President's national programme for the transformation of social and living conditions in villages, settlements, towns, districts and district centres for the period up to 2020 has been adopted and is being implemented, with a view to ensuring a high level of social welfare. On the initiative of the President, a new district, Rukhubelent, has been created in the Dashoguz province. Currently more than 40 social and economic facilities have been built there, including a cultural centre, an automatic telephone exchange with telegraph, internet access area and honeycomb connection, a farmers' market and commercial centre, more than 20 residential cottages, a school, and a clinic and hospital boasting state-of-the-art medical equipment. The provision of amenities and development of the infrastructure will create new jobs and increase economic efficiency. The main aim of the of the extensive programme being carried out in the Esenguly district at the initiative of the President, Gurbanguly Berdimuhamedov, is to ensure that rural inhabitants have a good quality of life and favourable working conditions that are as close as possible to those of the urban population. More than 20 modern facilities, including a clinic and district hospital, a multimedia school with 500 pupils, a palace of culture and a carpet factory, have been built in Esenguly settlement over a short period of time. The Turkmenistan Stabilization Fund was set up by the Presidential Resolution of 22 September 2008 to promote the stable economic development of Turkmenistan, use of the surplus of income over expenditure in the centralized budget and the further enhancement of national welfare. The Fund will also enable the dependence of the national economy on the oil and energy complex to be reduced and lessen the negative impact of external factors. The Fund's resources will be used for the social and economic development of Turkmenistan and will be allocated, through transfers, to the implementation of all kinds of budget programmes and the introduction of modern technology and state-of-the-art equipment. Part of the Fund's assets, known as the "resources for future generations", will be invested, with minimal risk, in high-income long-term financial shares and enterprises.

202. Article 24 of the Constitution stipulates that every citizen has the right to State support in the receipt or acquisition of well-constructed living space and in the construction of individual housing. The home is inviolable. No one has the right to enter a home or in any other manner infringe the inviolability of a home against the wishes of the inhabitants or illegally. Citizens have the right to defend their homes against unlawful encroachments. No one may be deprived of her or his home otherwise than on grounds established by law.

203. The basic features of State social policy are the direct raising of the Turkmen people's wellbeing, the fuller satisfaction of its material and cultural needs and the improvement of living conditions in all provinces of the country. One of the principal

measures taken by the State to encourage the development of small and medium-sized towns, especially in rural areas, has been the approval by the President of his National Programme for the transformation of social and living conditions in villages, towns, cities, districts and district centres by 2020. The objective of the Programme is the improvement of living conditions for people living in the countryside and small towns, the development of the physical infrastructure and the social development of rural settlements, villages, towns and district centres. The Programme will be carried out in three phases, 2008-2010, 2011-2015 and 2016-2020. Overall investment in the Programme is estimated at about \$US 4 billion.

204. The Programme calls for modern district social and economic infrastructure to be built: hospitals, convalescent homes and health centres, pre-school institutions, secondary schools, cultural centres, sport schools and sporting facilities, water and sewage networks, wells, roads, gas pipelines, electricity supply lines and installations, improved communications and housing. Construction of 5,222,400 m² of high-comfort housing is planned by the year 2020. A programme of immense importance for the entire country is the project initiated by the Head of State to create a national tourist zone, "Avaza", which will create thousands of new jobs, not only in tourism and leisure, but also in related economic sectors such as transport and communications, construction, and the food, fishing and textile industries. International practice shows that free economic zones generate average annual increases in employment of 50 per cent and more in the province concerned, thereby having a very positive impact on people's lives. On the initiative of the President, implementation has now begun of a new project for the construction of an Olympic city in Ashgabat. It is planned to erect this grandiose complex, unparalleled in the region, in one of the beautiful corners of the white-marble capital. It will have about 30 facilities, including a sports palace for ice-hockey seating 10,000 spectators, with a special-purpose boarding school for Turkmenistan's future Olympians, a Paralympics centre, open-air and closed pools for swimming and diving, more than 10 tennis courts, a closed cycling track with an internal arena for bowls, badminton and table-tennis, a football pitch, training areas and halls for five-a-side football, weightlifting, fencing and boxing, sports games and gymnastics, and many more.

205. Economic development in Turkmenistan is typically socially oriented, and that is why the prices of housing and municipal services are kept low. Under the national programme entitled "Strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020", State support is provided for rental of municipal housing, use of public transport and telephone subscriptions. In 2007, according to a sample survey of household budgets, the proportion of total income spent by a household on housing and municipal services was 0.2 per cent per month.

a) Living space, m² per person

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Turkmenistan | 17.8 | 18.3 | 19.2 | 19.4 | 19.6 | 19.7 | 19.8 | 19.9 |
| Ashgabat | 14.7 | 15.2 | 15.8 | 16.0 | 16.2 | 16.3 | 16.4 | 16.5 |
| Provinces: | | | | | | | | |
| Akhal | 15.3 | 15.7 | 16.3 | 16.5 | 16.6 | 16.7 | 16.7 | 16.9 |
| Balkan | 13.8 | 14.0 | 14.6 | 14.7 | 14.7 | 14.8 | 15.3 | 15.3 |
| Dashoguz | 19.7 | 20.2 | 21.1 | 21.4 | 21.5 | 21.7 | 21.8 | 21.9 |
| Lebap | 19.0 | 19.5 | 20.3 | 20.5 | 20.8 | 20.9 | 21.1 | 21.3 |
| Mary | 189.9 | 20.4 | 21.3 | 21.5 | 21.7 | 21.8 | 21.8 | 22.0 |

b) Breakdown of the housing fund by form of ownership

| | 2000 | 2007 |
|-----------------------------|------|------|
| Turkmenistan | | |
| Housing fund - total | 100 | 100 |
| Of which: State social fund | 21.6 | 19.8 |
| private housing fund | 78.4 | 80.2 |
| Ashgabat | | |
| Housing fund - total | 100 | 100 |
| Of which: State social fund | 62.3 | 65.6 |
| private housing fund | 37.7 | 34.4 |
| Akhal province | | |
| Housing fund - total | 100 | 100 |
| Of which: State social fund | 17.6 | 15.6 |
| private housing fund | 82.4 | 84.4 |
| Balkan province | | |
| Housing fund - total | 100 | 100 |
| Of which: State social fund | 40.7 | 37.4 |
| private housing fund | 59.3 | 62.6 |
| Dashoguz province | | |
| Housing fund - total | 100 | 100 |
| Of which: State social fund | 11.2 | 10.1 |
| private housing fund | 88.8 | 89.9 |
| Lebap province | | |
| Housing fund - total | 100 | 100 |
| Of which: State social fund | 17.4 | 15.4 |
| private housing fund | 82.6 | 84.6 |
| Mary province | | |
| Housing fund - total | 100 | 100 |
| Of which: State social fund | 16.5 | 14.3 |
| private housing fund | 83.5 | 85.7 |

c) Housing fund amenities installed, percentage

| | 2000 | | | 2007 | | |
|----------------------|-------|------|----------|-------|-------|----------|
| | total | town | villages | total | towns | villages |
| Turkmenistan | | | | | | |
| central water supply | 54.2 | 80.2 | 28.0 | 55.8 | 82.1 | 29.5 |
| central sewerage | 31.8 | 61.2 | 1.7 | 33.4 | 63.5 | 2.5 |
| gas | 98.6 | 99.1 | 95.0 | 99.8 | 99.9 | 98.0 |
| central heating | 30.9 | 58.8 | 1.9 | 32.7 | 60.6 | 2.7 |
| bath (shower) | 30.4 | 56.0 | 0.8 | 31.6 | 57.6 | 1.3 |
| land-line telephone | 35.7 | 58.0 | 10.6 | 37.6 | 59.9 | 11.6 |
| Ashgabat | | | | | | |
| central water supply | 99.4 | 99.4 | | 100.0 | 100.0 | |
| central sewerage | 89.9 | 89.9 | | 91.9 | 91.9 | |

| | <i>total</i> | <i>town</i> | <i>2000 villages</i> | <i>total</i> | <i>towns</i> | <i>2007 villages</i> |
|--------------------------|--------------|-------------|--------------------------|--------------|--------------|--------------------------|
| gas | 99.9 | 99.9 | | 99.9 | 99.9 | |
| central heating | 89.1 | 89.1 | | 91.8 | 91.8 | |
| bath (shower) | 83.5 | 83.5 | | 85.5 | 85.5 | |
| land-line telephone | 56.3 | 56.3 | | 85.0 | 85.0 | |
| Akhal province | | | | | | |
| central water supply | 99.4 | 99.4 | | 100.0 | 100.0 | |
| central sewerage | 89.9 | 89.9 | | 91.9 | 91.9 | |
| gas | 99.9 | 99.9 | | 99.9 | 99.9 | |
| central heating | 89.1 | 89.1 | | 91.8 | 91.8 | |
| bath (shower) | 83.5 | 83.5 | | 85.5 | 85.5 | |
| land-line telephone | 56.3 | 56.3 | | 85.0 | 85.0 | |
| Balkan province | | | | | | |
| central water supply | 72.3 | 82.3 | 27.3 | 73.2 | 83.5 | 27.8 |
| central sewerage | 58.4 | 71.1 | 1.0 | 60.4 | 76.3 | 1.1 |
| gas | 99.1 | 99.8 | 96.0 | 99.9 | 99.9 | 98.9 |
| central heating | 37.1 | 45.1 | 1.5 | 37.9 | 46.0 | 1.8 |
| bath (shower) | 49.8 | 60.6 | 1.0 | 50.4 | 61.3 | 1.2 |
| land-line telephone | 50.5 | 56.9 | 212.7 | 51.6 | 58.2 | 22.4 |
| Dashoguz province | | | | | | |
| central water supply | 36.3 | 79.5 | 14.1 | 37.2 | 80.5 | 14.8 |
| central sewerage | 12.4 | 33.6 | 1.5 | 13.1 | 34.4 | 1.7 |
| gas | 98.5 | 99.4 | 98.1 | 99.8 | 99.9 | 99.8 |
| central heating | 16.5 | 47.2 | 0.7 | 17.2 | 48.0 | 0.9 |
| bath (shower) | 9.6 | 27.6 | 0.5 | 10.2 | 28.3 | 0.8 |
| land-line telephone | 31.3 | 71.1 | 1.11 | 32.1 | 72.1 | 11.7 |
| Lebap province | | | | | | |
| central water supply | 32.4 | 55.1 | 13.6 | 33.7 | 57.0 | 14.3 |
| central sewerage | 21.6 | 42.7 | 4.1 | 22.4 | 43.8 | 4.3 |
| gas | 91.3 | 99.1 | 84.6 | 98.8 | 99.9 | 97.8 |
| central heating | 20.1 | 43.4 | 0.8 | 21.3 | 44.7 | 1.3 |
| bath (shower) | 18.3 | 38.3 | 1.8 | 18.9 | 39.4 | 2.1 |
| land-line telephone | 33.7 | 62.5 | 11.6 | 35.0 | 63.8 | 12.3 |
| Mary province | | | | | | |
| central water supply | 30.5 | 64.4 | 15.4 | 31.4 | 65.7 | 16.2 |
| central sewerage | 16.8 | 53.5 | 0.5 | 17.6 | 54.8 | 0.8 |
| gas | 97.2 | 96.7 | 97.4 | 99.6 | 99.5 | 99.6 |
| central heating | 17.8 | 56.9 | 0.4 | 18.6 | 57.9 | 0.7 |
| bath (shower) | 15.3 | 49.2 | 0.3 | 16.1 | 50.2 | 0.6 |
| land-line telephone | 27.1 | 63.2 | 11.0 | 28.5 | 64.6 | 11.8 |

206. The right of citizens to satisfactory housing is governed by the Constitution, the Civil Code, the Housing Code, the Land Code, the Property Act and the Farmers' Unions Act, and by other regulatory legal instruments.

207. Land-use issues are regulated by the Land Act of 25 October 2004. The legislation on land in Turkmenistan grants parcels of land to citizens as follows:

a) In private ownership for individual housing construction in towns and settlements;

b) In private ownership for personal subsidiary economic activity - private plots in rural areas on which citizens have the right, in the manner established by law, to build their own individual house.

208. The bodies that regulate housing construction matters are: the Cabinet of Ministers, the Ministry of Construction and the Building Materials Industry, the Ministry of Environmental Protection, other ministries and departments within their competence and local executive bodies and authorities.

209. Housing construction matters (building standards, quality, reliability etc.) are governed by the building legislation and national construction standards.

210. Housing construction is financed by:

- State funds
- Personal funds
- Loans (bank credits)

211. The local administrations of districts and towns, and statistical bodies, are responsible for registration of the housing fund, ensuring that citizens have accommodation and making proposals for housing construction, within their competence.

212. The Government of Turkmenistan attaches particular importance to providing accommodation for the people and is drawing up regulatory and legal instruments to speed up the provision of comfortable housing for the population, make long-term loans available to house builders, provide them with local building materials in accordance with established procedure, etc. The tariffs for communal services charged to owners of flats have remained unchanged since the 1990s. Veterans of the Great Patriotic War and of foreign wars, and the disabled, are exempt from payment for communal services. Capital repairs to houses and the development of land around houses, and the repair and construction of civil engineering networks and communications is funded from State budget resources.

213. The Government of Turkmenistan has adopted a number of measures to help people acquire their own dwelling and increase total housing construction. Under Presidential Resolution No. 9361 of 11 January 2008, any citizen wishing to build a two-story house on a plot that he or she already owns or that has been newly allocated in towns, settlements and localities may conclude a two-year contract agreement with State building organizations. The contractor builds the house through his own resources or a bank loan. When construction is complete, the client takes possession of the building. The owner of the house may receive a long-term mortgage of up to 30 years (with an annual interest rate of 1 per cent), with a grace period for repayment (no capital repayment for the first five years). Private entrepreneurs may participate in construction by the above method as subcontractors. 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, of up to 30 years, with an annual interest rate of 1 per cent 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.

214. The people of Turkmenistan receive free natural gas, water, electricity and sewerage.

215. The Foodstuffs Quality and Safety Act was adopted in 2003 to make wholesome quality food available to the population of Turkmenistan. The Act sets out the main features of the Government's policy on food quality and safety in the interest of public health and regulates relations in the areas of production, warehousing, purchase, delivery, processing, storage, transport and marketing (including export and import) of foodstuffs, and materials and supplies used in the preparation, packing, storage, transport, sale and use of food products. The procedure for determining the necessary level of food production is established by the Cabinet of Ministers in accordance with the current standards of international law relating to food supplies.

216. In accordance with State social and economic development programmes, national legislation and the generally recognized norms of international law, Turkmenistan guarantees the right of citizens to healthy and wholesome food through:

- The preparation and implementation of legal, economic, organizational, technological and other measures to ensure production of essential raw and processed foods
- Ensuring the uninterrupted delivery of food to places of consumption in sufficient quantities to meet the requirements of the population
- Ensuring that food is readily available, including on concessionary terms, under the existing consumption pattern, pricing system and level of incomes
- Creation, renewal and replenishment of a food reserve consisting of an irreducible operative reserve of food products.

The WHO standards relating to the safe level of consumption of proteins, fats and carbohydrates, and daily calorie intake, were met in 2002. The daily calorie intake was 1.5 per cent higher than that recommended by WHO in 2002 and 16.4 per cent higher in 2007. Under the programme for the economic, political and cultural development of Turkmenistan for the period up to 2020, consumption of basic foodstuffs will attain the level of European Union countries by 2020, reaching 3,253 kcal per person per day.

Average consumption of basic foodstuffs per annum per head of the population

| | <i>Unit of measurement</i> | <i>2000</i> | <i>2007</i> |
|----------------------------|----------------------------|-------------|-------------|
| Cereal products* | kg | 118.5 | 115.1 |
| Potatoes | kg | 18.4 | 50.1 |
| Vegetables and melon crops | kg | 98.0 | 164.3 |
| Fruit and berries | kg | 58.5 | 94.7 |
| Meat | kg | 34.5 | 55.8 |
| Milk | kg | 204.7 | 381.1 |
| Eggs | unit | 85.3 | 158.3 |
| Fish and fish products | kg | 1.3 | 0.5 |
| Sugar and confectionery | kg | 17.6 | 21.1 |
| Vegetable oil | kg | 9.9 | 14.9 |
| Daily calorie intake | kcal | 2,128.7 | 2,755.6 |

*Including flour, macaroni products, legumes, rice and groats

Source: survey of household budgets and food consumption balance.

217. The Foodstuffs Quality and Safety Act of 28 April 2009 sets out the main features of the Government's policy on food quality and safety in the interest of public health and regulates food trade relations. The main features of the Government's policy are:

- The implementation of a single policy to ensure food quality and safety and to prevent the production in, and importation to, Turkmenistan of food that is of poor quality and unfit for human consumption
- The enjoyment in practice of citizens' right to consume quality and safe food
- The legal regulation of relations in ensuring the quality and safety of foodstuffs, food materials and food products
- The preparation and implementation of State special and scientific and technological programmes to ensure the quality and safety of foodstuffs, food materials and food products, and the introduction of state-of-the-art technology to this end
- State standard-setting in ensuring the quality and safety of foodstuffs, food materials and food products
- The establishment and organization of activities within the unified State system of supervision and monitoring to ensure the quality and safety of foodstuffs, food materials and food products
- The organization and carrying out of state registration of foodstuffs
- The establishment of the procedure for licensing activities relating to the preparation and circulation of food, to the provision of food trading and catering services and to the manufacture of materials and products
- The organization and carrying out of certification of foodstuffs, materials and products, and of services provided in the food trade, catering and materials and products
- The establishment of favourable legal, economic, social and other conditions for legal persons, irrespective of the form of ownership, and physical persons working in the sphere of the circulation of foodstuffs and the provision of services in the food trade, catering and the manufacture of materials and products
- The organization and improvement of the system for training and retraining specialists in the circulation of foodstuffs, food materials and food products
- The organization of public information and education on issues of food quality and safety
- The implementation of international cooperation in the circulation of foodstuffs and ensuring their quality and safety

218. Turkmenistan's State food quality and safety standards lay down quality and safety requirements for foodstuffs, raw foods, active food and biological additives, materials and products and their packaging and marking, and also determine the procedure for assessing and maintaining the compliance of foodstuffs with the requirements of Turkmenistan's regulatory instruments, the methodology for testing and identifying foodstuffs, the technical and technological conditions necessary for the preparation, storage, transportation and sale of food, and the requirements for carrying out industrial monitoring of the quality and safety of foodstuffs, food materials and food products.

219. Legal and physical persons storing and transporting foodstuffs, food materials and food products, must:

- a) Ensure that they are safe, of good quality and undamaged;
- b) Comply with the requirements of regulatory documents relating to the conditions for their storage and transport and confirm such compliance through appropriate entries in the consignment documents.

220. Storage of foodstuffs, food materials and food products is permitted in specially equipped premises that must meet the requirements of construction, sanitary and veterinary norms and standards. Items used for the transportation of food must be specially designed and equipped for that purpose in accordance with current standards and rules.

221. Legal and physical persons selling foodstuffs, food materials and food products must obtain a quality and safety certificate from their producer, and in addition, for the sale of new types of food produced in or imported into Turkmenistan for the first time, a certificate of State registration. Food that is not produced industrially may be sold on food markets only if sellers have a certificate from a veterinary or other appropriate service stating that it meets established requirements. Food may not be sold if:

- It does not have a certificate of compliance issued by an authorized state certification body
- It is not certified by veterinary, sanitary and phytosanitary services as meeting the requirements established in Turkmen law
- It is recognized under the law as being of poor quality and hazardous to human life and health
- The necessary conditions for its storage and sale are not in place

Foodstuffs, food materials and food products that meet the requirements of regulatory instruments may be sold in accordance with the Rules approved by bodies authorized by the Cabinet of Ministers.

222. The Turkmenistan Chamber of Commerce and Industry has the following basic tasks:

- a) Promoting the development of entrepreneurial activity, taking into account the economic interests of individual sectors, regions and enterprises;
- b) Promoting the development of exports of goods and services (Chamber of Commerce and Industry Act of 8 December 1993).

223. The Trade Act of 5 July 2002 governs trade relations with a view to the greater satisfaction of demand for goods and services. The Government's trade policy is directed towards:

- Ensuring a unified policy for trade
- Creating favourable conditions for the development of various forms of trade, establishing a solid system for the movement of goods, and preventing possible manifestations of monopolism on the consumer market
- Developing a diversified trade infrastructure
- Improving legislation to protect domestic manufacturers
- Carrying out market research on the breakdown of exports and imports
- Organizing State monitoring of trade

Article 12

The right to medical care

224. Several large-scale construction projects are currently being carried out in four provinces - Balkan, Dashoguz, Lebap and Mary. There are "Ene Myakhri" mother and child care centres with a capacity of 50, and polyclinics and health centres in rural areas. A new

National Safe Motherhood Programme for the period 2007-2011 has been drawn up and is being implemented. As internationally certified by the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the International Council for the Control of Iodine Deficiency Disorders (ICCIDD), Turkmenistan was the first CIS State and the fourth country in the world to attain universal salt iodization in accordance with international standards.

225. Turkmenistan is currently the only State in the region that has 100 per cent procurement of WHO-certified vaccines and carries out compulsory public immunization, free of charge, at the highest level. Almost 99 per cent of the population are covered by vaccination, against the WHO requirement of 95 per cent.

226. Turkmenistan attaches particular importance to combating drug addiction. The foundation for a new stage in the fight against this terrible social evil was laid by the national programme to combat illegal drug trafficking and assist persons dependent on narcotic and psychotropic substances in the period 2006-2010, which constituted the starting point for a range of measures to tackle this worldwide issue. This document was yet another effective measure to combat illegal drug trafficking, prevent drug abuse and refine efforts to cure persons dependent on narcotic and psychotropic substances.

227. With the adoption of the Tax Code, public health institutions and enterprises are exempt from tax on property, prosthodontics and the sale of medicinal items, medicines, disinfectants, medical products, medical equipment, prosthetics and orthopaedic products and special mobility units for the disabled.

228. Under article 35 of the Constitution, citizens have the right to health protection, including the use, free of charge, of the State network of health care institutions. Paid medical assistance and alternative medical services are permitted in accordance with and in the manner established by law.

Life expectancy at birth in Turkmenistan, years

| Year | Population as a whole | | | Urban population | | | Rural population | | |
|------|-----------------------|-------|------|------------------|-------|------|------------------|-------|------|
| | Both | Women | Men | Both | Women | Men | Both | Women | Men |
| | sexes | | | sexes | | | sexes | | |
| 2000 | 68.3 | 71.8 | 69.4 | 68.3 | 73.2 | 63.6 | 68.3 | 70.4 | 66.1 |
| 2007 | 69.6 | 73.1 | 66.7 | 69.5 | 73.9 | 65.1 | 70.1 | 72.2 | 67.9 |

229. In accordance with the Constitution, all citizens are guaranteed the right to health care irrespective of ethnicity, race, gender, origin, property and official status, place of residence, language, attitude to religion, political beliefs and membership of a party or of no party. Citizens of Turkmenistan abroad are guaranteed the right to health care in accordance with its international agreements. The list of benefits for citizens, including the State voluntary medical insurance agreement, is approved by the Cabinet of Ministers (Public Health Act of 14 December 2002, art. 14).

230. Foreign nationals in Turkmenistan are guaranteed the right to health care in accordance with Turkmenistan's international agreements. Foreign nationals and stateless persons in Turkmenistan temporarily or permanently, and refugees, enjoy the right to health care on an equal footing with Turkmen citizens unless otherwise provided for in Turkmenistan's international agreements. The procedure for providing medical assistance to foreign nationals and stateless persons and to refugees is determined by the Cabinet of Ministers (Public Health Act, art. 15).

231. Under article 3 of the Public Health Act, the Government's public health policy is directed towards:

- Ensuring a unified State public health policy

- Ensuring citizens' right to health care
- Promoting the implementation of the State "Health" programme
- Preparing and implementing State programmes for the development and improvement of the public health system in accordance with the needs of the population
- Campaigning for and affirming a healthy life style
- Enhancing health and preventing illness
- Improving the administrative structure and organizational foundations of the public health system and improving the quality and organization of medical services and the system of State monitoring
- Ensuring that the amount of medical care guaranteed by the State is accessible and free of charge
- Providing efficient, continuous and quality medical care to the population
- Social protection for citizens
- Making specific preventive medicines for infectious illnesses available free of charge;
- developing State voluntary medical insurance and improving the medical insurance system
- Ensuring the unity of medical science and practice
- Improving the economic foundations of public health, creating a market for medical services and encouraging the development of the private health sector
- Increasing the efficiency of public health funding
- Enhancing the material and technical base of public health and developing the medical industry
- Creating favourable conditions for the activities of public health institutions, irrespective of their form of ownership
- Improving the system of medical education, training and retraining of public health workers and scientific managers
- Improving the legal base
- Developing the information base
- Increasing citizens' responsibility for the maintenance and enhancement of their own health and the health of those around them

232. The responsibilities of the Cabinet of Ministers in the sphere of public health include: organization of work ensuring the country's sanitary and epidemiological wellbeing, and administration and regulation of matters concerning the sanitary protection of Turkmenistan, use of the environment, ecological protection, and environmental safety (Public Health Act of 14 December 2002, art. 7).

233. The work of the Cabinet of Ministers in the sphere of public health includes: ensuring the right of citizens to receive the amount of free medical assistance guaranteed by the State, implementation of measures to develop and strengthen primary health teams and improving the system of preventive medicine, and promoting leadership in organization and methods by health institutions under its administration, scientific and clinical, sanitary and

epidemiological institutions, educational establishments and enterprises of the medical industry (Public Health Act of 14 December 2002, art. 8).

234. Article 38 of the Public Health Act states that in the event of illness, loss of fitness to work and other cases, citizens are accorded medico-social assistance, including preventive, curative and diagnostic, rehabilitation, prosthetic-orthopaedic and other forms of assistance, as well as social measures of care for those who are ill, unfit for work and disabled, including payment of an allowance for temporary unfitness for work and disability. Medico-social assistance is provided by medical and other workers in institutions of the State public health system and the private health sector. Citizens have the right to specialist medical advice, including independent advice, which is given upon personal application to specialized medical institutions under articles 47-51 of the Public Health Act. Minors, students, the disabled and pensioners engaged in physical culture and sport are entitled to free medical examinations. Participants in the Great October War and persons assimilated to them are granted concessions in the provision of medico-social assistance, in accordance with Turkmen legislation. The list of illnesses and categories of citizen entitled to concessional terms for medicines, medical products and other forms of medico-social assistance, and the procedure for their provision, are approved by the Cabinet of Ministers.

235. Article 1 of the Psychiatric Assistance Act states that psychiatric assistance to persons suffering from psychiatric disorders is guaranteed by the State and provided on the basis of the principles of legality, humanity and respect for human rights.

236. A well-ordered State system of medical services for all groups of the population has been set up in Turkmenistan, with special attention being paid to women, pregnant women, women giving birth and children up to the age of 14, and to the most vulnerable sector of the population - the elderly and disabled.

237. Employers are obliged to create healthy and safe working conditions and to introduce the latest methods and technology meeting sanitary and hygiene norms and the requirements of labour protection standards. Labour protection matters are governed by Turkmen legislation (Code of Labour Laws, art. 144).

238. Under article 16 of the Labour Protection Act of 1 October 1993, employees have the right:

- To a workplace that is protected, within the permitted norms, from the influence of harmful or dangerous production factors that might cause an industrial injury or illness, or a reduction in fitness to work
- To be provided with means for personal protection at the expense of the administration (employer)
- To refuse to carry out work involving real danger to life and health

239. Under article 24 of the Public Health Act, persons injured during emergencies are entitled to receive free medical assistance and restorative treatment, and to the adoption of hygienic and anti-epidemic measures to deal with the consequences of emergencies and reduce the risk to their life and health. Citizens living in regions that are recognized under regulatory legal instruments as being environmentally unfavourable enjoy rights and advantages established by the Cabinet of Ministers. Citizens who are injured in the performance of their official duties in saving people or State and social property, or providing medical assistance in emergency situations, are guaranteed free treatment, including all types of rehabilitation, in the manner established by the laws of Turkmenistan.

240. The attainment of health for all is underpinned by a shift in basic emphasis from in-patient treatment to primary health and medical care. One trend in the provision of primary medical care has been the introduction of the family-based principle of service delivery.

The WHO concept was adopted in 1996, and the family-based principle of service delivery has been phased in since then. The relevant regulatory standards have been drawn up and introduced.

241. The concept of primary health and medical care comprises: education concerning the most important health problems and methods of preventing and treating them, assistance in providing food and healthy nutrition, high-quality water and sanitary measures, protection of the health of mother and child, including family planning, immunization against the major infectious diseases, prevention and control of endemic diseases, treatment of illnesses and injuries caused by them and provision of basic medicines.

242. The principal functions of a doctor are the protection of health, prevention of illnesses and provision of skilled primary health and medical care to the population of the sector assigned to him or her. A chair of family medicine has been established at the Turkmen State Medical Institute. The category of family doctor has been added to the register of medical specializations and medical functions at health-care institutions.

243. Overall mortality in 2006 was 5.5 per thousand, whereas in 1997 it had been 7 per thousand. Between 1995 and 2005, according to Ministry of Health and the Medical Industry figures, maternal mortality fell by 83 per cent. Average life expectancy for both men and women is trending upwards. In 2006 it stood at 72.9 years for women and 66.2 years for men.

244. In the light of WHO recommendations, the Ministry of Health and the Medical Industry has drawn up a National Safe Motherhood Programme for the period 2007-2011, to improve the health of women of child-bearing age and their offspring by introducing modern methods of monitoring and dealing with pregnant, parturient and post-partum women and newborns.

245. Progress in improving the situation of children is a key aim of national development as a whole. The upbringing, development and protection of children are an indispensable condition for the future development of mankind. Turkmenistan ratified the World Declaration on the Survival, Protection and Development of Children on 28 December 1993 and acceded to the Convention on the Rights of the Child on 23 September 1994.

246. As a result of the health reforms and the various programmes that have been carried out, maternal and child morbidity and mortality have decreased significantly, the quality of patient care has improved, the number of medical services offered has grown markedly, and incidence of disease among the general population has nearly halved.

247. Child morbidity from birth to 14 years of age (per thousand)

| | <i>Year</i> | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
| Child morbidity from birth to 14 years of age (per thousand) | 289.9 | 282.4 | 272.5 | 268.5 | 265.2 | 257.5 |

248. Availability of medical care for pregnant women and children under 5 (percentage)

| | <i>Year</i> | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
| Availability of medical care for pregnant women | 95.4 | 94.1 | 95.0 | 94.0 | 94.0 | 94.2 |

249. Measures to reduce the stillbirth rate:

- Assistance and support in measures taken under the National Safe Motherhood Programme
- Improvement in the quality of pre-natal diagnosis of foetal development impairment
- Ambulatory monitoring of pregnant women by the ante-natal maternity care service
- Appropriate nutrition for pregnant women and correction of micronutrients deficiency
- Training of medical staff in healthy nutrition for pregnant women
- Preparation of women for childbirth and psychological and emotional support during the birth
- Medico-genetic advice for women in at-risk groups
- Prevention of vertical transmission of HIV/AIDS, uterine infections, rubella and viral hepatitis
- Improvement of the quality of medical assistance in maternal and child health
- Publicity for the importance of the family's reproductive health and safe maternity

250. Maternal mortality rate in Turkmenistan (per 100,000 live births)

| 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|------|-------|------|------|------|------|------|------|------|------|------|------|
| 99.5 | 105.0 | 71.6 | 64.5 | 41.2 | 52.0 | 48.2 | 35.9 | 16.4 | 16.8 | 15.5 | 15.6 |

251. Infant mortality rate in Turkmenistan (per 100,000 live births)

| 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|------|------|------|------|------|------|------|------|------|------|------|------|
| 42.2 | 39.6 | 37.5 | 32.9 | 26.4 | 21.3 | 20.1 | 17.7 | 16.4 | 14.0 | 12.1 | 12.1 |

252. Incidence, per 100,000

| | ICD Code | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---|----------|---------|---------|---------|---------|---------|---------|---------|---------|
| Certain infectious and parasitic diseases | A00- B99 | 1693.4 | 1349.9 | 1208.1 | 1173.8 | 1069.4 | 963.4 | 806.8 | 702.8 |
| Non-infectious diseases | C00- R99 | 30605.1 | 27403.7 | 26001.7 | 23173.7 | 22304.6 | 20989.5 | 20060.9 | 19169.9 |

253. Prevalence, per 100,000

| | ICD Code | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---|----------|---------|---------|---------|---------|---------|---------|---------|---------|
| | Nos. | | | | | | | | |
| Certain infectious and parasitic diseases | A00-B99 | 2620.4 | 2202.1 | 1995.71 | 1880.3 | 1786.9 | 1823.2 | 1419.7 | 1261.7 |
| Non-infectious diseases | C00-R99 | 48193.8 | 44299.9 | 43591.6 | 40299.7 | 39203.1 | 37254.3 | 35286.8 | 33192.8 |

254. Morbidity from vaccine-managed diseases, 2000-2007, per 100,000

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---------------|------|------|------|------|------|------|------|------|
| Tuberculosis | 45.4 | 52.5 | 51.5 | 68.7 | 62.1 | 57.2 | 57.0 | 67.6 |
| Poliomyelitis | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Diphtheria | 0.6 | 0.1 | 0.02 | 0.04 | 0.04 | 0.04 | 0.01 | 0.01 |
| Pertussis | 0.2 | 0.2 | 1.0 | 0.0 | 0.1 | 0.0 | 0.0 | 0.0 |
| Measles | 2.3 | 0.2 | 0.2 | 0.23 | 0.2 | 0.0 | 0.96 | 1.2 |
| Mumps | 22.6 | 14.0 | 33.8 | 22.0 | 16.0 | 9.4 | 10.7 | 11.1 |
| Tetanus | 0.02 | 0.0 | 0.02 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Hepatitis B | 13.3 | 11.8 | 10.0 | 7.7 | 5.4 | 4.2 | 2.4 | 2.5 |
| Rubella | 2.7 | 0.7 | 0.6 | 0.4 | 0.5 | 9.9 | 1.9 | 0.3 |

255. Termination of pregnancy for medical reasons, percentage of live births

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| 0.8 | 0.7 | 0.5 | 0.5 | 0.3 | 0.2 | 0.2 | 0.2 |

256. Abortion rate

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---------------|------|------|------|------|------|------|
| Abortion rate | 11.5 | 11.0 | 10.6 | 10.1 | 9.1 | 7.6 |

257. In Turkmenistan, diarrhoeal infections among children increase during the summer months. In order to prevent them, a widespread campaign for oral rehydration of children is conducted from April to October. Every family with children under the age of 2 receives rehydration solutions free of charge. The Ministry of Health and the Medical Industry, together with the United Nations Children's Fund (UNICEF), has prepared a national programme (starting in 1995) to combat diarrhoeal infections in children under the age of 5. It provides for State institutions to become involved in combating these infections.

258. The prevention and control of acute respiratory infections (ARIs) and pneumonia play an important part in saving the lives of children. A national programme has been drawn up, starting in 1995, to reduce child morbidity and mortality from ARIs. Its main aim is to reduce morbidity and mortality in children under the age of 14.

259. Breastfeeding is a national tradition among the indigenous population of Turkmenistan, and the Government devotes great attention to reviving it. The Ministry of Health and the Medical Industry, together with UNICEF, has drawn up a national programme to revive long-term breastfeeding. The Order on the protection of and support

for breastfeeding was signed in 1998 as part of the programme. At the national level, measures under the programme are being carried out in all provinces. Currently 97.9 per cent of children are breastfed, 41.4 per cent of them exclusively so until they are 6 months old. The 10 principles of successful breastfeeding have been brought into practice under a national programme in perinatal facilities, and 59 hospitals (90 per cent of the total) have won the status of “child-friendly hospital”.

260. In 2001 the Ministry of Health and the Medical Industry adopted recommendations on the adaptation and introduction of WHO/UNICEF material on the integrated handling of children’s diseases in Turkmenistan, and pilot areas were identified. This programme is being carried out separately for nurses and primary hospitals. As a result of the introduction of this programme in these areas, intestinal diseases and baseline conditions have been reduced, no deaths from acute intestinal infections have been recorded and overall child mortality has been reduced. It is planned to extend this programme to the whole of Turkmenistan in the future.

261. Iron-deficiency anaemia is an acute problem. The anaemia prevention and control programme has been implemented with UNICEF since 1998 in Dashoguz province and since 2001 in Balkan province. The group studied consisted of women of child-bearing age, pregnant women and children between the ages of 6 months and 2 years. A study of the programme in Dashoguz province took place in 2005. Its main aim was to assess trends in the spread of anaemia among children up to the age of 5 and women from 15 to 49 years of age in Dashoguz province and to adopt measures to improve the effectiveness of the programme, draw up recommendations and prepare an action plan for the further extension of the programme to new districts in the province. As the results of the study showed, there was no third-stage anaemia among women of childbearing age, and first-stage and second-stage anaemia were reduced by 20 per cent.

262. To improve the medical care of pregnant women and children, resuscitation departments, staffed by children’s resuscitators, have been opened in central district hospitals.

263. By order of the Ministry of Health and the Medical Industry, the live-born and still-born criteria recommended by WHO have been brought into health-care practice since January 2007. About 80 per cent of specialists having to deal with this problem will have been specially trained on the subject by mid-2008. A course on “fundamentals of care and resuscitation of new-borns” will promote the more successful introduction of the new criteria. Periodic seminars are held on the topic so that specialists (midwives and gynaecologists, neonatologists and resuscitation experts) can refine their knowledge.

264. So far as environmental hygiene is concerned, preventive and continuous sanitary inspections are carried out by sector:

- Sanitary air protection
- Sanitary soil protection and cleaning of inhabited localities
- Sanitary reservoir protection and cleaning of waste water
- Hygiene in the planning of inhabited localities
- Hygiene in water supply to inhabited localities
- Hygiene in residential and social housing

265. In labour hygiene there are sanitary regulations and standards for various industrial sectors. The sanitary and epidemiological service studies sanitary and hygienic working conditions: it carries out hygiene assessments of the productive environment and prevention

of professional production hazards and industrial diseases, and monitors the sanitary working conditions of women and young people.

266. An immunization and prophylaxis programme for the period 1993-2003 was introduced to improve epidemic control; it has been successfully implemented and extended to 2020. Thanks to dynamic and thorough measures, Turkmenistan was awarded a certificate in 2002 for halting the circulation of indigenous wild poliovirus. An immunization and prophylaxis programme extending to 2020 has been introduced to improve epidemic control. In 2007, to maintain Turkmenistan's status as a polio-free country, the Ministry of Health and the Medical Industry carried out a two-stage (in September and October) additional "elimination" immunization of children aged between 5 and 8, using oral polio vaccines, in areas bordering Afghanistan and areas of high population migration.

267. Proportion of immunized children, percentage

| <i>Year / %</i> | <i>1991</i> | <i>1992</i> | <i>1993</i> | <i>1994</i> | <i>1995</i> | <i>1996</i> | <i>1997</i> | <i>1998</i> | <i>1999</i> | <i>2000</i> | <i>2001</i> | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Against tuberculosis | 96.0 | 96.8 | 94.0 | 97.0 | 93.0 | 97.0 | 96.6 | 98.2 | 99.1 | 99.5 | 99.0 | 99.2 | 98.8 | 99.1 | 99.0 | 99.2 | 98.9 |
| Against diphtheria, pertussis and tetanus | 81.0 | 84.0 | 73.0 | 90.0 | 93.0 | 97.0 | 98.0 | 99.0 | 98.0 | 97.0 | 95.4 | 97.7 | 83.3 | 97.2 | 99.0 | 97.7 | 97.6 |
| Against measles | 63.0 | 76.0 | 84.0 | 90.0 | 92.0 | 98.0 | 100. | 99.0 | 97.0 | 97.0 | 97.6 | 88.0 | 97.1 | 97.3 | 99.0 | 90.9 | 98.8* |
| Against poliomyelitis | | 91.0 | 92.0 | 94.0 | 96.0 | 98.0 | 99.0 | 99.0 | 98.0 | 98.0 | 94.3 | 99.0 | 66.0 | 97.8 | 99.1 | 98.0 | 97.7 |
| Against hepatitis B | | | | | | | | | | | | 96.4 | 97.0 | 96.5 | 99.1 | 98.1 | 97.8 |

Children have been immunized with a combined measles/rubella/mumps vaccine since 2007.

Note: statistics on the proportion of children immunized are not broken down by urban and rural population, or by gender.

268. Vaccination up to the age of 1 year

| <i>Year</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|-----------------|-------------|-------------|-------------|
| Turkmenistan, % | 99.0 | 98.4 | 98.2 |

269. Steps are now being taken to eradicate measles and rubella. Turkmenistan has adopted a measles and congenital rubella prevention programme under which, since 2007, combined inoculations against measles, rubella and mumps at the ages of 12-15 months and 6 years have been added to the national preventive vaccination schedule. A two-dose vaccination will make it possible to prevent cases of these diseases and halt the circulation of these viruses in the country. Also with a view to reducing the number of susceptible persons to a level at which natural transmission of the pathogens causing these diseases will become impossible, a mass campaign of vaccination against measles and rubella was carried out among the following groups:

- a) Children and young people (all men and women) aged between 7 and 23 inclusive;
- b) Women of child-bearing age from 24 to 40 years inclusive.

270. There is a risk of malaria being imported and spread because of the expansion of economic and social contacts with countries affected by malaria such as Afghanistan, Iran and Uzbekistan, and migration from Tadjikistan and Azerbaijan to Turkmenistan. In view of the epidemiological situation, a national programme to prevent malaria in Turkmenistan

in the period 2005-2010 has been prepared, approved and introduced. A national strategic plan for the eradication of malaria, 2008-2010, has been drawn up and approved pursuant to the commitment Turkmenistan undertook under the Tashkent Declaration “The move from malaria control to elimination”, adopted at the first congress on the regional initiative, 18-20 October 2005.

271. The Government has adopted a national programme to prevent and control tuberculosis in Turkmenistan in the period 2005-2009, and an international coordinating committee has been set up, which has been assigned to the HOPE project. The HOPE project assists the Ministry of Health and the Medical Industry in the introduction of the DOTS strategy to control tuberculosis, which is recommended by WHO. DOTS (curing tuberculosis by standard short courses of chemotherapy under the direct supervision of medical staff) is a multi-component programme that includes assistance in training national teams in the DOTS strategy, improving the medical administration system, organizing and rationalizing the work of laboratories and organizing the monitoring and control system, as well as health-education activities. The HOPE project has organized deliveries of humanitarian supplies, including binocular microscopes, laboratory reagents and equipment for microscopic research centres.

272. The immunization of children is the basic, most efficient and most cost-effective measure in the area of primary medical assistance. Broad access to vaccines is one of the public health system’s major achievements so far. The extended immunization programme requires the protection of children against infections - 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. This has been created in Turkmenistan. Since 1995, immunization is conducted with quality vaccines, certified by WHO and purchased through UNICEF 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.

273. Every citizen of 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.

274. Immunization coverage against a number of infections has reached high levels in Turkmenistan, as follows:

| Year / % | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|------|------|------|------|------|------|-------|------|------|------|------|------|------|------|------|------|
| Against tuberculosis | 96.0 | 96.8 | 94.0 | 97.0 | 93.0 | 97.0 | 96.6 | 98.2 | 99.1 | 99.5 | 99.0 | 99.2 | 98.8 | 99.1 | 99.0 | 99.2 |
| Against diphtheria, pertussis and tetanus | 81.0 | 84.0 | 73.0 | 90.0 | 93.0 | 97.0 | 98.0 | 99.0 | 98.0 | 97.0 | 95.4 | 97.7 | 87.3 | 97.2 | 99.0 | 97.7 |
| Against measles | 63.0 | 76.0 | 84.0 | 90.0 | 92.0 | 98.0 | 100.0 | 99.0 | 97.0 | 97.0 | 97.6 | 88.0 | 97.1 | 97.3 | 99.0 | 98.9 |
| Against poliomyelitis | | 91.0 | 92.0 | 94.0 | 96.0 | 98.0 | 99.0 | 99.0 | 98.0 | 98.0 | 94.3 | 99.0 | 66. | 97.8 | 99.1 | 98.0 |
| Against hepatitis B | | | | | | | | | | | | 96.4 | 97.0 | 96.5 | 99.1 | 98.1 |

275. An immunization and prophylaxis programme to improve epidemic control for the period 1993-2003 was successfully implemented and has been extended to 2020. Thanks to dynamic measures, Turkmenistan was awarded a certificate in 2002 for halting the

circulation of indigenous wild poliovirus. Steps are now being taken to eradicate measles and rubella. Turkmenistan has adopted a measles and congenital rubella prevention programme.

276. The sanitary and epidemic service of the Ministry of Health and the Medical Industry conducts permanent and continuous monitoring of the quality of the domestic water supply. There are 213 central water-supply pipes (municipal and departmental) in all in Turkmenistan. In 2006, the proportion of water samples that did not meet sanitary and chemical standards was 13.8 per cent and that of samples that did not meet microbiological standards was 3.2 per cent. The number of communal sources of local water supplies (wells, catchments and springs) is 1,703: in 2006, the proportion of water samples that did not meet sanitary and chemical standards was 33.4 per cent and that of samples that did not meet microbiological standards was 4 per cent.

277. In accordance with the main thrust of health protection in Turkmenistan - enhancing the efficiency of prevention to protect workers' health in harmful working conditions, to detect early symptoms of diseases and draw up public health measures aimed at the prevention and reduction of industrial diseases, prevention of accidents in the workplace and prevention of the spread of infectious and parasitic diseases - compulsory preliminary medical examinations are carried out for persons starting work involving dangerous or hazardous substances and unfavourable aspects, as well as periodical medical examinations for all workers. Bodies of the sanitary and epidemic service monitor the compliance of sanitary and hygienic conditions at enterprises and institutions, irrespective of their form of ownership.

278. A healthy lifestyle to prevent illness is an important component of education on hygiene, the effectiveness of which depends on the preparation and implementation of measures for various groups of the population. A range of measures is being carried out through the educational system, the health system, the mass media and other social institutions. To this end, an effective system has been set up to publicize the need for a healthy lifestyle:

- Healthy living has been made a compulsory subject in general-education schools
- "Health for all" features appear in all the mass media (newspapers, magazines and other publications, radio and television)
- Mass physical culture and sport have been further developed and made more accessible for all segments of society
- Stadiums and physical culture and sports centres, playing fields and swimming pools have been built
- Advertising alcoholic beverages and tobacco products in the media is banned and a law prohibiting smoking in public places has been adopted
- There has been mass distribution of popular scientific and medical literature and other useful information in the form of visual aids and pamphlets

279. The current national prophylactic programmes in Turkmenistan are as follows:

- National tuberculosis prevention and control programme, 2005-2009
- National prevention of HIV/AIDS/STD programme, 2005-2010
- National protection of and support for breastfeeding programme, 1998
- National programme to combat illegal drug trafficking and help those dependent on drugs and psychotropic substances, 2006-2010

- National safe motherhood programme, 2007-2011
- National immunization and prevention programme, 2003-2020
- National malaria prevention programme, 2005-2010
- Elimination of poliomyelitis programme to worldwide eradication. Working plan for Turkmenistan to retain, in 2006-2008, its status as a country free of indigenous wild poliovirus
- Anaemia prevention and control programme
- Programme to prevent diseases caused by iodine insufficiency through universal salt iodization

280. A project has been drawn up to create, in each province, centres for girls in which they will be able not only to familiarize themselves with the physiological and psychological aspects of reproductive health but also obtain a general understanding of family health as a whole and how to maintain and strengthen it. Future housewives and mothers will be able learn how to organize meals and prepare food correctly.

281. The President has signed Special Resolution No. 9378 of 14 January 2008 on the training of highly skilled specialists and scientific workers. This document gives special prominence to clinical studies, the main purpose of which is to train highly skilled specialist doctors. In addition, a number of specialists have gone abroad to enhance their skills:

- To China - traditional Chinese medicine for neurologists
- To the United States - infectious diseases and AIDS
- To Turkey - traumatic medicine and bone and joint surgery
- To Japan - mother and child health protection

282. In 2007, in accordance with international conventions and the norms of Turkmen legislation, the Ministry of Education officially approved higher education documents issued to a citizen of Turkmenistan by a higher educational institute in a foreign State authorizing their holder to perform professional (medical) duties.

283. Number of doctors in all specialities

| | <i>Year</i> | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
| Number of doctors in all specialities (with medical training) | 13670 | 13391 | 13062 | 12662 | 12210 | 12104 |

284. Number of middle-level medical staff

| | <i>Year</i> | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
| Number of middle-level medical staff (with medical training) | 35831 | 33571 | 232298 | 22381 | 21972 | 21419 |

Article 13

The right to education

285. Under article 38 of the Constitution, every citizen has the right to education. General secondary education is mandatory and everyone has the right to receive it free of charge in State schools. The State ensures access for all to vocational education, commensurate with ability. Governmental and non-governmental organizations and citizens have the right, based on and in the manner established by law, to form fee-based educational institutions. Turkmenistan's policy on children calls for de jure and de facto protection of the rights and legitimate interests of children, prohibition of discrimination on any grounds, and restoration of children's rights when these are violated. The policy applies equally to children in towns and rural districts, to boys and girls, and to all vulnerable groups of children. The universality of citizens', including children's, rights and freedoms, is enshrined in law in the Rights of the Child Act of 5 July 2002, article 3 of which stipulates that all children living in Turkmenistan have equal rights, irrespective of their ethnicity, gender, language, faith, education, place of residence, circumstances of birth, state of health or other factors.

Literacy level of the Turkmen population (percentage), 1995

| <i>Total population</i> | | | <i>Urban population</i> | | | <i>Rural population</i> | | |
|-------------------------|--------------|------------|-------------------------|--------------|------------|-------------------------|--------------|------------|
| <i>Both sexes</i> | <i>Women</i> | <i>Men</i> | <i>Both sexes</i> | <i>Women</i> | <i>Men</i> | <i>Both sexes</i> | <i>Women</i> | <i>Men</i> |
| Ages 9-49 | | | | | | | | |
| 99.8 | 99.7 | 99.8 | 99.8 | 99.7 | 99.8 | 99.8 | 99.7 | 99.8 |
| Ages 15 or older | | | | | | | | |
| 98.8 | 98.3 | 99.3 | 98.9 | 98.3 | 99.4 | 98.7 | 98.2 | 99.2 |

Breakdown of the population aged 15 or older by level of education (percentage), 1995

| | <i>Total population</i> | <i>Persons with education</i> | <i>Higher education</i> | <i>Incomplete higher education</i> | <i>Including: Persons with</i> | | | <i>Elementary education</i> | <i>Persons without elementary education</i> |
|--------|-------------------------|-------------------------------|-------------------------|------------------------------------|--|------------------------------------|---------------------------------------|-----------------------------|---|
| | | | | | <i>Specialized secondary education</i> | <i>General secondary education</i> | <i>Incomplete secondary education</i> | | |
| Total | 100 | 97.5 | 9.2 | 0.9 | 16.5 | 47.8 | 18.3 | 4.8 | 2.5 |
| Urban | 100 | 97.8 | 13.0 | 1.5 | 23.5 | 37.1 | 18.8 | 3.9 | 2.2 |
| Rural | 100 | 97.2 | 5.7 | 0.4 | 10.1 | 57.6 | 17.8 | 5.6 | 2.8 |
| Men: | | | | | | | | | |
| Total | 100 | 98.5 | 11.2 | 1.1 | 17.8 | 46.6 | 17.9 | 3.9 | 1.5 |
| Urban | 100 | 98.8 | 14.1 | 1.6 | 23.5 | 37.5 | 18.9 | 3.2 | 1.2 |
| Rural | 100 | 98.3 | 8.6 | 0.6 | 12.5 | 55.1 | 17.0 | 4.5 | 1.7 |
| Women: | | | | | | | | | |
| Total | 100 | 96.5 | 7.2 | 0.8 | 15.4 | 48.9 | 18.6 | 5.6 | 3.5 |
| Urban | 100 | 96.8 | 12.0 | 1.3 | 23.5 | 36.8 | 18.7 | 4.5 | 3.2 |
| Rural | 100 | 96.2 | 2.9 | 0.2 | 7.9 | 60.0 | 18.6 | 6.6 | 3.8 |

286. The Education Act of 1 October 1993 guarantees to all citizens of Turkmenistan the assurance and protection of the constitutional rights to education,

and sets out the following basic principles of the organization of education in Turkmenistan:

- Universal access for each citizen to all forms and kinds of educational services made available by the Government
- Equality of rights of each person for complete realization of his or her abilities and talents
- Free educational services in State educational establishments
- The priority of universal human values
- An organic connection to national history, culture, and tradition
- The secular nature of education in State educational establishments
- The independence of State educational establishments from political parties and other social and religious organizations
- Integration with science and industry, and coordination with educational systems of other countries
- The flexibility and future orientation of the educational system
- The continuity, successiveness and variety of the educational system

287. Turkmenistan has established an extensive network of educational establishments allowing children to receive primary, secondary and special education. These include preschool facilities, schools, higher educational establishments, vocational secondary schools and residential schools for children with disabilities, all of which are maintained by the State.

288. Pre-school education takes place in the family and in State pre-school establishments in cooperation with families. The family is responsible for the harmonious development of the personality and for instilling national and general human values. The State promotes the upbringing and education of children and organizes activities in which they study Turkmen, English and Russian, providing financial and material support to pre-school facilities. Educational management bodies lay down methodological guidelines for the work of pre-school establishments independently of the department of which they form part (Education Act, art. 12).

289. Number of pre-school establishments

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---------------------|------|------|------|------|------|------|------|
| Turkmenistan | 891 | 1051 | 1003 | 944 | 900 | 835 | 819 |
| Ashgabat | 130 | 129 | 119 | 117 | 115 | 115 | 117 |
| Provinces: | | | | | | | |
| Akhal | 99 | 102 | 110 | 110 | 109 | 108 | 107 |
| Balkan | 146 | 143 | 141 | 137 | 137 | 137 | 137 |
| Dashoguz | 78 | 258 | 238 | 204 | 173 | 113 | 97 |
| Lebap | 276 | 261 | 242 | 228 | 221 | 217 | 216 |
| Mary | 162 | 158 | 153 | 148 | 145 | 145 | 145 |

290. Number of children in pre-school establishments (thousands)

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---------------------|-------|-------|-------|------|-------|-------|-------|
| Turkmenistan | 123.3 | 127.2 | 125.8 | 129 | 133.4 | 134.6 | 137.3 |
| Ashgabat | 24.1 | 25.6 | 24.3 | 23.8 | 25.0 | 25.0 | 25.7 |
| Provinces: | | | | | | | |
| Akhal | 13.3 | 14.5 | 15.4 | 15.8 | 16.6 | 16.7 | 16.9 |
| Balkan | 15.7 | 15.2 | 15.2 | 15.6 | 16.3 | 16.4 | 16.8 |
| Dashoguz | 18.5 | 18.5 | 18.6 | 18.6 | 18.7 | 17.6 | 17.2 |
| Lebap | 30.8 | 32.4 | 32.0 | 33.3 | 34.0 | 35.1 | 36.3 |
| Mary | 20.9 | 21.0 | 20.3 | 21.9 | 22.8 | 23.8 | 24.4 |

291. Article 13 of the Education Act states that 10-year general secondary education, which is the foundation of instruction, offers citizens the opportunity to acquire in-depth knowledge in accordance with the requirements of our times, for the proper development of their creative abilities and the raising of their level of culture and physical fitness. General secondary education is compulsory. In exceptional cases, a school's educational council may, with the consent of the parents or persons in loco parentis, reduce the hours during which a child is taught at a general education school. State executive and administrative bodies and local authorities ensure that all necessary conditions are in place for pupils to learn Turkmen, English and Russian.

292. Secondary schools at the beginning of the school year

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 1922 | 1700 | 1701 | 1705 | 1704 | 1710 | 1708 | 1711 |
| Ashgabat | 89 | 89 | 84 | 86 | 86 | 86 | 86 | 88 |
| Provinces: | | | | | | | | |
| Akhal | 288 | 233 | 239 | 240 | 239 | 239 | 239 | 240 |
| Balkan | 190 | 144 | 144 | 144 | 144 | 144 | 144 | 144 |
| Dashoguz | 538 | 503 | 503 | 503 | 503 | 509 | 507 | 507 |
| Lebap | 428 | 358 | 358 | 358 | 358 | 358 | 358 | 358 |
| Mary | 389 | 373 | 373 | 374 | 374 | 374 | 374 | 374 |

293. Number of pupils in secondary schools, thousands

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 1017.1 | 1035.1 | 1029.2 | 1018.6 | 1001.2 | 981.9 | 957.9 | 1040.0 |
| Ashgabat | 88.5 | 90.7 | 86.0 | 86.2 | 84.4 | 82.6 | 80.8 | 87.9 |
| Provinces: | | | | | | | | |
| Akhal | 153.1 | 156.7 | 161.3 | 160.3 | 157.3 | 153.0 | 147.7 | 159.5 |
| Balkan | 75.9 | 75.9 | 74.3 | 72.9 | 70.9 | 69.1 | 67.8 | 73.5 |
| Dashoguz | 228.6 | 230.4 | 222.8 | 219.7 | 216.1 | 213.8 | 209.2 | 228.2 |
| Lebap | 226.0 | 230.5 | 230.5 | 227.5 | 223.3 | 218.5 | 212.8 | 231.2 |
| Mary | 245.0 | 250.9 | 254.3 | 252.0 | 249.2 | 244.9 | 239.6 | 259.7 |

294. Number of teachers in secondary education, thousands

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 74.7 | 72.3 | 72.7 | 65.1 | 64.7 | 64.6 | 62.2 | 66.8 |
| Ashgabat | 4.6 | 4.2 | 4.0 | 3.7 | 3.5 | 3.6 | 3.6 | 4.5 |
| Provinces: | | | | | | | | |
| Akhal | 8.7 | 8.4 | 8.7 | 7.9 | 8.0 | 8.1 | 8.0 | 8.9 |
| Balkan | 5.1 | 4.9 | 4.9 | 4.4 | 4.2 | 4.2 | 4.1 | 4.5 |
| Dashoguz | 21.4 | 21.2 | 21.4 | 19.3 | 19.5 | 19.4 | 17.6 | 18.1 |
| Lebap | 17.0 | 16.6 | 16.5 | 14.2 | 13.9 | 13.7 | 13.4 | 14.7 |
| Mary | 17.9 | 17.0 | 17.2 | 15.6 | 15.6 | 15.6 | 15.5 | 16.1 |

295. Vocational education enables citizens to acquire a trade (specialization) in accordance with their calling, interests and abilities. It is conducted in vocational educational establishments of various kinds on the basis of general secondary education. The activities of vocational educational establishments are governed by the Regulations concerning them approved by the Cabinet of Ministers (Education Act, art.14).

296. Vocational secondary schools at the beginning of the school year:

Number of vocational secondary schools

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 16 | 15 | 15 | 15 | 16 | 16 | 16 | 17 |
| Ashgabat | 6 | 6 | 6 | 6 | 7 | 7 | 7 | 7 |
| Provinces: | | | | | | | | |
| Akhal | - | - | - | - | - | - | - | 1 |
| Balkan | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 2 |
| Dashoguz | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Lebap | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Mary | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |

Number of pupils in them, thousands

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 4.3 | 4.0 | 4.0 | 4.0 | 4.1 | 4.1 | 3.8 | 3.8 |
| Ashgabat | 6 | 6 | 6 | 6 | 7 | 7 | 7 | 7 |
| Provinces: | | | | | | | | |
| Akhal | - | - | - | - | - | - | - | 0.04 |
| Balkan | 0.6 | 0.3 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.2 |
| Dashoguz | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 |
| Lebap | 0.3 | 3 | 0.3 | 0.3 | 0.3 | 0.3 | 0.3 | 0.3 |
| Mary | 0.7 | 0.7 | 0.7 | 0.7 | 0.7 | 0.7 | 0.7 | 0.7 |

Number of teachers in them

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 730 | 610 | 540 | 521 | 498 | 497 | 489 | 595 |
| Ashgabat | 256 | 264 | 298 | 216 | 201 | 194 | 184 | 214 |
| Provinces: | | | | | | | | |
| Akhal | - | - | - | - | - | - | - | 15 |
| Balkan | 72 | 50 | 25 | 18 | 16 | 19 | 14 | 40 |
| Dashoguz | 149 | 103 | 101 | 95 | 92 | 93 | 90 | 107 |
| Lebap | 101 | 73 | 77 | 67 | 67 | 68 | 70 | 79 |
| Mary | 152 | 120 | 129 | 125 | 122 | 123 | 131 | 140 |

297. Under article 15 of the Education Act, higher education provides fundamental scientific and practical training, acquisition by citizens of a specialization in accordance with their calling, interests and abilities, enhancement of their skills, further vocational training and retraining, and training for senior scientific and educational staff. Specialists receive full-time training in higher educational establishments. Higher educational establishments in Turkmenistan comprise: academies, universities, institutes, conservatories and other establishments. Their graduates acquire the skills of a specialist with higher education in a particular trade or speciality, which may be at various levels, depending on the scope of the curriculum.

298. In Turkmenistan, every 17- to 18-year-old (depending on when he or she completes secondary education) has access to higher education up to the age of 35, subject to passing the competitive entrance examination. Higher education is provided free of charge. Boys and girls studying abroad are given concessional rates for travel to the place of study and back in the holidays.

299. Higher educational establishments

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 17 |
| Ashgabat | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 15 |
| Provinces: | | | | | | | | |
| Lebap | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Mary | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

300. Number of students in them, thousands

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 16.6 | 15.1 | 14.7 | 14.9 | 15.3 | 16.1 | 16.5 | 17 |
| Ashgabat | 15.1 | 13.7 | 13.5 | 13.7 | 14.0 | 14.7 | 15.1 | 15.6 |
| Provinces: | | | | | | | | |
| Lebap | 1.1 | 1.0 | 0.9 | 0.7 | 0.7 | 0.7 | 0.7 | 0.7 |
| Mary | 0.3 | 0.3 | 0.4 | 0.5 | 0.6 | 0.7 | 0.7 | 0.7 |

301. Number of teachers in them, thousands

| | 2000/ 2001 | 2001/ 2002 | 2002/ 2003 | 2003/ 2004 | 2004/ 2005 | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 |
|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Turkmenistan | 2342 | 2260 | 2069 | 2153 | 1879 | 1879 | 1854 | 2260 |
| Ashgabat | 2122 | 2062 | 1897 | 1988 | 1728 | 1742 | 1715 | 2106 |
| Provinces: | | | | | | | | |
| Lebap | 176 | 157 | 135 | 123 | 100 | 90 | 88 | 101 |
| Mary | 44 | 41 | 37 | 42 | 51 | 47 | 51 | 53 |

302. Basic socio- economic indicators

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|--|--------|--------|--------|--------|--------|-------|-------|
| No. of pre-school establishments | 891 | 1051 | 1003 | 944 | 900 | 835 | 819 |
| Children in them, thousands | 123.3 | 127.2 | 125.8 | 129 | 133.4 | 134.6 | 137.3 |
| No. of secondary schools | 1922 | 1700 | 1701 | 1705 | 1704 | 1710 | 1708 |
| <i>of which:</i> | 506 | 480 | 478 | 482 | 482 | 482 | 482 |
| urban | | | | | | | |
| rural | 1416 | 1220 | 1223 | 1223 | 1222 | 1228 | 1226 |
| Pupils in them, thousands | 1017.1 | 1035.1 | 1029.2 | 1018.6 | 1001.2 | 981.9 | 957.9 |
| <i>of which:</i> | 412.5 | 419.3 | 410.5 | 407.1 | 399.8 | 390.8 | 380.4 |
| urban | | | | | | | |
| rural | 604.6 | 615.8 | 618.7 | 611.5 | 601.4 | 591.1 | 577.5 |
| No. of vocational secondary schools | 16 | 15 | 15 | 15 | 16 | 16 | 16 |
| Pupils in them | 4.5 | 4.0 | 4.0 | 4.0 | 4.1 | 4.1 | 3.8 |
| No. of higher schools | 16 | 16 | 16 | 16 | 16 | 16 | 16 |
| Students in them | 16.6 | 15.1 | 14.7 | 14.9 | 15.3 | 16.1 | 16.5 |
| No. of theatres | 9 | 9 | 9 | 9 | 9 | 9 | 9 |
| No. of museums | 28 | 27 | 27 | 27 | 27 | 29 | 30 |
| No. of hospitals | 114 | 120 | 119 | 125 | 124 | 122 | 121 |
| No. of medical centres | 32 | 30 | 30 | 30 | 30 | 30 | 30 |
| Total available living space, m ² (adjusted) per person | 17.8 | 18.3 | 19.2 | 19.4 | 19.6 | 19.7 | 19.8 |

303. The fact that education is free and generally accessible ensures high levels of education and literacy among the people of Turkmenistan. According to data from the 1995 population census, 98.8 per cent of the population aged 15 years or over is literate. Of every 1,000 persons aged 15 years or over, 92 have higher education, 9 have incomplete higher education, 166 have specialized secondary education, 477 have general secondary education, 183 have incomplete secondary education and 48 have primary education.

304. Starting with the 2007-2008 academic year, 10-year general secondary education has been introduced as the foundation of instruction and to offer citizens the opportunity to acquire in-depth knowledge in accordance with the requirements of our times. New subjects have been introduced into the curriculum for the study of the laws of social development and the bases of legal, moral, economic, political and environmental culture. Educational reforms are a priority in the general strategy for modernizing the country. Among the first decrees issued by the new President of Turkmenistan to this end were the Decree of 15 February 2007 on enhancing the education system in Turkmenistan, the Decree of 4 March 2007 on improving the work of educational institutions and the Decree of 30 March 2007 on raising education sector salaries and student grants. These documents are aimed

primarily at the creation of a new integrated national model of general, higher and vocational education meeting world standards.

305. Radical changes have taken place in the teaching and educational process in higher educational establishments. One of the basic trends in improving the higher education system is the increase in student numbers and the changeover to five-year and six-year teaching cycles. General secondary education school leavers have acquired the right to go on to a higher educational establishment immediately on completing their studies there. The time spent on theoretical studies has been increased, while less time is spent on practical work. Secondary schools and higher education institutions are now equipped with modern multimedia and computer technology and employ interactive teaching methods, thus enabling young Turkmen to receive a world-class education, enrich their inner world, broaden their horizons and learn about the achievements of science. The curricula of higher educational establishments have been revised, new subjects have been introduced, the rules for acceptance have been changed, new faculties have been opened and 18 new specialities taught, and the number of students has been increased. The introduction of new subjects this year in a number of higher educational establishments has made it possible to admit 4,000 students to them, or 385 more than in the 2007 academic year. The opening of a branch of the prestigious Russian I.M. Gubkin State Oil and Gas University in Ashgabat was another important step towards the implementation of a new educational policy based on a system of effective interaction and geared towards international cooperation.

306. As is well known, one of the main aims of the radical reform of national science initiated by the President, Gurbanguly Berdimuhamedov, is to create a complete system for training scientific cadres - newly trained scholars called upon to carry out the grandiose tasks facing the nation in the third millennium. "In a strong State, science leads the way, and that means we must keep pace with its most recent achievements" - these words of the Turkmen leader are clearly illustrated by a number of highly important documents signed by him. They include the Resolutions on the work of the Academy of Sciences of Turkmenistan and on improving the scientific system and the Special Resolution on training highly qualified specialists and scientific workers and State support for scientific research. These documents, which govern State policy on science and technology, lay down a range of specific measures that ensure a solid base for the training of scientific cadres and the creation of all the conditions necessary for the maximum realization of the nation's intellectual potential. One of the main aims of the radical reform of national science initiated by the President is to create a complete system for training scientific cadres. To this end, postgraduate and doctoral study courses have already been established and joint research with 22 scientific establishments and colleges having highly qualified scientific and science teaching staff has been started. The State has assumed the financial aspects of achieving the goals that have been set. The country's social and cultural facilities include 13 scientific research institutions financed from State budget resources. It is planned to allocate 111.7 billion old manat to the "Science" section in 2009, and 19.6 billion old manat to scientific project tenders. Six international scientific conferences were held in 2008, at a cost of 10.5 billion manat.

307. Young citizens are guaranteed access to social services for training, education, spiritual development and vocational training, and all forms and types of educational services provided by the State are universally accessible and free of charge. Young citizens have the right to choose their educational establishment, language of instruction, and profile and form of study. Young citizens studying in State educational establishments have the right to concessional terms for meals and medical care, free use of textbooks and educational supplies, free use during instruction of the educational establishment's technological, scientific, cultural and sports teaching facilities, and the right to receive bursaries, grants and compensation for taking part in the educational establishment's

administrative bodies. Students and pupils in need of material assistance are given the necessary support from the social assistance funds set up in educational establishments.

308. Under article 24 of the Education Act, teachers have the right to:

- Establishment of appropriate conditions for their professional work
- Individual teaching
- Protection of their professional honour and dignity
- Improvement of their skills
- Concessional provision of literature on teaching methods and science
- Material and moral rewards for success in their teaching and instruction of the rising generation, and the award of orders, medals and honorary titles

Teachers in educational establishments situated in rural areas and urban settlements are entitled to priority and free housing and exemption from taxes on plots of land for the construction of individual houses and personal subsidiary farming.

309. Local administrations and authorities carry out State educational policies within the limits of their competence. This includes:

- Preparation of normative funding budgets
- Development of a network of educational establishments, enhancement of their material base and provision of operational services
- Social protection of teachers, children and young students, and creation of conditions for their instruction, education and work in accordance with material, technical and financial norms
- Provision of regular free transportation of schoolchildren in rural areas to their place of education and organization of meals for them

310. The material base of the educational system is made up of buildings, facilities, technology and equipment, means of transport and other property used for teaching, instruction and other educational tasks. The material base may be the property of educational establishments and institutions and be used by them under a lease or other terms. Facilities forming part of the material base of the educational system and enterprises and organizations that develop the material and social base of education or provide practical work and training are exempt from tax under Turkmen law.

311. Under article 6 of the Freedom of Religion and Religious Organizations Act of 21 October 2003, Turkmenistan's education system is separate from religious organizations and is secular. Turkmen citizens are entitled to a secular education regardless of their attitude towards religion. Turkmen citizens have the right to instruction in a spiritual doctrine and to spiritual education of their choice individually or together with others. Children may receive spiritual instruction in mosques for up to four hours per week in their free time from school, subject to authorization by the Gengesh (council for religious affairs) attached to the Office of the President of Turkmenistan, if the parents, persons in loco parentis, legal representatives and the children themselves give their consent. Religious doctrines may be taught by persons who have completed higher spiritual studies and are authorized by the Gengesh. Private instruction in a spiritual doctrine is prohibited and punishable according to the law.

312. Citizens may study at higher spiritual educational establishments once they have completed their compulsory general secondary education, in accordance with the Education Act. Citizens of Turkmenistan may obtain spiritual education at the faculty of theology of

the Makhtumkuli State University. Citizens studying at a higher spiritual educational establishment enjoy rights and privileges relating to deferment of military service, taxation and inclusion of time spent on studying in length of work service, in accordance with the law for persons studying in State educational establishments.

313. Parents and persons in loco parentis have the right to:

- Choose the type of educational establishment, taking into account their child's wishes, individual leanings and characteristics
- Demand a respectful attitude to their children's personality and achieve the protection of their legitimate rights and interests so that they can receive sound education and upbringing in accordance with their individual characteristics and abilities
- Take part in the discussion of matters relating to the education and upbringing of their children outside teaching hours

Parents (persons in loco parentis) are responsible for their children's upbringing. They must:

- Contribute to the sound development of the child
- Ensure that the child receives general secondary education
- Create the necessary conditions for his or her life and studies and strengthen his or her health
- Ensure the development of his or her spiritual and physical powers and moral awakening

314. State educational standards are established in Turkmenistan, determining the necessary compulsory minimum requirements for graduates of educational establishments of all kinds. The procedure for the preparation and approval of these standards is determined by the Cabinet of Ministers.

315. Priority importance is attached to implementation of the State "Education" programme. Within their own budget resources and the subsidies and grants they receive, local administrations and authorities set their budgets independently, in which priority importance is attached to funding for education, which increases every year. Regional budget allocations are coordinated by the Cabinet of Ministers, which ensures that there is no disproportion in this regard (Budgetary System Act, art. 12). Budget spending in the social sphere increases every year, through growth in personal incomes and regular increases in teachers' pay and students' bursaries.

316. State programmes such as "Education", "New Village" and others provide for the further extension and construction of pre-school facilities, schools and sports, educational and cultural facilities.

317. For example, in order to offer social support and adjustment to disabled children, the State maintains educational, medical and rehabilitative institutions where disabled children can receive instruction, vocational training and education appropriate to their state of health (Rights of the Child Act, art. 31).

318. Under the Presidential Decree of 4 March 2007 on enhancing the education system, boarding schools have opened in the provinces so that children from villages remote from cultural centres and railway stations who have received a primary education can continue their studies in the senior grades and receive a normal education.

319. Orphans are supported by the State. There is an "Orphans' Palace" in Ashgabat and an orphans' home in Balkanabat, Balkan province, where children are looked after entirely

at the expense of the State. Turkmenistan raises orphans in families: there is, for example, a family-style home in Turkmenabat, Lebap province, where eight children are cared for in a family environment.

320. Stateless and refugee children, migrants and the children of foreign citizens living in Turkmenistan have the same entitlement to education as Turkmen citizens. At present the refugees, including child refugees, who arrived in Turkmenistan in 1991-1997 have taken up permanent residence in Turkmenistan and enjoy all the rights of Turkmen citizens.

321. There are a variety of free courses, supported by voluntary and international organizations, available to vulnerable children from large families, orphans, former refugee children, disabled children etc., including computer literacy, English language, sewing, cookery and applied ethnic arts.

322. Educational establishments at all levels are set up by the State; the private sector is represented in the form of students following a variety of courses of study: entrepreneurship, foreign languages, the fundamentals of psychology, computer literacy, study and work using the Internet and so forth.

323. The main objectives of the President's new education policy are to establish an advanced system for training national key workers, to provide education that meets international standards and to satisfy the growing needs of the country's economy for highly qualified professionals capable of participating in reforms encompassing all aspects of the life of the State and society.

324. Among the first decrees issued by the President to realize the objectives envisaged were the Decree of 15 February 2007 on enhancing the education system, the Decree of 4 March 2007 on improving the work of educational institutions and the Decree of 30 March 2007 on raising education sector salaries and student grants. These documents clearly set out the aims and purposes and indicate ways of improving the work of educational institutions, as well as setting academic standards for all levels of instruction and education.

325. Pursuant to these texts, education sector salaries and student grants are currently being increased by 40 per cent. The workloads of teachers in all types of secondary, vocational and vocational secondary schools have been reduced to 24 hours per week. The annual workload of professorial and teaching staff in colleges has been capped at 850 hours, and 10-year education has been introduced.

326. Secondary schools and higher education institutions are equipped with modern multimedia and computer technology and employ interactive teaching methods, thus enabling young Turkmen to receive a world-class education, enrich their inner world, broaden their horizons and learn about the achievements of science.

327. The country currently has 1,711 secondary schools, attended by more than 1 million children. There are also 17 vocational secondary establishments and 17 higher educational establishments, with a total of more than 18,000 students. In 2009, expenditure on the payment of grants to students in high schools and vocational secondary educational establishments is also planned to increase by 10 per cent, to 382.4 billion manat. It is planned to expand the network of pre-school facilities and primary schools, with the opening of 22 pre-school facilities and 27 schools. The total number of schools financed from the State budget will be 1,816, and they will have 999,400 pupils. The sum of 7,784.2 billion manat is being allocated to the maintenance of educational establishments in 2009. In the 2008-2009 academic year, schools in Ashgabat and the provinces will be equipped latest-generation computer technology and modern computer programmes. The successful completion of this large-scale programme will provide schools with the opportunity to base the educational process on modern technologies, and enable pupils to familiarize themselves with the latest achievements of science and technology. Funding of targeted

programmes in the sphere of education, the basic purpose which is to enhance the material base of educational establishments so as to improve the educational process, has been increased. It is intended that educational establishments will acquire additional school furniture and computers costing 206.9 billion manat. Work on publishing new textbooks will continue. It is planned to issue 73 textbook and educational methodology titles with a total print run of 4.4 million copies. A sum of 92.2 billion manat will be earmarked for this purpose. The planned allocations for education will make it possible to enhance the quality of teaching and ensure the all-round development of the personality on the basis of the patriotic upbringing of the young generation.

328. In Turkmenistan, every 17- to 18-year-old (depending on when he or she completes secondary education) has access to higher education up to the age of 35, subject to passing the competitive entrance examination. Higher education is provided free of charge.

329. In 2008, the intake of students in higher education institutions was increased, and 18 new subjects were introduced, including Italian language and literature, Chinese language and literature, Korean, Spanish, agrochemistry and soil science, plant protection, mechanized land improvement and animal husbandry, global financial markets and insurance, circus and variety arts, international law, international relations and diplomacy, international economic relations, international journalism, trade, global financial markets and industrial engineering. The introduction of the new subjects at a number of the country's higher education institutions enabled 4,000 students to be admitted, 385 more than in the 2007 academic year.

330. Every year, the Government sends young Turkmens to study in higher educational establishments abroad. Currently, over 1,500 young people from Turkmenistan are studying at educational establishments in Russia, Turkey, China, Malaysia, Romania and other foreign countries.

331. There are now more than 100 secondary schools specializing in teaching foreign languages, including 80 specializing in English, 13 in German and 7 in English and German. Assistance with language teaching is provided by centres for language study and computer literacy attached to secondary schools and to provincial and district education departments.

332. To offer social support and adjustment to disabled children, the State maintains educational, medical and rehabilitative institutions where disabled children can receive instruction, vocational training and education appropriate to their state of health (Rights of the Child Act, art. 31).

333. Turkmenistan participates in international cooperation on the defence of women's rights and legitimate interests of children/girls and protection of the mother and the child, and fulfils its international obligations regarding those issues. As part of international cooperation, Turkmenistan has in recent years been the venue for various kinds of international educational, cultural and sporting events (olympiads, competitions, festivals, conferences, symposia, sporting contests etc.), including children's and youth events, and this has also had a positive effect on the development and quality of education.

334. State and voluntary organizations (Youth Union, Women's Union, etc.), in cooperation with offices of international organizations (UNDP, UNICEF, UNFPA, UNHCR, IOM, OSCE, etc.) accredited in Turkmenistan, organize extensive outreach activities on the rights of the child, including information about international standards for the treatment and protection of children. The relevant international and domestic laws and regulations are published regularly, and discussions, seminars, round tables and other events are held to help raise public awareness.

335. Great importance is attached to the implementation of comprehensive State programmes ("Education", "Health" and others), which are carried out with the cooperation of United Nations agencies accredited in Turkmenistan and aimed at ensuring the all-round development of children and the protection of their health. The work of United Nations agencies in Turkmenistan takes place as part of the United Nations Development Assistance Framework for 2005-2009 (UNDAF).

336. The Government and the UNDP office in Turkmenistan are carrying out the "Information Sharing in Turkmenistan for Sustainable Human Development" (InfoTuk) project to spread the latest information technology in Turkmenistan. Under the project, computer learning centres have been opened in Ashgabat, Turkmenbashi, Balkanabat, Tedzhen, Mary, Dashoguz and Serdar, with the cooperation of local authorities. The project is being implemented by the Ministry of Education.

337. The UNICEF programme for education is focused on three fundamental initiatives; early childhood development, quality secondary education and assistance in the development of a child-friendly environment in pre-school facilities and primary schools. Following joint work by the Ministry of Education and UNICEF, the Early Childhood Development Standards were drawn up and approved. In addition, the Ministry of Education, in partnership with UNICEF and UNESCO, organized a review of the mathematics and geography curricula and supported the child-friendly schools initiative. The programme of lessons on family upbringing, supported by UNFPA, was developed and approved by the Government in 1998 as part of school education as extra-curricular instruction promoting greater knowledge of reproductive health among young people. These lessons are given by biology teachers who have undergone training with UNFPA support.

338. Education is one of the key elements of UNHCR's assistance programme. On 12 June 1997 the Turkmen Parliament ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The core provisions of these international instruments were incorporated into the Refugees Act adopted on 12 June 1997, which regulates every aspect of the legal status of refugees, including refugee children.

339. In the sphere of higher education, Turkmenistan cooperates with the European Union under the Tempus programme (Trans-European Mobility Programme for University Studies). The Tempus programme covers the priority areas of reform of the higher education system through various kinds of cooperation that promote changes at all levels of higher education. Higher education establishments in Turkmenistan have been participating in the programme since 1996. Higher educational establishments in Germany, France, the United Kingdom, Belgium, Scotland, Spain, Portugal Denmark and the Netherlands have been partners in these projects.

340. From 1997 to 2007, higher education establishments in Turkmenistan have carried out more than 30 Tempus projects, 12 of which are ongoing. The total cost of the 122 projects is more than €3 million. Through these projects, a simultaneous interpretation booth was equipped at the D. Azadi Institute of World Languages and a TR 1510 Risograph (miniprinter) was acquired and installed at the State Transport and Communications Institute. In 2006, under the "Modernization of the Makhtumkuli State University library" project, the library was modernized and a local area network for Internet access was created together with European partners from France and Portugal. Also in 2006, with the support of European partners in France, Portugal and Spain, an Economics Study Centre was set up at the State Economics and Management University for civil servants, who continue to study there. A translation centre to train teachers of English for special purposes was established in 2007 at the D. Azadi Institute of World Languages together with higher educational establishments in Spain and Scotland. The centre has modern equipment and translation programmes, considerably facilitating the work of teachers and students.

341. Reciprocal visits by both Turkmen and European partners, during which specialists exchanged work experience in various areas of higher education, helped to make the projects a success. From the beginning of 2007 to the present alone, more than 50 teachers from Turkmen higher educational establishments visited their opposite numbers in Germany, France, Spain and Scotland, and a similar number of teachers from those countries visited higher educational establishments in Turkmenistan for joint studies and seminars.

342. The Tempus Information Day has been held by the Ministry of Education, together with the EU Directorate-General for Education and Culture and the European Education Fund, since 2000. It is attended by representatives of Turkmen higher educational establishments and specialists from the EU Directorate-General for Education and Culture, the European Education Fund and the Tempus department.

Article 14

The right to free compulsory education

343. Article 38 of the Constitution states that general secondary education is mandatory and everyone is entitled to such education free of charge in State educational establishments. Governmental and non-governmental organizations and citizens have the right to conduct fee-based education.

344. Under article 31 of the Education Act, the main source of funding for the educational system is allocations from the State budget, determined in accordance with approved norms for the provision of material, technical and financial resources to educational establishments. Additional funding for educational establishments and scientific and other institutions in the education system is also drawn from resources made available by enterprises, public associations and private individuals: this is not subject to repayment or is paid for by work done and services rendered, including teaching and training of specialists.

345. It is not permitted in State higher educational establishments to take payment from pupils and students for their teaching or other services paid for within the curriculum.

346. Fee-based educational establishments that provide study programmes at a level not lower than the State standard receive State support within the norms for teaching in the corresponding form and type of State educational establishment.

Article 15

The right to take part in cultural life

347. Article 11 of the Constitution stipulates that the State is responsible for preserving the national historical and cultural heritage and the natural environment, and for ensuring equality between social and ethnic groups. The State encourages the scientific and creative arts and the dissemination of their achievements, and facilitates the development of international relations in science, culture, education, sports and tourism.

348. Citizens of Turkmenistan have the right to freedom of artistic, scientific, and technical creation. Intellectual property rights and the interests of citizens in the fields of scientific and technical creation and artistic, literary, and cultural activity are protected by law. The State promotes the development of science, culture, art, folk art, sport and tourism.

349. 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 culture of originality is an extremely important task. The Strategy for the Economic, Political and Cultural Development of Turkmenistan for the Period up to 2020 is directed at the achievement of this aim.

350. The following instruments have been adopted to implement the Government's policy for 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 of 19 February 1992, the State Scientific and Technological Policy Act of 19 February 1992, the Scientific Intellectual Property Act of 30 September 1992, the Tourism Act of 24 November 1995, the Museums and Museum Management Act of 20 December 1996, the Libraries and Librarianship Act of 15 June 2006, the National Applied Arts and Crafts Act of 19 December 2000 and the Physical Education and Sport Act of 7 July 2001.

351. Under article 8 of the National Applied Arts and Crafts Act, citizens working in the sphere of applied arts and crafts have the right to:

- Protection of their creative designs
- Scientific research work
- Exhibiting and other forms of public showing of the results of their work
- Reward for the public use of the results of their intellectual work
- Access to funds for culture
- The leasing of premises to be used as creative workshops in accordance with Turkmen laws
- The establishment of conditions for creative work that meet labour protection requirements
- Tuition on the relevant type of national applied arts and crafts
- Acquisition and procurement of the necessary types of raw materials and supplies
- Protection of their professional honour and dignity

352. Physical culture and sport are an important component of Turkmen national culture aimed at enhancing a people's health and developing their physical and intellectual abilities so as to achieve the harmonious development of their personality. Under article 3 of the Physical Culture and Sport Act, citizens have the right to engage in physical culture and sport. They have the right to establish physical culture and sports associations, sports clubs and other organizations concerned with physical culture, health improvement and sports that operate in accordance with the laws of Turkmenistan and the statutes of international sports associations. Citizens may, in accordance with Turkmen laws, engage in entrepreneurial activity to provide services to physical culture and sports organizations and individuals, to produce goods for physical culture and sports and associated activities and use physical culture and sport in their advertising.

353. Article 3 of the Scientific Intellectual Property Act states that the right to scientific intellectual property consists in the owner having the possibility, recognized and protected by law, of possessing, using and disposing of, at his own discretion, the results of scientific work, as objectified in various forms. No one may use them without the owner's consent. In exceptional cases, the Cabinet of Ministers may authorize the limited use by other legal persons of intellectual property belonging to the owner. Exercise of the right to scientific intellectual property must serve humane ends, not infringe the law or the interests of the

State, citizens, enterprises, or organizations, as protected by law, and not cause environmental damage.

354. Article 4 of the Scientific Intellectual Property Act states that the subjects of the right to intellectual property may be physical and legal persons in Turkmenistan or other States and international organizations. The right to be the owner of scientific intellectual property belongs to the elaborator (author, creator) of the object owned, that is, the citizen or group that participated directly in the creation of the object of scientific intellectual property.

355. The right to intellectual property is protected through the courts. Issues relating to the reimbursement in full to the owner of any losses caused are also resolved during the settlement of disputes (Scientific Intellectual Property Act, art. 11).

356. Copyright law governs the relations arising when scientific, literary and artistic works are created and used (copyright) and also rights related to the use and production of audio and video recordings and broadcasts (associated rights) - Civil Code of 17 July 1998.

357. Under article 1058 of the Civil Code, copyright applies to:

- "a) Literary works (books, brochures, articles, computer programmes, databases, etc.);
- b) Dramas or musicals, choreographic works, mime shows and other kinds of works;
- c) Musical works with or without text;
- d) Audiovisual works (cinema, television and video films, etc);
- e) Works of sculpture, painting, graphics, lithography and other fine arts;
- f) Works of decorative, applied and monumental art;
- g) Works of architecture, urban development and gardens and parks design;
- h) Photographic works or works obtained by means assimilated to photography; a clip taken separately from an audiovisual work is not considered to be a work of photography;
- i) Maps, plans, sketches, illustrations and other similar works relating to geography, topography or other sciences.

2. Copyright also applies to:

- a) Derived works (translations, revisions, annotations, abstracts, summaries, reviews, dramatizations and screenplays, musical arrangements and other reworkings of scientific, literary and artistic works);
- b) Collections (encyclopaedias, anthologies, databases) and other compilations representing, by the selection or arrangement of the subject matter, the result of intellectual and creative work."

358. Infringement of the copyright and associated rights set out in the Civil Code entails civil, criminal and administrative liability. Their infringement by a legal person entails civil liability (Civil Code, art. 1124).

359. The Protection of Historical and Cultural Monuments Act of 19 February 1992 and the Protection, Import and Export of Movable Cultural Values Act of 15 September 1998 were adopted to preserve the historical and cultural heritage of Turkmenistan and all the peoples living there and to ensure its all-round effective use.

360. The 2007 budgetary allocations for the repair and reconstruction of historical and

cultural monuments included capital investment amounting to 1.5 billion manat.

361. There are 1360 fixed historical and cultural monuments (archaeological objects and ancient architectural installations) and eight protected historical and cultural reserves in Turkmenistan:

- Nisa historical and cultural reserve;
- Kunya-Urgench historical and cultural reserve;
- Ancient Merv historical and cultural reserve;
- Kene Serakhs historical and cultural reserve;
- Ancient Dekhistan historical and cultural reserve;
- Atamurad historical and cultural reserve;
- Geog-Depe Fortress historical and cultural reserve;
- Abiverd historical and cultural reserve.

362. All these reserves have national status. Three of them have been included in the UNESCO World Heritage List: Ancient Merv in 1999, Kunya-Urgench in 2005 and Nisa in 2007. The historical and cultural reserves are maintained in strict observance of the Venice Charter, which clearly defines the basic grounds for intervening with regard to the technical condition of monuments. The priority consideration here is the conservation of the original. The means and methods of scientific conservation remain subjects of particular attention among Turkmen specialists and colleagues from other countries.

363. The sum of 583,851 million manat was allocated to the development of culture from the State budget in 2007. It is being used primarily for the operation of institutions working on issues relating to culture and the national heritage under the aegis of the Minister of Culture and Radio and Television Broadcasting. The State Budget Act makes provision for the allocation of resources to support this work. These resources are held by the Ministry of Culture and Radio and Television Broadcasting. Local cultural institutions are financed by local budgets.

364. The Ministry is responsible for 10 theatres, 28 museums, 88 libraries, 11 higher and secondary educational establishments, 59 children's music and art schools, 678 clubs, the Department for the protection, study and restoration of historical and cultural monuments, the Department for art exhibitions, the Centre for learning and methodology, the production training centre, the Main Administration of Turkmen television and the Department for culture in the country's provinces and districts. New buildings have been constructed to implement the policy of promoting cultural life in Turkmenistan: eight theatres, three museums, a library, a concert hall and an academy of arts have been built in Turkmenistan in the past few years alone.

365. Every year, pursuant to Presidential Resolutions, 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.

366. 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: the 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, as did the Turkmen Culture Days in Kazakhstan, Austria and Germany. In 2009, it is planned to hold Russian, Ukrainian, Kazakh, Turkish, Azerbaijani, Uzbek and Tadjik Culture Days in Turkmenistan, as well as an international exhibition of pictures, decorative and applied arts and jewellery entitled "Turkmenistan and masterpieces of world culture".

367. Every year, pursuant to a Presidential Resolution, a creative competition is held in order to encourage creative activity among workers in culture, the arts and literature, young executives and gifted children, with the active participation of ethnic minorities living in Turkmenistan. In 2008 the President adopted the Resolution on the annual holding of a competition among workers in culture, the arts and literature and the Resolution on the proclamation of 27 June as a national holiday in Turkmenistan - Workers in Culture and the Arts Day.

368. 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 three higher educational establishments, eight specialized secondary schools and 59 schools for the arts, attended by 13,539 students and pupils and staffed by more than 3,500 teachers.

369. Turkmenistan's library network is one of the most important factors promoting 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, as well as for maintaining and increasing library stocks and providing material and technical supplies. Libraries in Turkmenistan operate under the Libraries and Librarianship Act of 15 June 2006, which stipulates that "every citizen has the right 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" (art. 19).

370. 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.

371. In 2006, the Sapamurat Turkmenbashi the Great National Library was awarded a USD 200,000 Japanese Government grant to install audiovisual equipment.

372. Museums in Turkmenistan play an immense role in making Turkmen citizens aware of the artefacts of the national and world historical and cultural heritage. There are currently 28 museums in Turkmenistan, employing 700 persons and housing some 240,000 valuable exhibits. The Sapamurat Turkmenbashi National Museum is the leading museum in Turkmenistan. It is visited by more than 50,000 visitors every year. It is planned to open two new museums in 2009 - the Museum of Local History and Ethnology, and the Museum of Presidents. Construction of new buildings is planned for museums in Balkanabad, Mary and Turkmenabad, under a Presidential Resolution of 12 May 2008.

373. The achievements of Turkmen arts and culture, and the problems arising in them, are given wide coverage in the media. The principal broadcasting body in Turkmenistan is the Turkmen Television Board, which consists of four television channels, "Altyn asyr: Türkmenistan", "Türkmenistan", "Miras" and "Ýaşlyk", and four radio stations, "Car tarapdan" "Owaz", "Miras" and "Watan". There have been some problems in this area, and a special State programme has been set up to resolve them. It involves the training of highly skilled programme editors, montage specialist, operators and directors. By Presidential Resolution dated 17 December 2008, the new television channel "Türkmen owazy" ("Turkmen melodies") will start broadcasting on 1 January 2009.

374. 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 real 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).

375. In recent years, Turkmenistan has 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 Ministry of Culture and Radio and Television Broadcasting of Turkmenistan and the Turkish Radio and Television Organization, the Agreement between the Governments of Turkmenistan and Tadjikistan 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.

376. International cooperation plays an enormous role in realizing the right to take part in cultural life, particularly as regards the preservation of Turkmenistan's historical and cultural heritage.

- The "Development of culture at Kunya-Urgench" project was carried out in 1999-2001, with UNDP financial support. Restoration and conservation work was carried out under the project at the Tyurabek-Khanum mausoleum, the Kutlug Timura minaret and the Kyrk Molla fortress, and facilities were built around the main tourist sites at Kunya-Urgench.
- The "Restoration of the Sultan Sandzhar Mausoleum in Merv" project was carried out in 2001-2003, with TIKA financial support.
- Restoration and conservation work at Turkmen historical and cultural monuments was carried out in 2001-2007 under the United States State Department's Ambassadors Fund for Cultural Preservation programme.

377. 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, and existing cinema and concert halls are being repaired and modernized.