



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

SUMMARY RECORD OF THE 1143rd MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Wednesday, 24 May 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Turkmenistan (CRC/C/TKM/1; CRC/C/TKM/Q/1)

1. At the invitation of the Chairperson, Mr. Atakhanov and Mr. Orazberdyev (Turkmenistan) took places at the Committee table.
2. Mr. ORAZBERDYEV (Turkmenistan) said that Turkmenistan was a democratic secular State that sought to fulfil its international obligations. Those obligations included the observance of human rights, particularly children's rights, and education reform.
3. Education was the cornerstone of social development and was therefore one of the Government's priorities. The right to education was guaranteed by article 35 of the Constitution and the 1993 Education Act. General secondary education was compulsory and free of charge and lasted nine years. Further education was also available free of charge. The pupil/teacher ratio was 15 to 1. In 2005, 105,460 pupils had graduated from secondary school. In addition to general secondary education, there were special schools for gifted children. Children with mental and physical disabilities attended special educational institutions, which also provided medical treatment. In 2003, 2,500 children, including 1,600 boys, had attended such institutions; in 2005, that number had decreased to 2,400, including 1,500 boys.
4. After gaining its independence, Turkmenistan had focused on reform of the national education system and improvement of moral and patriotic education, the revival and development of spiritual values, and the implementation of the Convention on the Rights of the Child and the Universal Declaration of Human Rights. The Government had prepared a new school curriculum, approved standards for monitoring achievement and introduced a standardized testing and examination system. In addition to the 22 subjects of the basic curriculum, children could study other subjects.
5. There were over 1,000 preschool facilities for children under 5. Parents' centres assisted families in preparing their children for school. The Ministry of Public Health cooperated with the United Nations Children's Fund (UNICEF) in developing national standards for early childhood development, which had been reflected in the national programmes "Saglyk" (Health), "Bilim" (Education) and "Rukhnama" (Spirituality).
6. A charitable foundation had been established under presidential auspices to promote the development and education of orphans and children lacking parental care.
7. There was a national programme to improve medical institutions and infrastructure, which included the establishment of diagnostic centres. Programmes to reduce childhood illness and child mortality had been introduced in cooperation with UNICEF. Women had been encouraged to return to breastfeeding, and 37 per cent of infants were currently exclusively breastfed. The World Health Organization (WHO)/UNICEF Integrated Management of Childhood Illness initiative had been implemented in order to reduce anaemia among toddlers and women of childbearing age.

8. Turkmenistan was making efforts in many areas to fulfil its obligations under the Convention. It cooperated closely with the United Nations and its specialized agencies, and maintained a constructive dialogue with them in order to achieve common goals.
9. Ms. VUCKOVIC-SAHOVIC (Country Rapporteur) commended the State party for its efforts to implement the Convention. The delegation should identify any problems encountered and rank them in order of priority. While she was impressed by Turkmenistan's adoption of extensive legislation on children's rights and issues, she requested information on how such legislation was implemented. She wished to know what specific measures had been taken to improve the situation of children.
10. Without written replies or statistical data, the Committee could not formulate conclusions or recommendations.
11. She noted with concern that many people in Turkmenistan lived in relative poverty, and a significant number of children lived below the subsistence level. In that connection, she asked whether the Government planned to increase expenditure on children's needs and social sector reform.
12. She enquired whether the provisions of the Convention on the Rights of the Child could be invoked by children in the courts.
13. The delegation should provide information on disparities in children's living conditions in urban, rural and remote communities. In the light of the trend towards decentralization, she asked how children exercised their rights at the community level.
14. She wondered how non-governmental organizations (NGOs) that received financial support from the Government could function independently. She wished to know whether the voluntary associations represented in elected bodies were able to monitor Government performance. The delegation should inform the Committee about the State party's plans to allow private citizen initiatives, and to help independent organizations to play their part in implementing the Convention through interaction with the Committee.
15. Mr. PARFITT expressed concern at the apparent lack of independent mechanisms to protect children from violations of their rights. There also seemed to be no independent body responsible for monitoring the implementation of the Convention and other child-related legislation or for following up complaints. He asked whether the State party intended to establish an ombudsman or a national human rights institution in accordance with the Paris Principles.
16. He welcomed the State party's ratification of the Optional Protocol on the involvement of children in armed conflict in 2005. In that connection, he enquired about the length of compulsory military service and asked whether conscripts were allowed to defer military service in order to complete their education. He also wished to know what measures were being taken to ensure that 17-year-old volunteers in the armed forces were not involved in hostilities.

17. Mr. ZERMATTEN said that, although the State party's Civil Code defined a child as a person under 18 years of age, the age of criminal responsibility and the minimum age for consent to marriage, voluntary enlistment in the armed forces and entry into employment was 16. He asked whether the State party intended to raise those age limits to 18. The delegation should explain what was understood as a "particularly serious crime" for which children between 14 and 16 years of age were held criminally liable. It should also provide a list of arduous, unhealthy or dangerous types of work in which persons under 18 could not be employed. He wished to know why the protection offered by the Convention did not fully apply to children between the ages 16 and 18.

18. Ms. SMITH asked the delegation to comment on allegations that children's right to be heard in court was left to the discretion of the judge and that their right to participate in decision-making in school was not always respected. She enquired whether schools provided religious instruction, including instruction in non-registered religions. She also wished to know whether it was true that the State party had no independent children's associations, that many libraries had been closed and that television was State-run. If so, the delegation should explain how children could obtain access to independent information. She requested additional information on content of the Rukhnama.

19. Mr. LIWSKI asked what proportion of the money earmarked for the social sphere was allocated to children and what indicators were being used to ensure that State budget appropriations for local services were disbursed with a view to reducing regional disparities.

20. He asked whether the State party had received any complaints of child abuse or ill-treatment in detention centres and, if so, what measures had been taken to punish the perpetrators and rehabilitate the victims. He urged the State party to take strict measures to control and monitor State institutions and to train State agents in the provisions of the Convention in order to prevent such abuse.

21. Mr. FILALI asked what progress had been made towards the ratification of International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Ratification of those instruments was crucial to the full implementation of the Convention on the Rights of the Child.

22. The delegation should clarify whether international instruments were automatically applicable in the State party or needed to be incorporated into domestic legislation.

23. He asked whether the State party had an independent judiciary and whether it intended to establish an independent body to coordinate measures taken by central and local governments to implement the Convention.

24. He asked what progress had been made towards adopting a national action plan and whether the rights of children were a priority consideration in the allocation of budget appropriations. The delegation should indicate whether the National Institute for Democracy and Human Rights was independent from the Government and was competent to receive complaints. She asked whether the Institute had its own budget and whether it was a member of the International Coordinating Committee of National Institutions.

25. Mr. POLLAR, commended the State party for making sexual relations with persons under 16 a criminal offence. He asked whether an older woman who had had sexual relations with a boy under 16 and who claimed that she had been unaware of the boy's age could be acquitted of charges. He enquired whether children had the right to lodge complaints or seek redress without parental consent. The delegation should indicate whether children were free to establish and join associations. He wondered whether children had access to information about their biological parents. He requested disaggregated data on the implementation of the Convention and information on activities and programmes undertaken in cooperation with international agencies. He asked whether the Convention had been translated into all the languages spoken in the State party and whether it was being taught in schools. He wished to know whether law enforcement officials received training in the Convention.

26. He asked whether legislation on refugees contained special protection measures for child asylum-seekers and whether there was any legal remedy for asylum-seekers whose applications had been rejected. He asked whether migration officials were trained in the provisions of the Convention and whether the State party had sufficient human and financial resources to address refugee situations. He requested disaggregated data on child asylum-seekers.

27. The delegation should describe legislative, administrative and educational measures taken to ensure respect for international humanitarian law in conflict situations and indicate whether Turkmen legislation provided for measures such as corridors of peace or days of tranquillity in order to ensure that humanitarian aid could reach those in need. He asked whether the State party provided counselling and assistance for child survivors of armed conflict.

28. The CHAIRPERSON asked whether the State party cooperated with UNICEF in data collection. The delegation should explain why Turkmenistan's economic growth apparently failed to translate into increased resource allocation for children. The delegation should explain what was being done to ensure that children from ethnic minorities exercised their linguistic and cultural rights, and to facilitate the integration of such children into mainstream society. She asked whether it was true that children of so-called "enemies of the State" were subject to expulsion from school and, if so, what was being done to eliminate that practice.

The meeting was suspended at 11.25 a.m. and resumed at 11.50 a.m.

29. Mr. ATAKHANOV (Turkmenistan) said that, since gaining independence in 1991, Turkmenistan had cooperated with international partners to improve human rights protection. The Government was fully aware that much remained to be done in that area.

30. The most recent general census had been held in 1995, although selective surveys had been conducted since that time. The National Statistics and Information Institute and the UNICEF Office in Turkmenistan were currently carrying out two projects to collect data on human rights, including children's rights. Those projects would soon be completed and the relevant information would be made available to the Committee as soon as possible.

31. The CHAIRPERSON requested information on mechanisms to ensure comprehensive data collection.

32. Mr. ATAKHANOV (Turkmenistan) said that his Government was cooperating with UNICEF to develop a plan of action to promote the best interests of children. The plan of action would focus on three main priorities: development of a system to monitor implementation of children's policies; establishment of mechanisms to assist Turkmenistan in meeting its obligations under international treaties and the Millennium Development Goals; and improvement of data collection and analysis in the area of children's rights.

33. Efforts were under way to establish a national database for women's and children's issues, which would help to improve monitoring and analysis of the human rights situation of women and children. In that connection, training seminars had been organized for statisticians and representatives of various ministries and agencies active in the area of children's rights in 2005. The final data for the national database should be received by September 2006. A set of indicators would be used to evaluate Turkmenistan's progress in implementing the recommendations of the twenty-seventh special session of the General Assembly on children, the Millennium Development Goals and the Convention.

34. The CHAIRPERSON asked whether the State party was considering appointing an ombudsman for human rights. She requested information on mechanisms for monitoring the human rights situation.

35. Mr. ATAKHANOV (Turkmenistan) said the National Institute for Democracy and Human Rights, which had been established in October 1997, was responsible for implementing human rights guarantees and played a role similar to that of an ombudsman. The Institute made proposals for strengthening democracy and carrying out social and legislative reforms and coordinated international cooperation in the area of human rights. One of the Institute's departments received complaints from the general public, including children.

36. The Ministry of Foreign Affairs, in cooperation with United Nations agencies, including the United Nations Development Programme, UNICEF and the Office of the United Nations High Commissioner for Refugees, was working to establish an inter-agency committee on children's rights, the main objective of which would be implementation of the Convention. In that context, organizational meetings had been held in Turkmenistan and representatives from Turkmenistan, including parliamentarians, had visited other countries to gain experience in human rights implementation. In Ashgabat and the regions, Turkmenistan's international partners were providing assistance in the conduct of seminars and training courses for government personnel with a view to promoting implementation of the Convention.

37. The Turkmen Red Crescent Society organized seminars and training sessions on human rights and children's rights throughout the country and encouraged children to express their views on existing or proposed laws and regulations and all matters affecting their rights. Government bodies, civil society, NGOs, international organizations, foreign embassies and children were participating in activities under the national plan of action 2005-2009.

38. Since 1992, more than 16,000 refugees had sought asylum in Turkmenistan; most of them came from Afghanistan, Tajikistan, Armenia and Azerbaijan. Every effort had been made to meet the needs of refugee families, who were given accommodation and, where possible, the use of arable land. Refugee children had the same rights as Turkmen citizens. In 2005, more than 13,000 refugees had been granted Turkmen citizenship, and approximately 500 families

had received residence permits. Some 250 refugees were currently being voluntarily repatriated to Tajikistan and Armenia, in cooperation with the Office of the United Nations High Commissioner for Refugees.

39. The CHAIRPERSON asked what measures the State party was taking to implement its extensive programme of education in civil rights and freedoms and protection of the rights and freedoms of children. She wondered whether the National Institute for Democracy and Human Rights was responsible for monitoring the implementation of the programme.

40. Ms. VUCKOVIC-SAHOVIC wished to know whether any individual or institution, such as the National Institute for Democracy and Human Rights, served as focal point for coordinating the efforts of government ministries and agencies, NGOs and international organizations to implement the Convention.

41. Mr. ATAKHANOV (Turkmenistan) said that the main coordinating bodies were the National Institute for Democracy and Human Rights and the inter-agency committee, both of which had been involved in preparing the State party's report. The Government was considering the possibility of establishing an independent committee for children's rights.

42. Ms. SMITH said that a government ministry or agency should be designated as the coordinating body for implementing the Convention.

43. The CHAIRPERSON asked who was currently the head of the National Institute for Democracy and Human Rights. The delegation should explain how the head of the Institute was appointed and should provide information on the organizational structure of that body.

44. Mr. ATAKHANOV (Turkmenistan) said that the National Institute for Democracy and Human Rights had seven departments, including a department for children's rights, and more than 20 staff members. The head of the Institute was appointed by the President. Until recently, the Institute had been headed by the Minister for Foreign Affairs; however, that post was currently vacant and a department chief was serving as acting head of the Institute.

45. Mr. PARFITT said that the mandate of an independent monitoring body should be consistent with the Paris Principles and with the recommendations contained in the Committee's general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

46. Ms. VUCKOVIC-SAHOVIC asked how the family was defined in Turkmen law. She enquired whether social assistance was available to extended family members or exclusively to parents. She wished to know whether Turkmen legislation and society required that parents should respect their children.

47. She requested statistics on the number of children currently enrolled in schools and the number of school dropouts. She asked whether children living in rural areas sometimes worked in the agricultural sector rather than attending school. The delegation should indicate whether the teachings of the Rukhnama were in line with the provisions of the Convention.

48. Mr. FILALI requested information on court cases involving sexual exploitation of children, trafficking in children or drug abuse.

49. Mr. ZERMATTEN asked whether judges were trained in juvenile justice, and whether the State party planned to reduce the maximum prison sentence for minors. He wished to know whether there were safeguards to protect the rights of minors placed in the institution for young male offenders. He enquired whether any campaigns had been conducted to raise awareness of the harmful effects of corporal punishment. He requested information on adoption within the reporting State, and asked whether the Government planned to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. He asked whether article 129 of the Marriage and Family Code, which provided that adoptions should remain secret, did not violate children's right to information about their identity. He asked whether there had been any debate on that issue and whether the reporting State planned to amend that legislation.

50. Mr. LIWSKI requested statistical data on infant and maternal mortality and immunization. He asked whether all children were covered by the health insurance scheme that had been introduced under the recent health sector reform. He wished to know whether the incidence of teenage pregnancy had decreased. He asked whether the specialized neuropsychiatric residential hospital for children provided care in line with the rights protected under the Convention.

51. Mr. PARFITT asked what measures the State party was taking to ensure that families did not place their children in institutions because they could not afford to care for them at home. He wished to know whether the preferred solution in such cases was for children to live with members of their extended family, and whether the State party had considered the option of foster care. He requested information on safeguards for children who lived in institutions. He asked whether the reporting State planned to integrate children with disabilities into mainstream schools. With regard to alternative care institutions and schools for disabled children, he wished to know the qualifications of the relevant staff, whether regular and random inspections were carried out, whether there were complaint mechanisms for the children, and whether corporal punishment had been prohibited. He asked whether there was a policy of reuniting children living in institutions with their nuclear or extended families. The delegation should explain why benevolent funds were provided for orphans, when in principle they should be provided with care as a matter of rights.

52. Ms. SMITH asked whether the State party provided children with quality education that enabled them to think for themselves. She wished to know whether secondary school education prepared students for university, particularly foreign universities. It would be useful to know whether the Government was concerned about the quality of teaching in secondary schools, and whether it intended to cooperate with the United Nations Educational, Scientific and Cultural Organization to broaden the curriculum and improve teaching standards.

53. Mr. ORAZBERDYEV (Turkmenistan) said that the family was considered to be the key decision-making unit and the best environment for bringing up children. The Rukhnama provided guidelines on family relations and on measures to eliminate juvenile delinquency. The current President had issued a decree prohibiting children's involvement in agricultural work.

The meeting rose at 1.05 p.m.