



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States parties under  
Article 18 of the Convention on the Elimination of All  
Forms of Discrimination against Women**

**Combined initial and second periodic reports of States parties**

**Turkmenistan\***

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\* The present document is being issued without formal editing.

**Report of Turkmenistan regarding the implementation  
of the Convention on the Elimination of All Forms of  
Discrimination against Women**

## Introduction

1. Turkmenistan ratified the Convention on the Elimination of all Forms of Discrimination against Women on 20 December 1996.

2. The present report has been prepared in implementation of Clause 1, Article 18 of the Convention on the Elimination of all Forms of Discrimination against Women in accordance with the recommendations of the Committee on the Elimination of Discrimination against Women, which is contained in the document CEDAW/C/7/Rev.3, "Guidelines for preparation of reports by states parties."

The present report is based on materials from the ministries and departments of Turkmenistan, whose areas of competence include guaranteeing the rights and freedoms of women, the adoption of measures to prevent any manifestation of discrimination against women, data from the State Statistical Office, the results of special investigations, and information received from social organizations that engage with questions regarding the subject of the present report.

In preparing the report, consideration was given to the recommendations of the group of experts associated with the United Nations Commission on Human Rights headed by the Regional Adviser, Professor R. Mullerson, who traveled to Turkmenistan to provide consulting assistance in the preparation of the national reports, and also of the UNICEF international expert, Mr. Afsan Chouduri (Bangladesh).

3. The introductory part of this report is made up of information of a general nature regarding the country, population, economy, and political organization of Turkmen society, and the general legal foundations assuring the protection of human rights. The main part of this report is made up of four sections and includes information on the actions taken by Turkmenistan to implement the Convention on the Elimination of all Forms of Discrimination against Women from the moment of ratification of said Convention by Turkmenistan to the present time, and it deals with questions regarding the progress achieved, the difficulties encountered, and the actions planned for the ongoing realization of the provisions of the Convention.

4. This report is based on the regulative legislative instruments of Turkmenistan.

In Turkmenistan, a national legal system has been created that guarantees equal rights and prohibits discrimination against women in all areas of the life of society and the state. The laws of Turkmenistan provide for criminal, judicial, and administrative liability for any occurrence injurious to the rights and freedoms of women.

The legislative foundation of our country does not contain a single discriminatory norm with regard to women, and it provides for a complex of legal measures to defend the life, health, honor, and dignity of women and their property, family, employment, inheritance, and other rights and interests.

To preserve and protect the rights and freedoms of women, special norms of the corresponding branches of legislation have been set up (civil, criminal, criminal-procedural, administrative, etc.), establishing juridical liability for injury to the rights and freedoms of women.

5. An annex includes the fundamental legislative acts of Turkmenistan that realize the principles of the Convention on Elimination of all Forms of Discrimination against Women (hereinafter, Convention).

## **General Part**

### **General information regarding Turkmenistan**

#### **1. Country, population, economy, social sphere**

6. Turkmenistan gained its independence as a sovereign state in 1991. In a referendum, the Turkmen people unanimously expressed its will to create an independent national state. On 27 October 1991, the highest legislative organ of the country, the Supreme Council of the Republic, implementing the will of the people, adopted the Constitutional Law, "On independence and the principles of state structure of Turkmenistan." This law proclaimed within the borders of the territory of the Turkmen Soviet Socialist Republic an independent democratic state, Turkmenistan.

7. Turkmenistan is situated in Central Asia, to the north of the Kopetdaga Mountains, between the Caspian Sea to the west and the Amu Darya River to the east. The territory of Turkmenistan measures 1,100 kilometers from east to west and 650 kilometers from north to south, amounting to 491.2 square kilometers. To the north Turkmenistan borders on Kazakhstan, to the east on Uzbekistan, and to the south on Iran and Afghanistan. Turkmenistan is made up of 5 velayats (regions), the city Ashkhabad which is the capital of the state and is equal in status to a velayat, 20 cities, 65 etraps (districts), and towns and auls (villages). The greater part of the territory of the country is made up of desert.

8. The population of Turkmenistan at the end of 2003 amounted to 6,298,000 persons. The average population density is 10.2 persons per square kilometers. However, if desert territories are excluded, then the population density in the inhabited regions amounts to 50 persons per square kilometer. The population living in cities amounts to 46.3%, and in rural areas 53.7%. Of the general population, women constitute 50.3% and men 49.7%.

9. The dynamics of the growth structure of the population of Turkmenistan is evidence of a favorable demographic situation and the growth tendency of the people. Persons younger than working age amount to roughly 40% of the population, the working-age portion of the population is 56%, and 6% are persons in retirement age.

According to the results of the voluntary population census conducted in December 2000, the average family size in Turkmenistan is 5.3 persons. At the same time, 29% of families are made up of seven or more persons, and the proportion of families consisting of one person is 6%.

10. At the same time, during the 1990s, a reduction has been noted in the natural growth of the population (birthrate), connected with the difficulties of the transitional period in the development of the country, but also due to the gender policy carried out by the Government permitting women within a market system to successfully combine reproductive and social functions. Changes in the birthrate are

generally caused by the social orientation of women's reproductive behavior, as the scope of their interests ceases to be limited to the family. Despite a small reduction in the birthrate, the population in Turkmenistan in recent years has continued its high rate of growth. Population developments have been substantially influenced by health-care reforms and improvements in the housing and public-health conditions of the population. All of this has played a positive role in the dynamics of the death rate and life expectancy indicators. The general coefficient for the death rate in 2002 was 5.4 for every 1000 persons, and 1995 it was 7.0. From 1995 to 2002, the maternal death rate decreased by a factor of two. An upward trend is also shown by the indicator of life expectancy for the male and female populations. In 2002, life expectancy stood at 71.9 years for women and 65.2 years for men. The above-mentioned factors have exercised a positive influence on the population dynamics of the country. The proportion of young people is high--the proportion of persons 25 years of age and lower amounts to 76% of the overall population and assures continued growth in the labor resources and fertility of the population. From 2002 to 2003, the population of Turkmenistan grew by 6.1%.

11. More than 40 nationalities live in Turkmenistan. Turkmen people account for 94.7% of the population, Uzbeks for 2.00%, Russians for 1.8%, and other peoples (kazakhs, Azerbaijani, Armenians, Ukrainians, Tartars, Beluji, and others) for 1.5%.

12. The fact that education is free and generally accessible assures the high level of education and literacy of the people of Turkmenistan. According to the results of the voluntary census of the population in 2000, 98.9% of the population 15 years and older were literate. For every 1000 persons 15 years or older, 92 have higher education, nine have uncompleted higher education, 166 have specialized secondary education, 477 have general secondary education, 183 have incomplete secondary education, and 48 have primary education.

13. Upon gaining independence, Turkmenistan began its development in extremely unfavorable economic and social conditions. While a member of the USSR, the economy of the country was oriented towards raw materials and was based on the extensive exploitation of natural resources. The mining and extracting branches of industry predominated, along with the branches for the primary processing of agricultural raw materials, and there was excessive dependence on the importing of various goods which might have been successfully produced and currently are being successfully produced in the Republic.

For example, in 1990-1991, 59% of all light industry goods were imported, as were 36% of food products, whereas 90% of raw cotton was exported to other regions for processing into finished products. At the same time, the country was forced to deal with difficult questions of preventing a general decline in the living standards of the population and to construct the economy on a fundamentally new foundation.

Overall, during the last 13 years, Turkmenistan has been able to make significant progress in resolving these tasks. The transformations taking place in Turkmenistan in the economy and in society have made it possible to create a powerful industrial potential, to formulate a market-based model of management and of the non-governmental sector of the economy, and to provide for a satisfactory standard of living for the population.

14. The development of the economy of Turkmenistan has been characterized by a consistently high growth rate. In 2003, the GDP was 23.1% greater than in 2002.

The general volume of industrial production in Turkmenistan was 22% greater in 2003 than in 2002. In the growth of industrial production, the leaders remained private (2.4 times) and municipal (1.6 times) enterprises, but also joint ventures with Turkmen and foreign participation (129%). The overall growth of basic industry has the following structure in accordance with the year's results: 47% derives from the extracting sector and 53% from the processing sector.

15. Turkmenistan has enormous reserves of energy resources. The gas and oil industries constitute the main source for the development of the economy of the country. At the present time, the energy potential of Turkmenistan is evaluated at more than 45 billion tons of oil equivalents, which constitutes 1/5 of the entire world supply of natural gas and oil.

Today in Turkmenistan, more than 10 million tons of oil are extracted, and 70-80 billion cubic meters of gas, of which 55 billion are sent abroad for export.

Turkmenistan is intensively developing the fuel and power complex of the country. The discovery, extraction, refinement, and transport to external markets of oil and gas are being carried out at accelerating growth rates, and Turkmenistan has confirmed its status as a strategic provider of hydrocarbons to its traditional markets in Russia and Ukraine. Deliveries of gas are currently being made to Iran over gas pipelines that have been constructed.

In 2003, the amount of gas extracted was 59.09 billion cubic meters or 111% of the amount the previous year. In this context, the export of gas for 2003 was 43.4 billion cubic meters and represented an increase of 10%. In the previous year, the amount of oil extracted was 10,004,300 tons, which was 11% more than in 2002. Oil refining grew by 19% and amounted to 6,804,000 tons. The production of electrical energy amounted to 10,790,600,000 kilowatt hours, or 102% of the amount in 2002.

The greatest proportion of the extracted oil goes to oil-refining plants in the country, which makes it possible to increase the production of high-quality oil products. In 2003, 6.8 million tons of crude oil were refined into secondary energy carriers and lubricating oils, which exceeded the volume of refined products in 2002 by 19%. The greatest rates of growth were registered by the production of gasoline (122%), diesel fuel (127%), oil asphalt (124%), fuel oils (128%), and the production of polypropylene grew by 37%.

16. Turkmenistan has acquired a new direction in industrial development in the textile industry. With the construction of new, specialized enterprises and large, integrated textile complexes, the large-scale production of various products from cotton fiber has been organized. In 2003, 180,500 tons of cotton fiber were produced. Exports accounted for 60% of the products derived from cotton fiber. Of the total amount of processed goods produced, 28% is devoted to the textile industry of the country.

17. The agrarian sector of the economy has undergone fundamental reorganization. Since mid 1995, all collective and state farms of the country have been abolished. Agrarian reform has been oriented on transferring land to private use and long-term rents and expanding the area of personal plots. Single-person farms and daikhan (peasant) associations of several households have become widespread. The

government has carried out measures to stimulate the private producers of agricultural products. Low-cost credits were made available at 1% interest, taxes were waived on the added value, and half of the expenses of peasant farmers for technical services was taken on by the state. Taxes were waived on private plots and the structures built on them, as well as on livestock and poultry. All of these and other measures made it possible for the agricultural sector and its output to grow. In 2002, 586 peasant associations were engaged in agricultural production, along with 1,815 private farms, more than 600,000 family-owned personal plots, and more than 7,000 private consumer goods producers. The percentage of land given in rents was 80% of all of the arable land. In plant-growing production, the number of tenants reached 375,000 persons, in animal husbandry 21,000. The gross domestic product for agriculture in 2002 rose by 15.5% over the previous year. In 2003, the volume of agricultural production increased by 18.5% over the year before.

In 2004, the wheat harvest amounted to 2,844,000 tons, which was the largest in the entire history of Turkmenistan. For comparative purposes, in the first year of independence, 70,000 tons of grain were produced. According to statistics, as of 3/1/2003, the market for consumer goods was 80% based on the production of domestic producers, which for all practical purposes assures the productive independence of the country.

18. Turkmenistan assigns great importance to the creation and expansion of the railroad infrastructure in accordance with the highest contemporary requirements. Today, the length of the railroads of Turkmenistan is 2,516 kilometers, new railroads have been constructed in recent years, and the roadbed is being prepared for a third railroad, their combined length amounting to about 500 kilometers.

In 1997, a railroad trunk line Tedzhen-Serakhs-Meshkhed was laid down and put into service, having a length of 308 kilometers, of which 132 kilometers are on the territory of Turkmenistan.

With the introduction of new rail lines, Turkmenistan has become an important link in the creation of a single international transport system, the Trans-Asian rail network, creating a steel version of the ancient Silk Road on the route Istanbul-Tehran-Meshkhed-Serakhs-Turkmenabad-Tashkent-Almati-Druzhba-Urumchi-Beijing, which joins Turkmenistan to all the countries of Europe and to the continent of Asia and is facilitating its general social and economic development. This land-based transport corridor extending over 10,800 kilometers is the second longest railway line in the world.

The importance of sea and river lanes is growing. The Turkmenistan seaport, Turkmenbashi, is undergoing reconstruction. As a result, terminals of this port will be able to receive ships of all types and classes, and their productive capacity has increased by a factor of two and continues to increase. The rise in the rate of goods traffic has been fostered not least by new ships of the national fleet. Container ships, tankers, and ferries of Turkmenistan regularly complete trips to the ports of the Caspian Sea states and transport goods under contract with foreign companies.

In 2003, 501,700,000 tons of freight were transported by all forms of transport, which was 3% greater than the level of 2002. Passenger trips amounted to 821,200,000 persons and rose by 4%.

19. In 2003, the volume of foreign trade of Turkmenistan was 1.6 times greater than in 2002 and amounted to USD 3.4 billion. Of this amount, exports accounted

for USD 1.995 billion (growth of two times), and imports accounted for USD 1.446 billion (growth of 28%). The positive balance of foreign trade amounted to USD 549 million. Over the last 4-5 years, deliveries of natural gas have increased 3.9 times, crude oil 1.6 times, oil products 1.3 times, textile products 1.3 times, and electrical energy two times. In the spectrum of export commodities, the preponderance is represented by natural gas (49%), petroleum products (22%), oil (10%), and textile materials (6%).

The volume of goods entering this country has increased by 1.3 times and amounts to USD 1.446 billion.

20. Turkmenistan is a state that is oriented towards society. The internal policies of the country are aimed at providing the people with a dignified standard of living, security, the rights and freedoms of citizens, and strengthened legal foundations of social life. Throughout the transitional period, the president and government of the country have assured the social support for the population. Until the middle of the 1990s, food products were provided at discounted prices, and the difference from the actual cost was covered by the state budget. Since 1993, Turkmenistan has provided its citizens, without charge, with gas, electrical energy, water, table salt, medical care, and educational opportunities. Symbolic payments have been set for housing, telephone service, and public transportation, and virtually every year salaries, student stipends, pensions, and public assistance have increased. For example, in 2003, the amount of such payments was raised two times. By resolution of the Khalk Maslakhaty (People's Council) of Turkmenistan dated 15 August 2003, the free use by citizens of natural gas, electrical energy, drinking water, and salt was extended until 2020.

The country's workers annually receive paid vacations of 24 calendar days. Pregnancy and child care leave for women is paid for by the work place. For weddings and funerals, citizens are given time off from work with pay. Orphans are cared for with full state support. A large-scale program of housing construction is proceeding in the country. Very comfortable homes with improved layouts are transferred to the private property of citizens at reduced rates--with 15-year credits, and with part of the expense for their acquisition being borne by the companies employing the future owners. The state also provides social support to multi-child and underprivileged families, the disabled, and single elderly people. The participation of the non-governmental sector in providing social services, public health, education, culture, is being expanded, and the volume and variety of paid services made available to the population has increased.

## **2. State structure of Turkmenistan**

21. From the moment independence was gained, fundamental changes have occurred in the political, economic, and social life of Turkmen society. A new state mechanism has been created for Turkmenistan. The political structure of the Turkmenistan state has been formed in accordance with the Constitution of Turkmenistan, which was adopted 18 May 1992. Turkmenistan is a democratic, law-based, and secular state, in which state administration is exercised in the form of a presidential republic. State power in Turkmenistan is based on the following principles: the sovereign power of the people, who constitute the sole source and carrier of power; the 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, honor, dignity, freedom, personal inviolability, and the natural and inalienable rights of citizens; the separation of state power into legislative, executive, and judicial branches; and the limitations on the functions and powers of the central organs of power and local governmental bodies.

22. Representative power is constituted by a People's Council (Khalk Maslakhaty) which functions on a continuing basis as the highest representative organ of the people's power, and by a Parliament (Majlis), which is the legislative organ of power in Turkmenistan. Local representative bodies are velayat, etrap, municipal people's councils (khalk maskhalaty), and the Gengeshi at the level of villages (auls) and towns.

23. The People's Council (Khalk Maslakhaty) is a popular forum consisting of 2,507 persons representing all social segments of society. Its members include the President of Turkmenistan, the khalk vekilliri (people's representatives) elected by the people, the deputies of Parliament (Majlis), members of the Government (Cabinet of Ministers), directors of social associations, heads of local administrative bodies, and representatives of workers' collectives that have been delegated by companies and institutions of the country. The Khalk Maslakhaty possesses the powers of the highest state power and administration, it considers and adopts decisions on the most important questions of the life of the state: adoption of the Constitution of Turkmenistan, adoption of programs setting out the fundamental directions of the political, economic, and social development of the country; calling elections for president and members of the representative bodies of the country; resolving questions of national referendums and of the ratification and revocation of international agreements. The Khalk Maslakhaty also considers other questions as stipulated in the Constitution and laws. The work of the Khalk Maslakhaty is presided over by a president who is elected by the members. The activities of the Khalk Maslakhaty are regulated by the constitutional law, "On the Khalk Maslakhaty," dated 15 August 2003, the law "On the election of the people's representatives (Khalk vekilliri)" dated 25 November 1997 (revised version, 14 December 2002), and the law "On the status of people's representatives (Khalk vekilliri) dated 25 November 1997.

24. The Parliament (Majlis) of Turkmenistan is a legislative body, which adopts laws, interprets them, and monitors their execution. The Majlis is composed of 50 deputies that are elected by the population of Turkmenistan for a term of 5 years on the basis of universal, uniform, and direct elections. Voting in elections is by secret ballot. The Majlis is charged with approving the state budget of Turkmenistan and reviewing its execution, considering agendas for the Cabinet of Ministers, confirming nominees put forward by the President for the positions of Chief Justice of the Supreme Court (kazyeta), the chief prosecutor, the Minister of Internal Affairs, and the Minister of Justice. The Majlis of Turkmenistan also decides other questions relating to the functioning of the Constitution and the laws. The Majlis is presided over by a president that is elected by its deputies. The activity of the Majlis is regulated by the laws of Turkmenistan, "On the Majlis of Turkmenistan," dated 16 March 1995 (revised version, 29 November 2003), "On the election of deputies of the Majlis," dated 13 May 1991, and "On the status of deputy of the Majlis of Turkmenistan," dated 16 March 1995.

25. The local representative bodies are as follows: in the velayats (regions), etraps (districts), and cities with the rights of a velayat or etrap, there are local Khalk

Maslakhatys. The system of local government is formed by the Gengeshi and bodies of territorial self-government. The Gengesh is the representative body of power in the auls (villages) and settlements, whose members are elected by the population of the corresponding territory. Gengeshi decide fundamental questions arising on the territory within their jurisdiction, they approve the local budget and monitor its implementation, they set local taxes and fees, and from their members they elect archins, who supervise the work of the Gengesh and report to it. The Gengesh is also responsible for other questions connected with economic, social, and cultural construction on the territory within its jurisdiction. The system of education and the powers and activities of local governmental bodies are stipulated by the law of Turkmenistan "On Gengeshi," dated 25 November 1997 (revised version, 15 January 2003) and by the Turkmenistan law "On the election of the members of the Gengeshi," dated 25 November 1997 (revised version, 14 December 2002).

26. The head of state and of the executive branch is the President of Turkmenistan. He is elected directly by the people for a term of five years. The President manages the realization of foreign and domestic policies, implements the Constitution and the laws of the country, appoints and presides over the Cabinet of Ministers (Government) of Turkmenistan, is responsible in the khyakims for naming the local heads of executive power, who serve at his pleasure, is the commander in chief of the armed forces of Turkmenistan, resolves questions of citizenship, is responsible for pardons and amnesties, issues decrees, resolutions, and orders which have binding force on the territory of the country, and decides other questions relating to the implementation of the Constitution and the laws. The Constitution of Turkmenistan provides for conditions and procedures for the removal from office of the President of Turkmenistan (Article 59, Constitution of Turkmenistan).

27. The Cabinet of Ministers -- the Government of Turkmenistan -- is the executive and administrative body responsible for the normative regulation and management of all executive bodies and administrations in Turkmenistan. The work of the Cabinet of Ministers is controlled by the President of Turkmenistan.

The Cabinet of Ministers is made up of the Deputy Chairman of the Government and ministers who are named to their positions by the president of Turkmenistan and serve at his pleasure. The Cabinet of Ministers is responsible for the state administration of the economic and social development of the country; it organizes the administration of industrial, agricultural, and construction enterprises, the systems of transportation, communications, and information, and other state enterprises and organization; it assures the realization and protection of the constitutional rights and freedoms of citizens, the maintenance of civil order, the strengthening of discipline and organization; it organizes the execution of the state budget and the conduct of state social policy; it realizes the foreign-trade policy of Turkmenistan; and it has other powers relating to the execution of the Constitution and laws of Turkmenistan. The organization of the activities of the Government are regulated by the law "On the Cabinet of Ministers of Turkmenistan," dated 24 November 1995. The Cabinet of Ministers also has the power to issue binding resolutions.

28. Executive power in the velayats, cities, and etraps is carried out by the khyakims, which are representatives of the head of state in the localities. Khyakims are named by the President of Turkmenistan, serve at his pleasure, and report to him. Khyakims are responsible for managing the economic and social development

of the territory within their jurisdiction, they coordinate the activities of economic subjects, they organize the execution of general state programs, they adopt measures for the rational use and preservation of land, mines, bodies of water, and forests, as well as other natural resources, they implement measures for the social protection of the population, they are responsible for the administration of educational institutions, public health, culture, and sports, and they resolve other questions related to the functioning of the Constitution and laws of Turkmenistan. Under their powers, the khyakims issue binding orders for execution on the territory under their jurisdiction. The activities of the khyakims are regulated by the Constitution and by the law "On the khyakims," dated 24 November 1995.

29. Executive power on the territory under the jurisdiction of the Gengesh, the gengeshlik, is carried out by the archin. He is elected from the members of the Gengesh, and he controls the work of the latter and reports to it. The archin organizes the execution of the decisions of the Gengesh and the above-mentioned bodies of state power and administration, he develops and submits for discussion by the Gengesh projects of fundamental direction for the economic, social, and cultural development of the territory including the local budget, organizes its execution, and also manages the development of the industrial, agricultural, and social infrastructure of the gengeshlik, he assures the protection of the rights and interests of citizens, and he resolves other questions arising on the territory under his jurisdiction. The powers of the archins are determined by the Constitution and by law "On the Gengesh," dated 25 November 1997 (revised version, 15 January 2003).

30. Judicial power in Turkmenistan is carried out by judges (kazyety). Judges are independent, are subject only to the law, and are governed by their internal conviction. Interference in the activities of judges from any quarter is impermissible and is punishable by law. The impartiality of judges is guaranteed by law. Judges of all courts of Turkmenistan are appointed by the President for a term of five years, and they may be discharged from their positions only under conditions that are set out in law. The head of the Supreme Court of Turkmenistan is named by the President and serves at his pleasure, with the consent of the Majlis (Parliament) of Turkmenistan.

31. In the political system of the Turkmenistan, an important role is played by institutions of civil society. Non-governmental organizations, social associations, and professional and creative unions take active part in determining the economic, social, and cultural policy of the state bodies. The most important social associations of Turkmenistan--the Democratic Party, the Council of Elders, the Union of Women named Gurbansoltan-eje, the Union of Youth named Makhtumkuli, the Council of Veterans named Atamurata Niyazov, the trade unions, and other non-governmental organizations--on the basis of the laws are represented in all elective bodies of the country. On the basis of Article 46 of the Constitution of Turkmenistan and Article on 2 of the law "On the Khalk Maslakhaty of Turkmenistan," the heads of the parties and of other social organizations are members of the Khalk Maslakhaty with the right of casting the deciding vote. Members of these social associations are members of the Majlis (Parliament) of Turkmenistan and of the local organs of self-government, which allows them to take direct part in developing the social, economic, and cultural programs of development of Turkmenistan and of individual territories.

## Part I

### **Information on measures to implement Article 2 of the Convention**

The Turkmen people from earliest times have treated women with the greatest respect. Historically, Turkmen women have always played an important role in the life of the nation, and they have been participants along with men in all the serious and joyful events that fell to the lot of the people in its history over many centuries. Daughters of the people, when necessary, have mounted horses along with men and defended the motherland. The Turkmen people have always been proud of their girls and young women, they have always respected them, they have always protected their honor and dignity, and they have kept them away from harm and danger. In all the eastern lands, only our predecessors did not require that women cover their faces. Women were always the preservers of the family hearth, educators of the young generation, and the true and loyal advisers of their husbands.

Turkmenistan condemns discrimination against women in all its forms, and it has consistently and unwaveringly conducted a policy of prohibiting any distinction, exclusion, or limitation on the basis of gender, which is directed at weakening or reducing the recognition, use, and realization by women, on an equal basis with men, of human rights and basic freedoms in the political, economic, social, cultural, civil, or any other area.

One of the most important directions in the state policy of independent Turkmenistan is concern for women, for improving their status in society, and for promoting a respectful relation to women and mothers.

The state conception of the President of Turkmenistan for improving the social and economic situation of women in Turkmenistan is directed at developing mechanisms and measures of legislative support for guaranteeing the equal participation of women in all areas of social life, the adaptation to market conditions, the realization of equal rights and freedoms, and the creation of equal opportunities for women and men.

Various types of social programs permit women to organically combine family and professional responsibilities, to successfully realize the functions of preserving the domestic hearth, educating the children, and participating in the productive and social life of the country.

Today, Turkmen women are full-fledged, harmoniously developed, and socially active members of society, and they are broadly represented in all areas of the economy, as well as in the political and social life of the country.

In his greeting to the Congress of the Union of Women of Turkmenistan named Hero of Turkmenistan Gurbansoltan-eje, the President of the country noted, "I am sincerely delighted and proud that Turkmen women strongly support and actively participate in the process of national renovation and in the realization of our policy of unity, solidarity, fraternity, peace, and neutrality. The achievements of Turkmen women are great in the area of politics, the economy, and culture. It is with a feeling of great satisfaction that I note that Turkmen women are occupying an honored place in state administration, executive bodies, social organizations, science, and education, as well as in the system of public health, literature, and art."

**a) Constitutional principles of the quality of women and men**

32. In accordance with the fundamental obligations arising from the fact of the ratification of the Convention, Turkmenistan has implemented legislative, judicial, and administrative measures to prohibit and exclude any appearance of discrimination against women and to secure their equality before the law without any distinction according to gender.

The Constitution of Turkmenistan guarantees the equality of rights and freedoms of citizens, and declares human rights to be inviolable and inalienable (Articles 16, 17, Constitution). Specific provisions of the Basic Law provide guarantees for the equality of women and men. It declares that women and men have equal civil rights, and that any violation of equality in accordance with gender is punishable by law (Article 18, Constitution).

33. All constitutional norms relating to human rights and freedoms guarantee them to every citizen of the country and make no distinction according to gender. According to the Constitution, "every citizen has the right to participate in managing the affairs of society and the state..." (Article 29, Constitution), "all citizens have the right to work, and to choose their profession according to their desires as well as the type of activity and the place of work..." (Article 31, Constitution), "each citizen has the right to education..." (Article 35, Constitution), "elections for the President of Turkmenistan, deputies of the Majlis, khalk vekilleri, and members of the Gengeshi are universal and uniform..." (Article 87, Constitution), etc.

In Turkmenistan, it is prohibited to create and maintain political parties and other social organizations that act against the constitutional rights and freedoms of citizens (Article 28, Constitution).

Before the entire world, in the Declaration on International Obligations of neutral Turkmenistan in the Field of Human Rights on 27 December 1995, our country declared: "Turkmenistan assures every person the rights and freedoms that are guaranteed in the Constitution and the laws, and in the generally recognized international norms of international law, without any distinction with regard to race, gender..."

Turkmenistan is a signatory to the fundamental international agreements regarding human rights and is obligated to prevent, prohibit, and eliminate any attempts at discrimination against women and unwaveringly adhere to these obligations.

**b) Legislative and other measures prohibiting discrimination against women**

34. In Turkmenistan, it is prohibited and punishable by law to distribute ideas and information that are based on discrimination against persons of the female gender, to affirm their inequality with man, and to injure their human dignity and role in the life of society. General and specific legislative and other measures have been adopted prohibiting discrimination against women.

The Turkmenistan law "On the print and other mass media in Turkmenistan" dated 10 January 1991, prohibits the use of the mass media for advocating war, violence, cruelty, and any form of discrimination, including against persons of the

female gender (Article 5 of the law). In the event of a violation by the mass media of the requirements of Article 5 of the aforementioned law, "the organ registered as a mass medium shall cease its publication or production" (Article 13 of the law).

35. Direct or indirect violations or limitations of human rights and civil freedoms as a function of gender are criminally punished by law, the responsibility for which is stipulated by Article 145 of the current Criminal Code of Turkmenistan. In the event that discriminatory actions against women result in serious consequences, the individual judged by the court to be responsible may be punished by imprisonment.

On the basis of Article 5 of the Turkmenistan law, "On service in the apparatus of state bodies," dated 12 June 1997, the right to serve in the state apparatus "is held by citizens of Turkmenistan who have reached eighteen years of age, regardless of gender..."

The labor laws of Turkmenistan prohibit "any sort of direct or indirect limitation of the rights or the assertion of direct or indirect advantages in hiring as a function of gender..." (Article 16 of the Labor Code of Turkmenistan). In accordance with the labor laws of our country, "any sort of reduction in payments for workers as a function of gender is prohibited..." (Article 78, Labor Code of Turkmenistan).

The law prohibits refusing to hire women or to reducing their wages on the basis of factors connected with pregnancy or the presence of children up to three years of age (disabled children up to 16 years of age), or in the case of single mothers, of a child up to the age of 14 (Article 176, Labor Code of Turkmenistan). It is prohibited at the initiative of the employer to fire pregnant women and women with children up to the age of three (disabled children up to 16), and in the case of single mothers, with children of the age of 14 (Article 176, Labor Code of Turkmenistan).

The unjustified refusal to hire a woman on the grounds of pregnancy, and the unjustified firing of a woman for the same reasons is regarded in Turkmenistan as a crime punishable by law (Article 152, Criminal Code of Turkmenistan).

#### **c) Juridical protection of women from discrimination**

36. All citizens of Turkmenistan without regard to gender are guaranteed by the Constitution and the laws of the country equal protection, including judicial, of their rights from any expression of discrimination. In accordance with Article 40 of the Constitution of Turkmenistan, "Citizens are guaranteed judicial protection of their honor and dignity, and of their personal and political human rights and civil freedoms, as stipulated by the Constitution and the laws. Citizens have the right to file complaints in the kazyeta (court) regarding actions of state bodies, social organizations, or officials, which are undertaken in violation of the law, in excess of authority, or damaging to the rights and freedoms of citizens."

Citizens without regard to gender have the right to a judicial procedure to demand compensation for material or psychological damages which have been caused to them by the illegal actions of state bodies, other organizations, their workers, or private persons (Article 41, Constitution).

37. In accordance with Article 6 of the law "On the judicial system and the status of courts in Turkmenistan," dated 29 May 1991, with subsequent changes and

amendments, judicial power in Turkmenistan is realized on the basis of the equality of citizens before the law and the court regardless of gender, race, and national origin. Judicial protection for personal property and non-property rights, honor, dignity, and business reputation are guaranteed to all citizens of the country without regard to gender by the Civil Code of Turkmenistan (Articles 15, 16, Civil Code of Turkmenistan). Criminal law is based on the principle of the equality of all citizens before the law. Foreign citizens, refugees, persons without citizenship of both genders have the rights and freedoms of citizens of Turkmenistan. For the protection of their property and non-property rights, they are guaranteed access to the judicial system (Article 8, Constitution, and the Turkmenistan law "On refugees," dated 12 June 1997). According to Article 21 of the Turkmenistan law "On the legal situation of foreign citizens in Turkmenistan" dated 8 October 1993, with subsequent changes and amendments, foreign citizens in Turkmenistan have the right to appear in court and other state bodies, the right of judicial recourse, and also recourse to diplomatic representatives and consulate institutions of their countries for the protection of the personal, property, and other rights that belong to them. Foreign citizens in court have the procedural rights equal to those of citizens of Turkmenistan."

38. In developing the constitutional right to judicial protection of the interests and rights of women, the law has been adopted and is in effect in Turkmenistan "On judicial recourse for actions of state bodies, social associations, bodies of local government, and officials violating the constitutional rights and freedoms of citizens," dated 6 February 1998.

In accordance with this law, each citizen of the male and female gender whose constitutional rights have been violated, interfered with, or hindered in their realization may have legal recourse. A complaint filed in accordance with procedures will be adjudicated. Refusal to accept a complaint is prohibited (Articles 2, 5 of the law).

An important means of realizing and defending the rights of women is provided by the Turkmenistan law "On citizens' recourse and procedures for its consideration," dated 14 January 1999. In accordance with this law, citizens are entitled, in verbal or written form, to petition those bodies, enterprises, organizations, or officials, whose immediate conduct is the subject of the questions raised in the petition. According to Article 4 of the above-mentioned law, "refusal to accept and consider a petition on the basis of gender is prohibited..." Governmental bodies, enterprises, organizations, and officials to whom a citizen has petitioned are required promptly, objectively, and impartially to consider the petition and, if the necessary circumstances are present, to assure the restitution of the violated rights of the citizen or removal of the obstacles to their realization (Article 11 of the law).

39. The Constitution of Turkmenistan and the Marriage and Family Code provide juridical guarantees of equality of rights for women and men in matrimonial relations. A woman and a man may enter into marriage and create a family only upon mutual agreement. In family relations, the spouses have equal rights (Article 25, Constitution). A marriage that is concluded under compulsion or with deceit is regarded as invalid (Article 48, Marriage and Family Code of Turkmenistan). Spouses have equal rights to property even if one of them was occupied in maintaining the domestic household, caring for children, or for other plausible reasons did not have an independent income (Article 21, Marriage and Family Code of Turkmenistan). Without the agreement of the wife, a husband is not entitled to

file for the dissolution of the marriage during the pregnancy of the wife or in the course of one year after the birth of a child (Article 33, Marriage and Family Code of Turkmenistan). The citizens of Turkmenistan have the right to enter into marriage with foreign citizens and persons without citizenship (Article 14, Marriage and Family Code of Turkmenistan).

**d) Guarantees of nondiscrimination in the activities of state bodies and institutions**

40. The activities of state bodies and institutions of Turkmenistan are based on the Constitution of Turkmenistan and the laws and normative legal acts, which prohibit all forms of discrimination against women. The rule of law is the constitutional principle of the functioning of state power in Turkmenistan. "The state, all of its bodies and officials, as set out in Article 5 of the Constitution, are linked by law and the constitutional order." Legal acts of state bodies are published for public information and are made public by other means. Legal acts affecting the rights and freedoms of citizens that are not made public information are invalid from the moment of their adoption. The laws alone regulate the fundamental rights, freedoms, and obligations of citizens, as well as the means of protecting and providing for them (Turkmenistan law "On normative legal acts," dated 18 June 1996). Normative legal acts of ministries and other central bodies of state administration of Turkmenistan are subject to mandatory recording in the Ministry of "adalat" (Justice) of Turkmenistan (Article 30 of the law "On normative and legal acts"), in the course of which their correspondence with the Constitution and laws of the country is checked. This type of procedure excludes the possibility of a normative legal act coming into effect which contains any type of discriminatory measure against women. According to Article 5 of the Constitution of Turkmenistan, "laws and other legal acts in contradiction of the Constitution do not have legal force."

41. One important guarantee prohibiting discriminatory actions and the acceptance by state administrative organs of discriminatory acts against women is the activity of the office of the state prosecutor of Turkmenistan. In the name of the state, it monitors the precise and uniform observation on the territory of Turkmenistan of the laws of Turkmenistan and the acts of the President of Turkmenistan by state administrative bodies, local governments, participants in productive activities, organizations, institutions, social associations, officials, and citizens (Article 108, Constitution). The public prosecutors monitor the legality of the activities of state bodies and organizations and also the conformity with the laws of legal acts issued by them (Article 19 of the Turkmenistan law "On the public prosecutor of Turkmenistan," dated 26 June 1992, with subsequent modifications and amendments).

For the illegal acts or actions of an official that violate or limit the rights of women, the prosecutor will file a complaint, an order, or a petition, which suspends the legal effect of the protested act or action of the official until the restitution of the violated rights. Depending on the nature of the violation of the law by the official and the damages caused by him, the state prosecutor issues an order concerning the filing of a criminal complaint, or initiates a proceeding regarding the administrative violation or disciplinary procedure (Articles 21, 23-24, of the law "On the state prosecutor of Turkmenistan").



42. A guarantee of the prohibition of discriminatory actions against women is provided by the actions of the professional unions of Turkmenistan. In their capacity as independent self-sustained social associations, trade unions represent and defend the social, economic, labor, and other rights and interests of their members. They are entitled to raise questions concerning personnel decisions and to suspend administrative decisions and that limit the rights and interests of citizens and that contradict the laws of Turkmenistan (Article 14 of the bylaws of the trade unions of Turkmenistan, adopted in a revised version by the Congress of trade unions of Turkmenistan on 4 May 2004).

Cooperation in assuring the rights of women is also provided by an independent social association, the Union of Women of Turkmenistan named Gurbansoltan-eje, being organized in all administrative centers, cities, and towns, in educational institutions, in enterprises, and in the institutions of the country.

**e) Measures taken to remove discrimination against women**

43. Historically, the Turkmenistan people have maintained a respectful relationship to women, and consequently the policy in effect in Turkmenistan of stimulating the political, social, economic, and cultural activity of women, along with the system of legislative and other normative measures prohibiting any expression of discrimination against women, provide them with equal rights in our country. The social and business activities of women, which have increased many times during the years of independence, have in practical terms all but eliminated attempts at discrimination against women. The President of the country and the executive and administrative bodies are daily concerned with women, they create the material, legal, and social insurance conditions to enable women to carry out their most important social function -- to raise children, to protect the domestic hearth, and be a full-fledged participant in social life.

Every third family in Turkmenistan has 5-7 or more children. In families of large numbers of children, the fundamental role of maintaining the domestic household and raising children is carried out by women. In the event that everyday family conflicts arise, they are traditionally resolved by relatives and close friends -- representatives of the older generation. The same functions are carried out by local social organizations, councils of elders, and branches of the Union of Women. In all such cases, the rights and interests of women find understanding and support.

44. There are no state statistics of discriminatory manifestations against women in Turkmenistan. A selective analysis of citizen complaints carried out by the Turkmen National Institute of Democracy and Human Rights associated with the President of Turkmenistan in connection with labor conflicts has shown that they do not have a discriminatory character against women. The motives and bases for similar conflicts equally relate to women as well as to men, and no relationship exists to gender differences. To resolve these are other conflict situations, general measures of social, disciplinary, administrative, and legal procedures are being employed. The legislation of Turkmenistan also contains special measures to defend the rights and interests of women. For example, Article 152 of the Criminal Code of Turkmenistan provides for criminal penalties for the unjustified refusal to hire or the unjustified firing of a pregnant woman. However, during the period 2000-2004, not a single crime of this type was recorded. It is a similar matter with regard to the application of Article 162 of the Criminal Code of Turkmenistan, providing for criminal

penalties for compelling women to enter into marriage or for placing obstacles to their entering into marriage, in conjunction with violence. No cases of this type have been recorded in the country in 2000-2004.

**f) Modifications and revocations of laws, resolutions, and practices, representing discrimination against women**

45. In independent Turkmenistan, no laws, resolutions, or practices discriminating against women have existed or do now exist. The gender policy of the state assures equal rights for women, their equal access to education and social activity, and equal opportunities with men for practical activity and participation in the management of social affairs and the state. The customs of the Turkmen people do not permit the oppression of women or their unequal status in the family or society. Consequently, the policy being followed of renewing the nation's spiritual and moral foundations has tremendous significance in this regard, mainly in the assertion of the high social status of women and their role in a free country. These foundations promote women and exclude disrespectful and discriminatory relations toward them.

**g) The revocation of provisions of the criminal law that represent discrimination against women**

46. Criminal law in independent and neutral Turkmenistan conforms to generally recognized international standards and does not contain norms or provisions that discriminate against women. In comparison with men, our criminal law provides women with a series of benefits and advantages. For example, an extenuating circumstance for a crime is recognized as being pregnancy and having a family with many children or young children. Every year at the holiday of great importance for the Turkmen people "Night of Omnipotence " ("Gadyr gijesi "), by decree of the President of Turkmenistan, amnesty is granted to the convicted. In accordance with this humanitarian act, practically all convicted women are released.

**Information on measures taken to realize the provisions of Article 3 of the Convention**

47. The principle of equality and equal opportunities for women and men is a basic assumption of the Constitution of Turkmenistan, the policy of the President and of the government of Turkmenistan. This principle is the foundation of the legislative and normative legal basis of the country and does not permit any discrimination on grounds of gender. Consequently, Turkmenistan is realizing the provisions of the Convention and the World Conference on the Status of Women (Beijing, 4-5 September 1995), assuring women the realization and use of human rights and basic freedoms on the basis of gender equality with men.

48. Women in Turkmenistan are guaranteed the full array of political, economic, social, and cultural rights and freedoms stipulated by the Basic Law and the laws of the country, and also by the international obligations of Turkmenistan. For these purposes, in Turkmenistan the material, social, and legal conditions have been created for assuring the all-around development and progress of women.

Democratic institutions and procedures have been formulated in the country to assure women equal rights and opportunities, the opportunity of access to state services, participation in elections, the right and opportunity to be elected to state governmental bodies, to take part in the administration of social affairs and of the

state, and to found and participate in social associations. The legislation and the practice of Turkmenistan does not know any prohibitions against or discriminatory limitations of the political rights of women.

49. The unprecedented social support, free education, use of the network of state institutions of public health, and the system of social benefits and advantages, that have been made available to women by the state create real opportunities for them to realize their creative potential and the rights that they have inalienably. It is characteristic that education, especially higher education, maintains a priority status in the system of social values of girls. According to survey results gained by the National Institute of State Statistics and Information of Turkmenistan, "Turkmenmillikhasabat, " with the cooperation of the representatives of UNICEF in Turkmenistan, in a research context of "an analysis of the standard of living of children and women of the Balkan and Dashguz velayats of Turkmenistan," up to 92% of school students are planning to continue their education. In the Balkan velayat, 91.8% of the urban boys are planning to continue their education after school and 92.7% of the girls, whereas in rural communities the figures are 74.3% of boys and 80.4% of girls.

50. According to research into the work force regarding problems of employment, conducted by the National Institute of State Statistics and Information of Turkmenistan, the level of economic activity of women of working age (16-56 years of age) is high and amounts of 85%. The majority of women, 81%, work for others. Among employers, women account for 30%, and among entrepreneurs (physical persons) women account for 62%. The majority of women entrepreneurs are employed in the area of small business and trade, but more than 10% of them are managers of companies, private enterprises, and financial structures.

The economically non-active population is represented by persons who maintain domestic households, students, pupils, and retired persons. At the present time, their number is not great, female householders in the general number of the unemployed population amounting to 75%. The existence of this category of the population corresponds to the situation generally in the world.

51. The state has created favorable legal and social guarantees for maintaining the health of women and for assuring them a dignified standard of living and the opportunities to actively participate in productive work. Many indicators characterizing the situation of women in comparison to men in Turkmenistan are comparable to analogous indicators in the developed countries of the world.

For example, employment in the formal sector of the economy (especially in the state sector) in Turkmenistan provides for equal salaries for men and women. Differences in salaries are associated with employment in one or another sector or branch of the economy and with the position occupied. Thanks to the virtually annual increases in salaries in the state budget during recent years, the level of salaries in such areas as public health, culture, and art, where it is essentially women who are employed, exceeded the average indicator in the state sector of the economy by 5%. The average salary, for example, in public health amounted to 84% of the average salary in the administrative bodies, where a large percentage are men. In world practice, the ratio is 75%, i.e., the average ratio of indicators of salaries of women and men in all the countries of the world.

52. Generally accepted indicators of the labor activity of women, the ratio of the salaries of men and women, when applied to Turkmenistan make it possible at a glance to explain the existing opportunities for the all-around development and progress of women. The index of development with regard to the gender factor (IDGF) in Turkmenistan is equal to 0.716 and hardly differs from the index of development of human potential (IDHP), equal to 99.4%, which obviously indicates that only very minimal differences exist in the country between women and men in the area of human development.

## **Measures taken to realize the provisions of Article 4 of the Convention**

### **1. Equality of opportunities and equal-rights relations.**

53. In Turkmenistan, there is a policy of social support for women, and special measures have been adopted and are being realized for assuring the actual equality of women and men.

The differentiation of women's work as regulated by law in industry and the professions is directed at the protection and safety of women. In accordance with the labor laws of Turkmenistan, it is prohibited to employ women in heavy work or work with dangerous conditions but also in work involving lifting heavy objects. It is not permitted to employ women for work during nighttime with the exception of those areas where it is called for by the necessities of production, and then it is permitted only as a temporary measure.

According to Article 176 of Labor Code of Turkmenistan, pregnant women and women with children are provided with specific guarantees in hiring and firing. Specifically, employers are forbidden to refuse to hire women on the basis of pregnancy or their having children, and the same applies in firing for administrative reasons, except in cases of the complete liquidation of an enterprise.

54. The targeted stimulation of women's work is realized through a system of tax incentives. Working women who have three or more children pay 30% less in taxes. There is no tax obligation for mothers who have five or more children. An indirect increase in workers' income is provided by the state through a preferential system of tax obligations for small businesses, where women work very extensively (see Turkmenistan law dated 12 June 1999, "On amendments to the Turkmenistan law on taxes and profits").

A positive influence on the equal status of women in the family and in society is exercised by subsidies and transfers made available by the state to the people. Due to the use without charge of such communal services as natural gas, water, electrical energy, and very low fees for residential services as well as for communications and urban transport, the percentage of outlays for basic life necessities in household budgets is relatively small. In Turkmenistan, the financial expenditures of the population of all types of services amounted to 5% in 2002, which is many times less than in any other country.

55. A special system of guarantees was set up by law with regard to mothers. The Parliament (Majlis) of Turkmenistan on 17 July 1998 adopted the law "On state benefits," which provides among other things for measures for the social protection of women. In accordance with this law and the law "On vacations" (Article 15),

pregnant women are paid benefits for pregnancy and for giving birth. Underprivileged families are paid benefits for caring for children up to the age of three. Persons not receiving pensions are paid social benefits, specifically, women after 62 years of age. Members of the family that are not of working age, specifically a wife or mother, children, sisters, grandchildren, and others, receive benefits in connection with the loss of the breadwinner. The minimum amount of such benefits is 40% of the previous average monthly salary in Turkmenistan.

According to the Turkmenistan law "On pensions" (1998), length of work service and the service record of retirement insurance for the provision of pensions include the care of nonworking mothers for underage children up to the child's age of three (at most not more than six years of age). Women who have given birth to and raised three children younger than eight are entitled to a pension at a retirement age (57) that is reduced by one year, for four children reduced by two years, for five children and more or a disabled child reduced by three years.

In accordance with the resolution of the President of Turkmenistan dated 6 April 1998 "On improvements in the organization of sanatorium and spa treatment and of rest for citizens of Turkmenistan," citizens of the country who have a medical diagnosis and are receiving income per person that is lower than the prescribed minimum are provided with subsidized travel to sanatoria and spas. Families with many children, children with no parents, veterans and other persons who have suffered in their health in defending state and social interests are provided with supplementary assistance and benefits from social funds.

## **2. Preserving maternity and childhood**

56. Preserving the interests of mothers and children in Turkmenistan is assured by special measures for women's health care, their legal protection, and the material and moral support of motherhood and childhood.

"Motherhood in Turkmenistan is the object of general respect and admiration, and it is preserved and encouraged by the state," according to Marriage and Family Code of Turkmenistan.

An entire system for the preservation of maternity and childhood is active in the country and stipulates mandatory care for women during pregnancy, childbirth, and the postnatal period, but also for children especially in the first five years of life. Various informational activities are carried out in the area of nutrition, breastfeeding, and promoting a healthy lifestyle.

In the system of the Ministry of Public Health and of the medical industry of Turkmenistan, a service is provided of reproductive health of the people, including 6 centers of reproductive health and their branches in Ashgabat and in all other velayat (regional) centers. In each etrap (district) there are offices of reproductive health. The fundamental tasks of these services are to lower the rate of illness of future mothers, maternal and child mortality, to assist families in regulating the intervals between births, and to assist in the optimal choice of the time of birth of children as a function of the age of the parents.

Monitoring the health of mothers and children in the first year of life is carried out by the Health Houses. For the reproductive health of families, checkups and consultations of pregnant women, and care for mothers and newborns in Turkmenistan, 208 female health clinics and children's health clinics are in

operation. Regarding the effectiveness of measures for preserving the health of pregnant women, there is evidence in the fact that more than 92% of pregnancies result in a successful birth.

57. Special attention in Turkmenistan is provided to preserving the labor of pregnant women and women with small children. Considering the reproductive function of women, the law of Turkmenistan provides such benefits for pregnant women as lowering the norms of output and the norms of maintenance, as well as facilitating transfers to lighter work that excludes the influence of unfavorable productive factors while maintaining the average wage received at the previous workplace. It is categorically prohibited to employ pregnant women and women with children up to three years of age for nighttime work, for overtime work, for work on non-working days, or for business trips.

For breast-feeding women in addition to the general breaks for rest and food, there is provided supplementary time for breaks for feeding the child at least every three hours and not lasting less than half an hour.

### **Information regarding Article 5 of the Convention**

#### **a) Eliminating prejudices and abolishing discriminatory models of behavior**

58. The millennial history of the Turkmen people, its traditions, and customs are decisively characterized by a considerate and respectful attitude towards women. The principles of popular democracy, which are at the foundation of the current state of Turkmenistan arose within the Turkmen family, where all questions were resolved communally and where the voice of the woman was often the decisive one. Differences in the social roles and functions of men and women, and behaviors associated with this model, were never based on the idea of the inferiority of women or the superiority of one of the genders.

59. In Turkmen society, the family occupies one of the highest positions of respect. Traditionally, for Turkmen women, the family hearth, husband, and children have been the highest value. The foundations and the system of relationships in the family are naturally different from the family models of behavior of other peoples. They cannot be congruent, and their differences represent a contribution to the general cultural wealth of humanity. Relationships in the Turkmen family are based on the highest spiritual and moral foundations--attentive and friendly relationships to each other, the authority of the father, the mother, and the elders in the family, a respectful relationship to representatives of the older generation, and love of work. An indication of the relationship to mothers in the Turkmen family is provided by the words of the President of Turkmenistan, "mother for the Turkmen people is a sacred concept. The mother is sacred. Only through respect to her and to the word itself, "mother," can a human being be true to him or herself. Any manifestations of non-respectful relationships to women are greeted with a negative attitude and the condemnation of close relatives, neighbors, and the broad society at large, whose opinions constitute an important component in the mentality of every resident of the country.

60. The equality of rights and obligations of both parents is reinforced by the laws of the country. In accordance with them, father and mother have equal rights and responsibilities with regard to their children. Parents have equal rights and bear

equal responsibilities with regard to their children even in situations when the marriage between them is dissolved. All questions relating to the education of children are decided by both parents by mutual agreement. The defense of the rights and interests of minor children is the duty of their parents (Articles 64, 65, Labor Code of Turkmenistan).

61. Therefore, a decisive role in overcoming and eliminating individual manifestations based on the idea of the superiority of men over women is played by the gender policy carried out universally within the country, as a result of which the role of women has consistently expanded in the economy, politics, and the social and cultural areas of social life. The system of market relationships has extended the economic significance of female labor, and it has made women an active element in economic life as it has raised their social status. An important contribution to this process has been the policy of the spiritual and moral regeneration of the Turkmen people, the resurrection of democratic traditions of the Turkmen family, and the confirmation of the high ethical and moral values that have been inherited from our great predecessors.

62. In Turkmenistan, a large-scale informational campaign is being conducted whose purpose is to create conditions for equality between men and women. Together with representatives of international organizations accredited in Turkmenistan, U.N., OSCE, UNHCR, UNFPA, UNICEF, and other organizations, gender origins in the life of the society are being monitored, seminars are being conducted, conferences and conversations are being held regarding the rights of women and international standards in this area, including the Convention on the Elimination of all Forms of Discrimination Against Women. International acts on the rights of women have been published in the state language and are being widely disseminated among the people, and questions of equal rights between the sexes are regularly aired in television and radio broadcasts, in the press, and in artistic works.

#### **b) The family education of children**

63. In Turkmen families, the mother forms the internal world of the children. Through her own example and the attitude of others, the mother formulates in the consciousness of children an idea of the high status of motherhood as a social function. In Turkmenistan, children are the adornment of families, and they are surrounded with the care and attention of the mother and of all the elders in the family. The care of brothers and sisters for younger members of the family is considered a natural and important part of education, creating in turn feelings of respect and worship for women. Family education is supplemented by specific measures that are carried out by preschool institutions, schools, and institutions of higher learning. The unidirectionality of the educational process forms the view of mothers as the highest value of life. Disrespectful attitudes towards mothers are practically unknown in Turkmen society and are devalued as impermissible and prohibited.

### **Current situation regarding questions of Article 6 of the Convention**

64. In Turkmenistan no occasions of the trafficking in women have been recorded. Economic and social factors have not existed that would foster similar circumstances. It contradicts the mentality, the lifestyle, and the spiritual and moral

foundations of Turkmen society. Research conducted in Turkmenistan with the participation of international humanitarian organizations has not established any occasions of the trafficking in women.

65. The legislation of Turkmenistan includes administrative and judicial measures establishing responsibility for recruiting for and engaging in prostitution. Specifically, criminal penalties are provided for engaging in prostitution (Article 138, Criminal Code of Turkmenistan), for inducing others to engage in prostitution (Article 139, Criminal Code of Turkmenistan), for organizing facilities for engaging in prostitution (Article 140, Criminal Code of Turkmenistan), for conspiring to engage in prostitution (Article 141, Criminal Code of Turkmenistan), and for trafficking in prostitutes (Article 142, Criminal Code of Turkmenistan).

Prostitution as a social and moral phenomenon has no place in the history of the Turkmen people. It is incommensurate with the lifestyle, psychology, and moral and ethical principles of Turkmen society, in which the highly moral behavior of women has always functioned as an ideal image. In this connection, individual manifestations of undignified behavior of women and attempts to involve them in prostitution have always evoked and today evoke a sharp social reaction and are halted by those in the immediate vicinity. The intervention of authorities in such as cases has been extremely rare and bears a preventive character.

## **Part II**

### **Information on the realization of the provisions of Article 7 of the Convention**

In Turkmenistan, real opportunities for assuring the participation of women in equal conditions with men have been created in deciding the affairs of society and of the state.

#### **a) Participating in elections and being elected to governmental bodies**

66. The elections of representative bodies in Turkmenistan are carried out based on the principles of universal and equal electoral rights for men and women. In elections only those persons do not participate that are listed in Article 87 of the Constitution of Turkmenistan (the mentally ill, those judged by a court to be incompetent, etc.). Elections are held directly, candidates to representative bodies are elected directly by the citizens, voting in elections is by secret ballot, and no monitoring of the will of the voters is permitted during the voting. Candidates are put forward by the Khalk Maslakhaty, political parties, social associations, and citizens. Just as in participation in elections, so the right to stand as a candidate for member of the representative bodies belongs to all citizens, regardless of their gender, nationality, religious belief, etc.

The Turkmenistan law “On guarantees of the electoral rights of citizens of Turkmenistan,” dated 22 April 1999, provides that elections in Turkmenistan are conducted on the following basic principles: the free and independent participation of citizens in elections; openness and transparency; the freedom to advocate during the election campaign; the defense of the electoral rights of citizens; and the



universal, equal, and direct electoral rights by secret ballot (Article 3 of the law “On the guarantees of the electoral rights of citizens of Turkmenistan”).

67. On the basis of Article 2 of the Turkmenistan law “On elections of deputies to the Majlis of Turkmenistan,” dated 10 December 1998, with modifications and amendments dated 10 September 2004, “any direct or indirect limitation of the electoral rights of citizens of Turkmenistan shall be prohibited as a function of gender, language, education, religious persuasion, political conviction, or party affiliation.” In elections for deputies of the Majlis (Parliament) conducted in December 1999, women accounted for 50.3% of the total number of the voters who took part in the election. Among those elected to the Majlis, 26% of the deputies were women.

68. On the basis of Article 2 of the Turkmenistan law “On elections of people's representatives (Khalk Maslakhaty),” dated 14 December 2002, any direct or indirect limitations placed on the electoral rights of citizens to the highest representative bodies of the people's power, the Khalk Maslakhaty, on the basis of gender are prohibited. In the XIV session of the Khalk Maslakhaty conducted on 14-15 August 2003, approximately 30% of the members were women.

69. In accordance with the Turkmenistan law “On elections of members of the Gengeshi,” dated 14 December 2002, all limitations of the electoral rights of citizens on the basis of sex are prohibited. At the elections for members of local representative bodies, the Gengeshi, conducted on 6 April 2003, 14% of those elected were women.

70. Elections for the President of Turkmenistan, the people's representatives (khalk vekilleri) to the Khalk Maslakhaty, and the deputies of the Majlis and members of the Gengeshi are organized by the Central Electoral Commission in accordance with the Turkmenistan law “On the central commission on elections and conducting referendums in Turkmenistan,” dated 30 April 1999, with the modifications and amendments of 10 September 2004.

The basic principles of the Central Electoral Commission are legality, independence, impartiality, openness, and transparency. The Central Electoral Commission constitutes the Khalk Maslakhaty, and it is responsible for conducting the entire electoral process and including tabulating the results of elections and publishing them in the press. The current membership of the Central Electoral Commission is determined by a resolution of the Khalk Maslakhaty dated 30 August 2004, and its members are 53% women.

#### **b) Participation of women in the bodies of state power and administration**

71. The direct participation of women in central and local representative bodies is assured by their active influence on the formation and realization of a policy of the government. In practice, this is achieved in the following manner. In accordance with Article 49 of the Constitution of Turkmenistan and of the Turkmenistan law “On the Khalk Maslakhaty,” decisions of the Khalk Maslakhaty are put into effect by the President of Turkmenistan, the Majlis, the Cabinet of Ministers, and other state bodies. The Khalk Maslakhaty is charged with considering and approving programs establishing the basic directions of political, economic, and social development of the country (Clause 5, Article 48, Constitution of Turkmenistan). As

was noted, approximately 30% of the members of the Khalk Maslakhaty were women in the 14-15 August 2003 session of the Khalk Maslakhaty. At this session, a national program was adopted, "Strategy of the economic, political, and cultural development of independent Turkmenistan for the period up to 2020." This long-range program for the ongoing growth of the economy, the deepening of the democratic foundations of its political system, developing a national culture, improving the well-being of the people, and assuring opportunities for the creative self-realization of the personality is realizing the people's rights and freedoms. Women participated both in the development and in the adoption of this program, exercising direct influence on the formulation of the policy of the government in the future.

72. Similarly, the participation of women in activities of the legislative body of the country, the Majlis (Parliament), and organs of local self-government, the Gengeshi, are also being realized. The deputy chairman of the Majlis of Turkmenistan is a woman, one of the committees of the Majlis is led by a woman, and female deputies are members of all the committees of Parliament. They have the most immediate participation in developing and adopting the most important legislative acts and in realizing control over the implementation of laws. Female members of local representative bodies, the Gengeshi, participated in determining the basic directions of economic, social, and cultural development of the territory under its jurisdiction, they confirmed the budget and reports on implementing the budget, and in so doing they exercise a direct influence on the development of policy of local administration.

73. Women in Turkmenistan have an active role to play in the realization of the policy of the government and in the National Program of Development in the Period up to 2020. Women account for 37.6% of all those engaged in the administrative apparatus of the country at all levels. They tend to gravitate towards bodies of financial administration, education, public health, social services, etc. Women occupy the responsible positions of deputy chairman of the Cabinet of Ministers, the Ministers of Finance, Economics, and Social Services, deputy ministers, heads and deputy heads of local administrative territorial bodies, the khyakims. Specifically, khyakims represent executive power in the velyatas, cities, and etraps, they manage the activity of the bodies of state administration in the localities, they assure the carrying out of the Constitution of Turkmenistan, the decisions of the Khalk Maslakhaty, the laws, and the acts of the President of Turkmenistan and of the Cabinet of Ministers of Turkmenistan (Turkmenistan law, "On the khyakims," dated 24 November 1995). Equally with men, women carry out all state functions at all administrative levels.

**c) Participation in the activities of non-governmental organizations**

74. The involvement of women of Turkmenistan in social and political activities has been an important means of overcoming the negative manifestations of social gender relationships and of assuring the equal participation of women in social and political life. Women demonstrate significant activity in work in a broad array of social associations: unions, associations, clubs, artistic collectives, etc., that are functioning in Turkmenistan. Women's non-governmental organizations that are created in accordance with Article 28 of the Constitution of Turkmenistan and the Turkmenistan law "On social associations," dated 21 October 2003, serve as a foundation for civil society in the country.

75. The most influential women's organization is the Union of Women of Turkmenistan named Gurbansoltan-eje (hereinafter, Union of Women), which has approximately one million members.

This Union of Women is built on the territorial principle, its organizations are operative in the velayats, cities, and etraps, in enterprises, in the daikhan (peasant) associations, and in institutions of higher learning. The highest body of this women's organization is the Congress of the Union, at which powers are delegated to representatives on the basis of territorial subdivisions. In the intervals between congresses and conferences, the Union is led by a Central Council and a Chairman that is elected by the Congress of the Union.

The foundation and the character of the activity of the Union are determined by traditional national values, the historical experience of the participation of women in the life of Turkmen society, and the traits of Turkmen women, modesty, goodness, sincerity, sympathy, and magnanimity. Whatever the originality of the women's organization in our country, in its activities it takes on the general democratic forms and means that have been developed by the international women's movement, of which it is an active participant. The Union promotes the advancement of the role of women in the spiritual revitalization of the nation, in expanding their participation in social, political, productive, and cultural life, and providing help in educating the oncoming generation.

On the basis of Article 2 of the Constitutional law of Turkmenistan "On the Khalk Maslakhaty," dated 15 August 2003, the leaders of the Union of Women become members of this highest representative body and take active part in its work.

The influence of women in the activities of trade union organizations of Turkmenistan is great. The deputy chairman of the National Trade Unions Center, which leads the trade union organizations of the country, is a woman. Two of the five velayat (regional) trade union organizations are led by women, 45% of the leading professional organizations of the country are led by women.

In the ranks of the Democratic Party of Turkmenistan, women account for 37.9% of the total number of members, and 30% of the membership of the Political Council of the democratic party, which controls the work of the party, are women.

### **Information on the current situation with respect to the provisions of Article 8 of the Convention**

76. The women of our country, like the men, represent our country at the international level and participate in the work of international organizations. On 15 September 1999, the Majlis of Turkmenistan ratified the U.N. Convention on the Political Rights of Women, in accordance with which women have the right to occupy positions and carry out all general state functions in equal conditions with men. Consequently, in fulfilling this provision as well as other international agreements, Turkmenistan is training specialists to assure the opportunity for women to represent our country in the international arena. At the Turkmen State University named Makhtumkuli, there is a Department of Rights and International Relations, which trains specialists of the corresponding profile, and 40% of the students of this department are women. In the Department of International Relations and International Law and Economy within the Turkmen Institute of Economics, women are studying who will represent our country in the international arena.

77. The women of Turkmenistan are working in the national ministries and departments that are actively realizing cooperation with foreign countries, their companies, and financial institutions. Joint venture projects with representatives of international organizations accredited in Turkmenistan are being realized, such as UNPD, OSCE, UNHCR, UNICEF, UNPFA, IOM, and others in which the women of our country are also working. They also occupy responsible positions in the diplomatic service. The permanent representative of Turkmenistan in the United Nations, for example, is a woman.

## **Measures for realizing the provisions of Article 9 of the Convention**

### **1. Achieving, modifying, and preserving citizenship**

78. The Constitution of Turkmenistan establishes the citizenship of our country. No one may be deprived of citizenship or the right to change his or her citizenship. Citizenship is obtained, preserved, and relinquished in accordance with the law (Article 7, Article 7, Constitution). In accordance with the Turkmenistan law "On citizenship of Turkmenistan," dated 30 September 1992, with modifications and amendments dated 14 June 2003, "citizenship of Turkmenistan is equal for all citizens of Turkmenistan regardless of the means by which it was acquired" (Article 5 of the law "On citizenship of Turkmenistan"), and this law does not contain any statements with respect to women.

79. The entrance into marriage of a female citizen of Turkmenistan with a person whose citizenship is of a different state or with a person without citizenship and the dissolution of such a marriage do not bring with it any change in citizenship. The change in the citizenship of one spouse does not require changes in the citizenship of the other spouse, it does not transform a woman into a person without citizenship, and there is no stipulation requiring her to accept the citizenship of the husband (Article 16 of the law "On citizenship of Turkmenistan").

The residence of a citizen of Turkmenistan on the territory of another state does not require discontinuing the citizenship of Turkmenistan.

### **2. The citizenship rights of children**

80. Women in Turkmenistan have the same rights as men with respect to the citizenship of their children. If, at the moment of birth of a child, the mother or the father has the citizenship of Turkmenistan, the child is a citizen of Turkmenistan under the condition that he or she was born in Turkmenistan or beyond the borders of our country, but the parents or one of them at that time was a permanent resident on the territory of Turkmenistan. If the mother of the child is a citizen of Turkmenistan but her spouse is a person without citizenship or his citizenship is unknown, then the child is recognized to be a citizen of Turkmenistan regardless of the place of birth.

In a case where the parents have different citizenships, one of which at the moment of birth is Turkmenistan citizenship, if both parents are permanently residing outside the borders of Turkmenistan, then the citizenship of the child is determined by agreement of the parents. In determining the paternity of a child whose mother is a person without citizenship and the father is recognized as a citizen of Turkmenistan, then the child until the age of 14 becomes a citizen of

Turkmenistan regardless of the place of birth. If this child is permanently residing outside the borders of Turkmenistan, then his citizenship is determined by agreement of the parents (Article 13 of the law “On the citizenship of Turkmenistan”).

81. A child that has been born on the territory of Turkmenistan to persons without citizenship who are residing in Turkmenistan is recognized as a citizen of Turkmenistan. If both parents of the child are unknown and the child himself or herself is situated on the territory of Turkmenistan, then he or she is considered to have been born in Turkmenistan and to be a citizen of this country. If the citizenship of the parents changes, or if they renounce the citizenship of Turkmenistan, then the citizenship of their children changes correspondingly if those children have not reached the age of 14. If the parents so desire, in the event that they change the citizenship of Turkmenistan, a child up to the age of 16 may maintain the citizenship of Turkmenistan. Changes in the citizenship of children from 14 to 18 years, on the basis of Article 30 of the law “On citizenship of Turkmenistan,” in the event of changes of citizenship of their parents, but also in the case of their adoption can occur only with the agreement of the children.

## **Part III**

### **Measures for realizing the provisions of Article 10 of the Convention**

#### **a) Access to education**

82. Equal access to education and equal conditions for receiving education are assured in Turkmenistan on the basis of the equality of men and women. Women have equal rights with men to be integrated in the system of education and professional training. According to the Constitution of Turkmenistan, the right to education is granted to each citizen regardless of gender. General secondary education is mandatory. Instruction in middle school, state professional colleges, and institutions of higher learning is granted without charge in this country (Article 35, Constitution).

83. The law “On education in Turkmenistan,” dated 1 October 1993, guarantees to all citizens of Turkmenistan the assurance and protection of the constitutional rights to education, and it 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 abilities and talents; free educational services in state educational institutions; priority of general human values; an organic connection to national history, culture, and tradition; the secular nature of education in state educational institutions; the independence of state educational institutions from political parties, other social, and religious organizations; the integration with science and industry and coordination with educational systems of other countries; the flexibility and future orientation of the system of education; the continuity, successiveness, and variety of the system of education.

The educational policy of the President and Government of the country, based on the above-mentioned principles, has provided for involving women on a large scale in the system of various forms of instruction, which has fostered their participation in the productive, economic, social, and political life of the country.

As of the beginning of 2003-2004 academic year, in Turkmenistan there were 1,705 general schools in operation. The number of pupils in those schools was 1,018,600, of whom women accounted for 49.1%.

According to the census of the year 2000, the literacy of the population aged 15 and older amounted to 98.9%. Out of each 1000 persons 15 years of age and older, the number having higher education was 92, uncompleted higher education 9, secondary specialized education 166, general secondary 477, unfinished secondary 183, and elementary education 48.

84. As of 1/1/2004, in Turkmenistan, 16 secondary professional institutions and 16 institutions of higher learning were in operation. Young men and women are studying in 16 specialties in secondary professional and in 182 specialties in institutions of higher learning.

Although the majority of institutions of higher learning are situated in the capital of Ashkhabad, the problem of access to such institutions is regulated through a quota system for places for the regions, by taking into account local requirements and conducting oral exams with applicants in place of written exams.

The youth of the country has been granted broad opportunities for receiving education outside Turkmenistan. Today, many Turkmen students are studying abroad including in institutions of higher learning in Turkey, Germany, China, Russia, Ukraine, India, and Malaysia. At the present time, in the context of inter-governmental agreements, more than 1,000 students from Turkmenistan, of whom not a few are women, are studying in 120 institutions of higher learning in Turkey.

During the years of independence, fundamental transformations have been occurring in the system of professional education. Since the 1997/1998 academic year, in secondary schools, beginning with the seventh grade, the professional preparation of pupils has been carried out. They are studying in 57 professions on the basis of specialized educational institutions, enterprises, daikhan (peasant) associations, and in schools. In the system of elementary professional education, training is being conducted both in "women's" as well as in general specialties. This includes carpet weaving, cooking, sewing, and the specialties of bookkeeper, computer operator, automobile driver, tractor driver, etc. On the basis of the Turkmen State University named Makhtumkuli and the Turkmen Polytechnical Institute, international schools of business have been created where students of the higher classes study marketing, management, computer science, the Internet, etc.

Professional training of personnel is carried out by the enterprises themselves and organizations.

#### **b) Equal conditions of instruction**

85. The instruction of young men and women in Turkmenistan is carried out on the basis of the same educational programs, the same staff of instructors, in the same facilities and with the same examinations. Instructional plans and programs of instruction of students are developed by institutions of higher learning together with

the Ministry of Education of Turkmenistan and are confirmed by the Cabinet of Ministers (Government) of the country (Clause 5 of the statute on state institutions of higher learning in Turkmenistan, adopted through resolution of the President of Turkmenistan on 11 August 1998).

Instruction in the schools, professional colleges, and institutions of higher learning is based on equal requirements from the students without distinction of gender.

**c) Eliminating stereotypes with regard to women**

86. In all educational institutions of the country, there is coeducation of girls and boys, and not a single component of instruction is subject to divisions according to gender. Eliminating stereotypical ideas concerning the roles of women and men has been fostered by the circumstance that of the total number of workers employed in the system education, 69.5% of them are women. In 2002-2003, of the total number of teachers in secondary schools, women accounted for 62.7%, and of instructors in institutions of higher learning, their number was 33%. Among the pedagogical workers of secondary professional educational institutions, 57.7% were women. The predominance in the ranks of the pedagogical collectives of women is favored by the nature of the instructional processes and their educational direction in the formation of respectful and equal concepts of the role of women in society and the family. School programs of institutions of higher learning, educational materials are based on affirming the equality of the sexes, the impermissibility of discrimination against women, and the general non-acceptance of ideas of the inequality of women. Confirmation of the equality of the sexes is fostered by female pupils themselves and female students, whose social activity is generally stimulated to the utmost degree as a consequence of the policy carried out in the country.

**d) Equal opportunities in obtaining scholarships**

87. All successful students of institutions of secondary professional and higher learning receive state stipends every month. Their amount is increased regularly. Beyond the general stipends, students showing special distinction in their studies receive larger stipends. In addition, stipends of the President of Turkmenistan have been established, which are received by students who have distinguished themselves in their studies and have completed practical exercises in scientific activity and in the realization of results obtained from it. In accordance with the Order of the President of Turkmenistan, students studying abroad on the basis of intergovernmental and interdepartmental agreements receive a 50% reduction in the cost of airline tickets for vacation periods and during the days of their departure for academic year. Students, both girls and boys, from other cities are provided with subsidized state residence in dormitories. In Turkmenistan, there are no distinctions in receiving these benefits on the basis of gender.

**e) Equal opportunities for continuing education**

88. In Turkmenistan, the literacy of the population aged 15 and higher amounts to 98.8%. There are no distinctions in principle in the level of education between men and women, but the differentiation in specialties is connected with "women's" or "men's" paths. Equal conditions and opportunities have been created in the country

for men and for women to raise their level of education and their qualifications or to learn a second profession.

In several ministries and departments, specialized educational institutions have been created with their fundamental task being instruction that raises the level of qualifications. For example, in the Ministry of Education there is an Institute of Advanced Training for workers in preschool institutions and their teaching personnel. The same work is carried out on the basis of the Turkmen Medical Institute, the Institute of World Languages named D. Azadi, and others. In 2002, for example, advanced training instruction was received by 28,300 persons. In the country, numerous courses are conducted on the basis of secondary and higher education for the training of bookkeepers, auditors, computer operators, and managers. Men and women take advantage of the opportunities that arise for continuing education with the help of widely disseminated programs in Turkmenistan of instruction abroad. Men and women of various ages participate in competitions organized by foreign organizations and travel for instruction to the USA, Great Britain, Germany, and other countries.

**f) Reducing the number of those not completing school**

89. General secondary education is mandatory in Turkmenistan, and this constitutional requirement is monitored by educational bodies, local administrations, and social organizations. As a consequence, an absolute majority of girls completes secondary education or secondary professional education institutions on time. It is very rare for a girl not to finish secondary school, and it is connected usually with a serious illness of the student. According to the resolution regarding state secondary schools in Turkmenistan, affirmed by the President of Turkmenistan on 11 August 1998, pupils may be released from final examinations on account of illness. Those that have been ill during the period of final examinations take the remaining final examinations after their recovery. Graduates of schools who have not completed the examinations in one or two subjects are offered the possibility of taking them again. In the event, due to illness or unfavorable family circumstances, that a girl is required to interrupt her studies, she is entitled, once the obstacles have been overcome, to return to school and to complete her studies.

**g) Equal access to sports activities**

90. Physical education and sports represent an important part of realizing the broad-based state presidential program "Health," which is directed at strengthening the health of the nation and improving the quality of medical services provided to the people. The girls of our country have the same opportunities to participate in sports and physical education as boys. In accordance with Article 4 of the Turkmenistan law "On physical culture and sports," dated 7 July 2001, "the state guarantees to citizens the realization of their rights in the area of physical culture and sports through the creation of the necessary legal, organizational, financial, economic, social, and other conditions." The state assures the development of a physical culture and sports infrastructure and access to it by the people of the country. Today in the country there are 26 stadiums, 1,010 sports halls, and nine swimming pools in operation, along with thousands of open sporting areas. In Ashkhabad, an Olympic sports complex has been built including a stadium for 30,000 people, 4 tennis courts, sports halls, changing rooms, showers, and medical departments. In stadiums, at times convenient to the people, there are numerous



programs in operation in which women of all ages are participating. In institutions of higher learning and in schools, there are competitions in many different kinds of sports, in which all who wish participate, and female sports teams have been created which are managed by qualified trainers. There are many women among the national teams of the country, including the Olympic team.

**h) Access to educational information on the family**

91. In the country there is in operation a complete system for preserving motherhood and childhood, including the conduct of various informational events in the area of nutrition, breast-feeding, and promoting a healthy lifestyle. There are reproductive health services in all of the velayat centers, and in every etrap there are offices of reproductive health. The basic goals of these services are to inform, to spread information regarding reproductive behavior, to reduce the rate of illness of future mothers, to provide assistance to families in avoiding unwanted pregnancies, to provide consulting services about family planning, to regulate the intervals between births, and to assist in the optimum choice of time for the birth of children, etc. To preserve the reproductive health of the family, and for carrying out consultations and monitoring in Turkmenistan, there are 208 women's clinics and children's clinics. Reproductive health offices and women's clinics publish brochures and booklets in large printings, they conduct conversations, and special newspaper columns for these questions are published in newspapers and broadcast on the radio and television.

**Information concerning the realization of the provisions of Article 11 of the Convention**

**1. Eliminating discrimination against women in the area of employment**

**a) The right to work**

92. All citizens of Turkmenistan have the right to work, to choose their profession according to their own desires, to choose the type of employment, and to have healthy and safe working conditions.

In circumstances of radical economic transformations, the Constitution, the laws of Turkmenistan, and the developing areas of the economy provide women with broad opportunities to work in any area of activity. There is no area of policy, state administration, economy, science, culture, and social activity, where women have not been active.

At the same time, it is necessary to recall the high place in the system of values that is reserved in our country for the family and children. In Turkmenistan, every third family can count five or more children. In view of the reproductive function and existing national traditions, women are occupied in raising children and in maintaining the household. In accordance with generally accepted rules, this segment of economically active women are recorded in statistical records as among the unemployed part of the population. In fact, in our country, the work of a woman with many children, which is decisive for the life of society, is recognized as having the highest social status and is encouraged by a system of benefits and privileges.

**b) Application of identical criteria in hiring**

93. The legislation of Turkmenistan (Article 16, Labor Code, and Article 4 of the Turkmenistan law “On the employment of the population of Turkmenistan,” dated 11/12/1991) prohibits any direct or indirect limitation of rights or the institution of direct or indirect advantages in hiring on the basis of gender. Supplementary guarantees have been established for the employment of citizens who require social protection and are unable to compete in equal conditions in the labor market, including young persons, single persons, and women with many children who are raising minor children or disabled children, and women just before retirement age. For this purpose, local khyakimliks have established quotas for enterprises, institutions, and organizations for hiring the aforementioned persons at 5% of the overall number of workplaces (Article 12 of the Turkmenistan law “On the employment of the population of Turkmenistan”). According to Clause 5 of the statute on the procedure for inviting foreign citizens for temporary work in Turkmenistan, affirmed by the President of Turkmenistan on 21 February 2003, in issuing permissions for inviting foreign citizens to work in Turkmenistan, the principle is being followed of giving priority to the citizens of Turkmenistan in employment when vacancies are being filled. In addition, the number of foreign citizens employed in enterprises may not exceed 30% of the total number of workers.

94. The prevailing form of employment of the economically active population is work for hire. Among men, this category of workers amounts to 84%, and among women 81%. These numbers document the application in practice of standardized criteria for the hiring of women and men. At the same time, the distribution of working women in the branches of industry has its own peculiarities. The special character of women's employment is determined to significant degree by her reproductive functions. As a consequence of this, more than 60% of employed women are working in such areas as public health, social services, education, and other service areas. Construction, transport, communications, and the mining branches of industry are traditionally male and the percentage of men exceeds 70%.

95. Cooperation in resolving the problems of employment is being provided by labor exchanges in the khyakimliks of the velayats and in the city of Ashkhabad, which have been formed in accordance with the Resolution of the President of Turkmenistan “On the formation of labor exchanges in Turkmenistan,” dated 2 June 1997.

At the labor exchanges, there is a daily listing of citizens who have applied for work. Close contacts have been formed with enterprises and organizations. Through the press, the population is made aware of vacant workplaces, and there is a jobs fair for vacancies, which fosters the employment of women.

**c) The right to a free choice of profession and type of work**

96. The Constitution of Turkmenistan guarantees to all citizens of Turkmenistan the right to choose, based on one's own considerations, a profession, a type of activity, and a place of work (Article 31, Constitution). Guarantees of freedom of choice of type of employment is contained in the Labor Code of Turkmenistan (Article 43, Labor Code of Turkmenistan). The right to a free choice of profession and type of work is also assured by the international obligations of our country. Turkmenistan has ratified the International Labor Organization (ILO) Forced Labor Convention, dated 28 June 1930, the ILO Abolition of Forced Labor Convention,

dated 25 June 1957, the U.N. Discrimination (Employment and Occupation) Convention, dated 25 June 1958, and vigorously adheres to their provisions. Limitations in the choice of type of work for women are stipulated in section XI of the Labor Code of Turkmenistan, which is entitled "Women's Work." It contains a system of measures to provide for the protection and safety of women's work. According to the Labor Code, it is prohibited to use the labor of women in heavy work, work in dangerous conditions, underground work, etc. In Turkmenistan, favorable legal and social conditions have been created for assuring women their right to a free choice of type of employment and type of work, which accord with international requirements in this area.

97. The freedom of choice of a profession and type of work paves the way for the participation of women in various areas of activity. Of the total number of physicians, women account for 50.6%, among teachers in secondary schools 62.7% are women, 57.7% of instructors in secondary professional educational institutions are women, and 32% of the teaching staff of institutions of higher learning are women. More than 50% of the financial workers, 49% of those working in residential institutions, and 47% of retail trade workers are women. In industry, 43% are women, in agriculture 51%, in construction 21%, in transportation and communication 23%, and in governmental administrative bodies 42%.

**d) The right to equal compensation**

98. A person working for hire in Turkmenistan has the right to compensation that is appropriate to the quantity and quality of his or her labor. This compensation may not be less than the minimum established by the state (Article 31, Constitution of Turkmenistan). The law prohibits any sort of reduction of the amount of payment for work as a function of gender (Article 87, Labor Code of Turkmenistan). The wages of women and men depend on their personal work contribution and the quality of their work and are not distinguished according to gender. The monthly wage of a worker who has entirely completed the stipulated norm for the working time of that period and who has carried out his work-related obligations (labor norms) may not be lower than the established minimum wage. At the same time, the amount of wage payment is not limited by a maximum. In Turkmenistan, practically every year the amount of wages and salaries paid to all workers as well as stipends and benefits paid to students and retired persons is increased by order of the President of Turkmenistan.

In 2003, the amount of wage payments paid to all workers and also the amount of pensions and scholarships was increased by a factor of two. Beginning on 1 January 2005, the plan is to increase the amount of wages, pensions and stipends by 1.5 times.

The norms for the wages and salaries of workers of public institutions and organizations are set by the state and do not make any distinctions in payment for the equal work of men and women. The system of salaries, the basic wage rates, the basic wage scales, and bonuses are determined by enterprises on the basis of collective agreements of workers with employers with the participation of trade union organizations. These agreements provide for improving the organization of work and assuring a suitable wage and its prompt payment (Article 81 of the Labor Code, Clause 14, the bylaws of the professional unions of Turkmenistan).

99. In the area of payment for work, the laws of Turkmenistan establish a series of benefits for pregnant women and women with small children. For pregnant women, the output norms are reduced, or the women are transferred to other, lighter work that removes them from the effect of unfavorable productive factors while maintaining the average wage at the previous workplace (Article 169, Labor Code).

Women with children up to the age of 1½, in the event that they are unable to carry out their previous work, are transferred to other work while maintaining their average wage from the previous position, until the child has reached the age of 1½ years. Women with children up to the age of 1½, in addition to the general breaks for rest and food, are provided with an additional break every three hours to feed their child. Additional breaks are included in the working time and are paid at the average wage (Articles 170,175, Labor Code).

**e) Right to social security**

100. The Constitution of Turkmenistan guarantees to all citizens of the country the right to social security in old age, in the event of illness, for the loss of the ability to work, for the loss of a breadwinner, and in unemployment. Families with many children are provided with additional assistance and benefits from public funds (Article 34, Constitution of Turkmenistan). The right to social security in Turkmenistan includes the right to receive governmental assistance, pensions, and paid vacations. The Turkmenistan law “On state assistance,” dated 17 July 1998, establishes the following forms of social assistance: for pregnancy and childbirth; for child care; in connection with the temporary loss of the ability to work; for disability; and for the loss of the breadwinner. The constitutional right of social security in old age is realized through the provision of state pensions. Citizens of Turkmenistan may not be limited in the right to a state pension and/or a pension with the participation of non-governmental pension institutions (Clause 4, Article 1, Turkmenistan law “On pensions,” dated 17 July 1998).

101. Assistance with respect to pregnancy and childbirth is provided to women at the amount of 100% of the wages or salaries during the entire leave, 112 calendar days, regardless of the extent of their work service, their place of work, or whether their work is seasonal or temporary.

Assistance for child care on the basis of Clause 1, Article 8 of the Turkmenistan law “On state assistance,” is provided for maintaining a child up to the age of three in situations where the total income per family member is less than the established minimum payment for work.

Assistance during a temporary inability to work is granted in the case of illness, work-related or other injury, including cases of accidents, and in cases of temporary transfer to other work in connection with the illness, for caring for an ill member of the family, quarantine, and prosthetics. The amount of the assistance for a temporary inability to work is set as a function of the accumulated work service, but it may not be less than 60% of the average monthly wage at a work service of up to 5 years. The amount of assistance is 100%, regardless of the work service, for a mother who is raising a disabled child up to age 16, or has three or more children to maintain under the age of 16 (Clause 3, Article 11, Turkmenistan law “On state assistance”). On the basis of Article 9 of the Turkmenistan law “On the employment of the population,” persons regarded under establish procedures as unemployed have the right to receive unemployment assistance.

102. The right to rest is recognized as a constitutional right of citizens of Turkmenistan. For persons who are working for hire, this right is expressed in the establishment of a limited workweek, and it provides for annual paid vacations and weekly days of rest (Article 32, Constitution of Turkmenistan).

The annual basic paid vacation is established at 24 calendar days. This number does not include holidays and memorial days that are established by acts of Turkmenistan. Pedagogical workers and directors of schools of all types, of secondary specialized, professional, and institutions of higher learning, as well as disabled persons are entitled to vacations that are set at 35 calendar days (Article 8, Turkmenistan law "On vacations"). Paid leave for pregnancy and childbirth is stipulated for women at no less than 112 calendar days. In the event of birth complications, it is extended by 16 calendar days, and in the event of the birth of two or more children by 40 calendar days. The working woman, regardless of her work service, upon the exhaustion of her maternity leave, has the right to unpaid leave for the care of her child up to the age of three (Article 15, 16, Turkmenistan law "On leave"). In making available leave, a series of benefits are provided for women with children. The right to a vacation during the first year of work begins at the conclusion of 11 months. On the basis of Article 9 of the Turkmenistan law "On leave," a vacation at end of 11 months, at the desire of the woman, may be provided to her before maternity and childbirth leave. A woman with two or more children or a disabled child, or the wife of a member of the armed forces with children, if she so wishes, must be offered leave during summer months. If necessary, a woman who is raising two or more children may be provided with additional leave without maintaining the payment for work for a period of up to 14 calendar days. Additional leave for weddings and funerals up to 10 days are provided to spouses.

103. The constitutional right of women as of all citizens to social security in old age is realized through the state pension insurance. It is built on the basis of voluntary pension assurance. At the same time, the state guarantees pensions to citizens who began receiving pensions before the implementation of the Turkmenistan law "On pensions," dated 17 July 1998 (Article 5, Turkmenistan law "On pensions"). Women upon reaching age 57 and men upon reaching age 60 have the right to a pension. Pensions are provided to women of retirement age who have a work service of 20 years, whereas men receive pensions with a work service of 25 years. Upon reaching the age of pensions, and with incomplete work service, the amount of the pension provided corresponds proportionally to the amount of time worked.

Included in work service are: instruction in higher, secondary specialized, and professional educational institutions; and care by nonworking mothers for minor children up to the age of three (no more than six). Women that have given birth to and are raising three children younger than eight years of age have the right to a pension with a reduction in the age established by law of one year, for four children of two years, for five and more children or for a disabled child of three years. Given equal conditions, the amount of a pension for men and women is not different.

**f) Right to safe working conditions**

104. In Turkmenistan, a wide range of measures are in effect to provide safe working conditions for women, including those that protect their reproductive function. In accordance with the Labor Code, it is prohibited to employ women for difficult work and for work with dangerous work conditions, but also for

underground work except for a few underground jobs (nonphysical work or public health and household work). It is also prohibited for women to lift or to transport heavy weights exceeding the standards established for them.

Requiring women to work at night is not permitted, with the exception of those branches of the economy where this is a special necessity and is permitted as a temporary measure.

Pregnant women working in the agricultural sector in field conditions are provided with a shortened working day of six hours, while maintaining the average payment for work.

It is not permitted to require pregnant women or women with children up to the age of three to work at night, to work overtime, to work on days off, or to go on business trips.

Women with children aged from 3 to 14 (disabled children up to the age of 16), may not be required to work overtime or to be sent on business trips without their consent.

## **2. Preventing discrimination on the basis of marital status or motherhood**

### **a) Measures to prohibit firing pregnant women**

105. The laws of Turkmenistan provide guarantees that prevent discrimination against working women on the basis of pregnancy or family situation. It is prohibited to fire pregnant women or women with children up to the age of three at the initiative of the administration (a disabled child up to 16), and single mothers if they have a child up to the age of 14, except in cases of the complete liquidation of the enterprise or of a repeated and serious violation of work discipline or the embezzlement of personal property (Article 176, Labor Code of Turkmenistan).

The unjustified firing of a pregnant women is punishable by law in accordance with Article 152 of the Criminal Code of Turkmenistan which provides punishments in the form of prohibitions against holding specific positions for a period of five years.

### **b) Pregnancy and childbirth leave**

106. In Turkmenistan, paid leave for pregnancy and childbirth is provided. The conditions for this provision are laid out in sub-point "e" of Article 11 of the Convention (items 100-12 of this report).

### **c) Creating conditions for parents to combine work with child raising**

107. The system of social services created in Turkmenistan helps parents to combine the carrying out of their family obligations with work and participation in social life. In our country, an ever expanding network of preschools functions to provide instruction and education to children of preschool age. Among them are kindergartens and nurseries, in which children up to the age of 7 are placed during the entire working day, and where their care, feeding, rest, and instruction are organized. As of 12/1/2003, 944 children's preschool institutions were functioning, which were visited by 129,000 children, 51% of whom were girls.

108. The work of nurseries and kindergartens is financed by the state and in part by payments from parents. According to the resolution of the President of Turkmenistan dated 29 June 1998, a procedure was established "to calculate and collect fees for maintaining children in preschool institutions," in accordance with which a mechanism was established to determine the fees paid by parents for maintaining children in preschool institutions. The criterion for determining the amount of the fee is the average income per person for each member of the family. In practical terms, the amount of such payments has a more symbolic character, but for families with children, it can amount to 50% of the established wage.

109. In 1999 the government affirmed the "National Program of Instruction and Education for Children of Preschool Age." In the context of this program, the preschool education of children is carried out from the age of five in preschool institutions, as well as in parent, aesthetic, and other centers, where children are instructed who are not attending preschool institutions. The instruction is conducted in three languages: Turkmen, English, and Russian, and is aimed at the all-around development of the children and their preparation for school. As of 1/1/2004, 12,200 pedagogical workers were engaged in raising and educating children in the system of preschool education.

110. For children of preschool age, when their school sessions are over but their parents are still at work, in all schools in the country there are extended-day groups. These groups provide food, help with homework, games, and relaxation. In this way, conditions are created that make it possible for the parents to work productively and to carry out their family obligations.

#### **d) Protecting pregnant women from dangerous types of work**

111. The laws of Turkmenistan prohibit employing the work of the women in jobs that are dangerous to their health. These measures are stipulated in the Labor Code of Turkmenistan and by the law "On workplace safety." Concrete legislative and practical measures excluding the employment of pregnant women in dangerous jobs is discussed in subpoint "f", Clause 1, Article 11 of the Convention (item 104 of this report).

### **3. Improving legislation in the area of employment**

112. The transitional nature of Turkmen society calls for the continuous improvement of national legislation, including in the area of women's rights in employment and women's work. The sharp increase in the industrial potential of the country, the appearance of new types of production (chemical, metallurgical, oil refining, etc.) are accompanied by a continual reexamination of the list of difficult jobs and jobs with dangerous conditions, for which the labor of women is limited. At the same time, legislative measures are being expanded to stimulate greater involvement of women in entrepreneurial activity, management activities, work with foreign companies and enterprises, joint ventures with foreign capital, the system of state administration, etc. The defense of women's rights as outlined in the present Convention is fostered, for example, by the contract system for work activity that has been introduced in the country. The system has made it possible to strengthen the guarantees for the protection of women's rights in comparison with general norms of labor legislation. Through normative legal acts (resolutions, directives, etc.) of the President and the Government of the country, in accordance with the

ever more complicated production processes and conditions of work, supplemental measures for the protection of women's rights as outlined in the present Convention are being put into effect.

## **On measures for realizing the provisions of Article 12 of the Convention**

### **1. Elimination of discrimination in the area of public health**

113. All citizens of Turkmenistan have equal access to the services of public health, including the use without charge of the network of state medical institutions (Article 33, Constitution of Turkmenistan). In accordance with the Turkmenistan law "On preserving the health of citizens," dated 14 December 2002, "all citizens residing on the territory of Turkmenistan, regardless of gender, nationality, origin,... are guaranteed the right to health care" (Article 14 of the law).

In 1995, in Turkmenistan, the state program of the President of Turkmenistan "Health" was adopted. Stages in the realization of this program included the reorganization of the structure of public health and the improvement of its administration, as well as the development of insurance, paid medicine, and private medical practice.

In the course of carrying out the reform of public health, the structure of the first link of public health was improved. In Ashkhabad, in the centers of the velayats, on the foundations of medical institutions that were eliminated, multi-profile and specialized hospitals were created, including maternity and child hospitals. In the rural areas, various medical institutions were reorganized into rural Health Houses, which were brought into the structure of etrap hospitals. In the cities, polyclinics were reorganized into urban Health Houses. A family principle of medical service was introduced.

As of 1 January 2002, in the country, 4,367 family centers had been organized, in which 3,137 family doctors, 1,061 family medical assistants, and 6,237 family nurses were working.

114. In the country, the process of creating a system of medical insurance is underway, which provides citizens with a series of benefits for medical services, including obtaining medications in state pharmacies at a 90% discount. In the list of medications issued by prescription, there are 138 basic medications and 137 equivalent versions, for a total of 275 designated medications. On 1 January 2003, medical insurance covered 4,093,500 persons, including 2,055,100 insured citizens and 2,038,400 dependents. Medical insurance covered 93.1% of the population.

115. In the context of the "Health" program, great attention is paid to questions of family planning, and a special program has been developed and is being realized entitled "National Program for Family Planning," including various events of an informational and practical character, helping to assure that high-risk and unwanted pregnancies will be reduced. Every married woman by law and in practice is entitled to choose all medical services including services connected to family planning.

### **2. Measures to conserve motherhood and childhood**

116. A central place in the "Health" program is devoted to the ongoing development and improvement of the preservation of motherhood and childhood, the



improvement of the role of prophylactic medicine, and informational outreach concerning a healthy lifestyle and rational nutrition. The program is oriented on developing and realizing effective prophylactic measures to improve the health of women and children while taking into consideration demographics, national characteristics, and traditions. In accordance with it, national programs have been worked out for immunizing children, and an informational campaign about breast-feeding has been conducted, among others.

According to the "Health" program, special attention is paid to medical services for women during the pregnancy, birth, and post-natal periods.

All medical services during the pregnancy, birth, and post-natal periods are provided to women free of charge.

117. In the context of the "Health" program, a program entitled "National Strategy for the Reproductive Health of Turkmenistan in the period up to 2010" is being carried out, it being developed and realized together with the U.N. Population Fund and the World Health Organization. The strategy of reproductive health includes such programs as "family medicine," "fighting anemia in Turkmenistan," "preserving and supporting breast-feeding," "services to preserve reproductive health," "immunizations," and others. In the country, there is functioning a scientific-clinical Center for the Preservation of the Health of Mother and Child named Gurbansoltan-eje, which includes a National Center of Reproductive Health.

With the cooperation of the U.N. Population Fund in Ashkhabad and in centers of all velayats of the country, branches have been established of the Center for Reproductive Health, and in 49 remote etraps, offices of reproductive health are in operation including six centers for the preservation of reproductive health of girls and adolescents. All these structures are equipped with the latest medical equipment, which permits them to provide effective assistance to pregnant women and their newborns. For example, for the purposes of realizing the program to assure the survival of children, in the scientific-clinical Center for the Preservation of the Health of Mother and Child, expensive modern equipment has been set up to provide effective treatment for premature babies, as well as an operative laparoscope, which makes it possible to carry out operations on children without penetrating the skin and muscular layers.

118. During the years of independence, cutting edge clinics and medical centers have been constructed and put into operation. Medical insurance, the family principle of medical service, and the monitoring of public health have become routine. In 2003-2004, large diagnostic centers were constructed and put into operation in Ashkhabad and in a series of velayat centers, whose equipment and technology corresponds to the highest world standards. In the country, pharmaceutical enterprises have been constructed and placed into operation, which produce medications for the needs of public health.

119. One of the constituent programs, "Motherhood and Childhood" provides preventive measures against illness, the causes of which are insufficient iodine and iron in the organism. For this reason, among the prophylactic measures, great significance is attached to providing the population with iodized salt and iron-enriched flour, products of the first importance for producing a healthy generation.

At the initiative of the President of Turkmenistan, in 1994 in Ashkhabad, the first international UNICEF conference was conducted on the elimination of iodine-

deficiency illnesses. In accordance with the recommendations of the conference, the President of Turkmenistan adopted a resolution on the provision without charge to the population of the country of iodized salt. In 1996, he adopted a new resolution, "On iodized salt and iron-enriched flour," on the basis of which in 2003 all salt produced in the country was iodized. By resolution of the highest representative body of people's power, the Khalk Maslakhaty of Turkmenistan, on 14 August 2003, the provision without charge to the population of Turkmenistan of electricity, gas, water and table salt was extended to 2020. These and other measures that have made it possible to drastically reduce iodine-deficiency illnesses, and they have had a highly beneficial influence on the health of women and newborns.

On 1 November 2004, Ms. Maria Kalivis, the regional director of UNICEF for the countries of Central and Eastern Europe, the Confederation of Independent States, and the Baltic states, in the course of her official visit to Turkmenistan, issued Turkmenistan with a certificate on the achievement of universal iodized salt (UIS). Turkmenistan is one of the first countries in the world, and the first of the countries of the CIS, to receive general recognition in the context of carrying out its obligations in the struggle against iodine-deficiency disease.

120. In Turkmenistan, a national program "Immunization" has been adopted and is being successfully carried out. Thanks to the active pursuit of immunization actions, the reforms in the system of public health, and increases in the quantity and quality of medical services provided to the population, the indicators of illness are significantly being reduced while the life expectancy of men and women is increasing. During the last five years, for example, for 1995 to 2000, illness caused by basic infectious diseases decreased by more than two times.

The system being implemented widely of measures for the free-of-charge preservation of motherhood and childhood, including mandatory examinations for women during pregnancy, childbirth, and post-natal periods and also for children requiring food without charge is bringing palpable results.

On the effectiveness of the measures taken for preserving the health of pregnant women, evidence can be seen in the fact that in 2002, 92% of pregnancies were brought to term successfully. In comparison with 1995, the child mortality for children younger than one year of age was reduced by two times.

### **Information concerning the realization of the provisions of Article 13 of the Convention**

In Turkmenistan, legislative and real practical conditions have been created for the equality of men and women in the area of economic and social life, so as to exclude discriminatory manifestations against women.

#### **a) The right to family assistance**

121. The legislation of Turkmenistan provides for equality of rights for men and women in receiving all types of assistance. According to the laws "On state assistance," dated 17 July 1998, "On the social protection of the disabled in Turkmenistan," dated 19 May 1992, "On the status and social protection of members of the armed forces and members of their families," dated 8 October 1993, "On the status of veterans, and guarantees for their social protection," dated 15 June 1995, "On pensions," dated 17 July 1998, and others, women have the right on an equal

basis with men for receiving assistance as stipulated by these laws. This question, including the so-called family assistance, is discussed in detail in the present report (see sub-point "e", Article 11, Convention, items 100-103 of this report).

**b) The right to receive financial credits**

122. The right to take loans against immovable property and other forms of financial credits are regulated by the civil legislation of Turkmenistan. In accordance with the Civil Code of Turkmenistan adopted 17 July 1998 and enforced since 1 March 1999, our civil legislation is based on the recognition of the equality of participants in relationships regulated by them, the freedom of contractual relationships, the realization of civil rights without hindrance, and the impermissibility of any interference in private affairs (Clause 1, Article 1, Civil Code of Turkmenistan). Physical persons, both men and women, are free to establish on the basis of agreements (loans and other forms of financial credits) their rights and obligations and to stipulate other agreed conditions, provided they do not violate the law. No distinctions and no limitations in the use of their civil rights are permitted for women in this area in Turkmenistan.

**e) Right to participate in cultural life**

123. The women of Turkmenistan have taken active part in all areas of cultural life in the country, including physical culture and sports. In the total average number of meetings in the area of culture and art, women account for 54.4% and in the area of sports and physical culture 67%. There is no area of culture and art in which the women of the country are not realizing themselves as creative personalities. Women are widely represented in the work of theaters, and more than half of their creative members are women. In the National Academy of Arts, the National Conservatory, and the Institute of Culture, more than 40% of the pedagogical collectives and 50% of the students are women and girls.

124. In September 1997, the President of Turkmenistan adopted a special resolution on the development of folkloric art in the country. The result was the creation of many tens of singing, dancing, musical, and artistic collectives, in which women of different generations are realizing their creative potential. In these self-sufficient collectives, which receive the support of ministries, enterprises, organizations, and social associations, from 60 to 70% of their members are girls and women. Every year, in the country, there are cycles of musical, theatrical, singing, dancing competitions, festivals, and shows on television and radio. Among women are not a few singers and masters of the stage and of fine arts, whose mastery is known far beyond the boundaries of our country.

125. In the cities and rural communities, 234 libraries are functioning, whose holdings are widely used by the women. They account for 61% of all their readers.

In assimilating national and world artistic riches, women are aided by 26 museums. In the National Museum of Carpets, the unique products of the carpet makers of Turkmenistan have been collected, which are known throughout the world. Many of these museums are led by women, and are visited by pupils and students, including young boys and girls.

126. The program "Health" which is broadly being realized throughout the country also includes a complex of physical culture, health, and sports measures to

strengthen the health of the population. Today, in the country, 26 stadiums, 1,010 sports halls, nine swimming pools, and innumerable sporting areas are functioning. An Olympic sports complex has been brought into service, including a stadium, a light-athletics hall, tennis courts, training halls, etc. In all stadiums of the country, health sections function, in whose programs women take part. Velayat and all-republic competitions in various types of sports are conducted, including the participation of female teens and individual female athletes. Members of the Olympic team of Turkmenistan, which took part in the Olympic Games in Greece in 2004, were women. In accordance with the Turkmenistan law "On physical culture and sports," dated 7 July 2001, the state guarantees to all citizens the realization of their rights in the area of physical culture and sports (Article 4 of the law).

## **Information on the realization of the provisions of Article 14 of the Convention**

### **1. The equality of rights of women and men in rural communities**

127. The legislation of Turkmenistan does not contain any norms or provisions that would establish different rights for urban and rural residents. Women who live in rural communities have equal rights with men. But residence in urban and rural locations has their peculiarities, which influence the character of the functional roles of women in their occupations in the sphere of social production. Indicators of employment among urban and rural residents show natural differences in social production.

128. Influence on the existing differences is exerted by the persistent maintenance in rural communities of the traditional system of family and marriage relationships. In rural national families, the institution of marriage is more immutable than in the city, and here divorce is very rare. Thus, in urban settlements for every 1,000 persons, there are 2.5 divorces, whereas in rural settlements this indicator is 0.1. In rural communities, where traditionally young families generally live with their parents, the age of entering into marriage is lower than in the cities, and the intensity of childbirth is greater. Living together in families of many generations makes the mother's situation easier and strengthens the family relationships of the younger ones. Together with the ongoing traditional tendency towards having many children, the living together of older and younger generations has a positive effect on the fairly high birthrate. According to the results of the census in 1995, in Turkmenistan, the average size of a family was 5.3 persons, which includes urban settlements, 4.6 persons, and rural settlements, 6.0 persons. As was noted, every third family in Turkmenistan has many children, defined as five or more children. Practically two thirds of those families live in rural communities. In this connection, women are assigned a determinative role in caring for children, their education, and maintaining the household.

129. As result of the elimination of the collective farms and state farms, the creation of farming households and daikhan (peasant) associations, and the growth in the number and size of personal plots, the volume of production in the private sector of the agricultural economy has significantly increased. It accounts for 80% of the volume of total production in that branch of the economy. 92% of all branches of animal husbandry have been transferred into private hands. Land and water reform has been carried out on a large scale. More than 248,000 families have received more than 80,000 hectares of land for their private plots. On the basis of

the decree of the President of Turkmenistan, dated 2 February 1993, "On the right to own and use land in Turkmenistan," more than 3,700 citizens of Turkmenistan have received land as private property, and another 1,400 are using land under long-term rents. According to the Turkmenistan law "On transferring land to the private property of citizens for conducting trade in agricultural products," dated 20 December 1996, it is provided that every lessee who in the course of two years had recommended himself as a zealous owner of the land should receive the opportunity to receive a land allotment as property. This law intensified the process of the formation of private producers in agriculture. The aforementioned changes have altered the productive activity of rural female residents in the area of individual economy and have increased their role in providing for the economic well-being of families.

130. The state values highly the most important social function carried out by women, to raise a new generation, as well as their enormous work in maintaining the household. Benefits established for women are mainly directed at rural mothers. At the same time, the necessary conditions are also being created for their participation in social life and the realization of their creative potential. Women are elected to office in many areas and are joining the membership of local representative bodies, the Gengeshi, where they occupy responsible positions in local administration. In rural areas, home-based work is widely practiced, in accordance with which enterprises provide women with equipment and raw materials, and they then in domestic surroundings produce carpets and carpet products, the national fabric, keteni, artistic needlework, decorations, etc. They are full-fledged workers of enterprises, they receive wage payments, and they receive all the benefits that are provided for working women. In rural schools, clubs, and libraries, girls and women are realizing their creative opportunities in collectives of artistic expression, and they are participating in demonstrations and competitions. In all the villages of the country, television and radio are available.

## **2. Participation of women in the development of rural districts and in the realization of their rights**

### **a) Participation in the development and realization of plans of development**

131. In accordance with the legislation of Turkmenistan, women on an equal basis with men participate in the activities of the representative, executive, and judicial bodies at all levels. As was noted, women are members of the highest representative body of people's power in Turkmenistan, the Khalk Maslakhaty, 26% of the deputies of the legislative body of the country, the Majlis, are women, and they are elected members of all bodies of local administration, the Gengeshi. Women are the heads and the deputy heads of local administration, the archins and khyakims. It is precisely these bodies that develop and realize programs of development. Thus in accordance with Clause 5, Article 16 of the Constitutional law of Turkmenistan "On the Khalk Maslakhaty," the competence of this body includes: "consideration and adoption of programs regarding the fundamental directions of political, economic, and social development of the country." In accordance with Article 16 of the Turkmenistan law "On the Gengeshi," the competence of the Gengeshi includes "determining the fundamental directions of economic, social, and cultural development on the territory in question; approving the local budget and the report on its implementation." As members of the administration and of the legislative

bodies of the region, women, like men, participate in realizing the program of development.

**b) Access to public health services**

132. As was noted (see Article 12, Convention, and items 113-120 of this report), the realization of the state program "Health" of the President of Turkmenistan has fostered the expansion and the improvement in the quality of medical services, including those in rural areas. The reform of public health, the steady growth in state expenditures for medical treatments, the creation in the cities and on the periphery of major diagnostic centers that are furnished with modern equipment have strengthened the preventive direction of health care, and they have fostered improvements in all indicators in this area. In rural communities, various medical institutions were reorganized into multi-profile rural Health Houses, which have joined the etrap (district) hospital system, thus significantly increasing the quality of the services provided and adding to the beneficial influence on the health of the rural population, including that of women. Rural Health Houses together with the etrap reproductive health clinics are carrying out measures for reducing the rate of illness of future mothers and of maternal and childhood mortality, and they are providing assistance to families in questions of family planning.

**c) Making use of the services of social insurance**

133. The services of social insurance in Turkmenistan are used by all citizens of the country without regard to their place of residence. According to the Turkmenistan law "On insurance," dated 24 November 1995, the object of insurance can be life, health, the ability to work, pensions, medical insurance, etc. The rules of insurance are determined by the civil law of Turkmenistan (Section 22, Articles 838-897, Civil Code of Turkmenistan), based on the principle of the equality of all participants in civil and legal relations, without regard to gender or place of residence. The system of medical insurance functions well for citizens. It provides citizens with a series of benefits and rights to medical services including obtaining prescription drugs at state pharmacies at a 90% discount. On the list of the medications that are issued by prescription are 275 designated medications. On 1 January 2003, medical insurance covered 5,093,500 persons. Medical insurance covered more than 85% of the population, including rural residents.

**e) Working for hire and independent work activity**

134. In the information set out in Clause 1, Article 14 of the Convention (items 127-130 of this report), questions of the work activity of rural women were discussed. As was emphasized, women in villages, as especially those with many children, carry out an extremely important social function for the country, bringing up and educating the new generation. The reform of agriculture being carried out in Turkmenistan has made women independent participants in work activity, making their contribution to the economic provision for the family. The farms that have been created in the country on the basis of the Turkmenistan law "On the peasant farm," dated 28 March 1994, represent family work associations of persons jointly engaged in agricultural production based largely on the personal labor of its members. The members of such farms are spouses, children, parents, and other relatives. The peasant farm is an independent economic unit and itself determines the direction of its activity. A farm of this type may include as property land,

residences, farm structures, livestock, poultry, agricultural equipment and inventory, transportation means, and other property necessary to carry out agricultural production, processing, realization, and the provision of services. The property relationships of members of a peasant farm are regulated by civil, family-marriage, and other laws.

135. Women who live in villages work for hire in home-based work and are becoming members of limited liability partnerships (LLP) and other productive associations, which are functioning in the villages.

**f) Participation in collective activity**

136. Neither the laws nor the practices of Turkmenistan know any restrictions on the participation of women in collective productive, social, and relaxation activities. Women participate on equal grounds with men in production, in family celebrations, in artistic self-expression, and in the work of governmental bodies and administration.

**g) Access to credits and loans, equal status in land and agrarian reforms**

137. The women of Turkmenistan have equal access with men to receiving agricultural credits and loans. Receiving them, in accordance with the Turkmenistan law "On commercial banks and banking activity," dated 8 October 1993, does not depend either on the gender of the borrower or on the place of residence (Article 13 of the law). In order to stimulate the development of market relationships in the agrarian sector, the President and the Government of Turkmenistan have introduced a system of benefits that exempt peasant farms from taxes on land, water, animal husbandry, and others. A broad spectrum of low-cost credits and loans are provided in connection with the production of agricultural products. Long-term loans and credits are issued at 3-5% annual interest, and the repayment of the principal begins 3-5 years after the credits have been received. The conditions for issuing such credits do not stipulate any statements or limitations with respect to gender.

**h) The use of favorable everyday conditions of life**

138. In Turkmenistan, the population receives social support in a way that has no analogies in the contemporary world. Beginning in 1993, citizens of the country were provided, free of charge, with gas, electricity, water, and table salt. By resolution of the Khalk Maslakhaty on 15 August 2003, the use of these goods by citizens without charge was extended to 2020. They are used to the full extent in rural communities. All the auls (villages) and rural settlements are electrified and use natural gas. In the country, a wide-scale program of home construction is underway, and low-cost credits have been established for the individual construction of houses in rural communities. In the villages, practically every family has their own residence, and the construction of water mains and sewers is generally going forward on a large scale. A program "New Village" has been adopted in the country and is being financed to provide for the universal creation in rural communities of living conditions that are equal to the conditions of life in the cities.

## Part IV

### **Information and measures implementing the provisions of Article 15 of the Convention**

#### **1. Equality before the law**

The Constitution of Turkmenistan guarantees the equality of citizens before the law regardless of gender, nationality, origin, etc. (Article 17, Constitution). The principle of the equality of men and women before the law is placed at the foundation of all legislative acts of Turkmenistan and the activities of all central and local governmental bodies and administrations, the electoral system, the work of law enforcement and judicial bodies, and the entire system of property and labor relations, education, public health, and others.

#### **2. Equal civil legal capacity and opportunity for its realization**

139. The capacity to have civil rights and obligations, i.e., the civil legal capacity in accordance with the legislation of Turkmenistan, is recognized in equal measure for all physical persons (Article 20, Civil Code of Turkmenistan). The legal capacity of women as of men arises at the moment of their birth and ceases at death. Physical persons may not be deprived of legal capacity, and its limitation may only be permitted in cases and under procedures established by law. Within the boundaries of the law, men and women are entitled to freely conclude contracts and to determine their contents (Article 333, Civil Code of Turkmenistan) and to own, use, and dispose of movable and immovable property (Article 166, Civil Code of Turkmenistan). The Constitution and laws of Turkmenistan guarantee to citizens of the country equal legal protection from any infringement on their life, health, honor, dignity, property, etc.

140. In accordance with the Basic Law of Turkmenistan, judicial power is established to defend the rights, freedoms, and legal interests of citizens, and the judicial system is based on a foundation of the equality of all citizens before the law (Article 105, Constitution of Turkmenistan). The Turkmenistan law "On the judicial system and the status of courts in Turkmenistan," dated 29 May 1991, establishes that "the judicial protection of citizens shall be provided regardless of their birth, national origin, gender,..." etc. The right to demand recompense in court for losses incurred, to receive compensation for psychological injury, to refute evidence that is injurious to the rights and interests of citizens as protected by law, or that is injurious to their honor and dignity are set out in the civil legislation of Turkmenistan. Judicial practice in Turkmenistan is not aware of any facts of discrimination against women in the judicial protection of their rights and interests.

#### **2. Invalidity of agreements limiting the legal capability of women**

141. As was noted in Clause 2 of the present Article of the Convention (item 139 of this report), in Turkmenistan in accordance with the law, a citizen may not be deprived of or limited in his or her legal capability. According to Clause 4, Article 24 of the Civil Code of Turkmenistan, "a complete or partial renunciation by a physical person of legal capability or competence and other arrangements directed at limiting legal capability or competence are null and void." Therefore, any agreements or other civil or legal documents having as their legal consequence the



limitation of the legal capability or competence of women are regarded our country as invalid.

#### **4. The right to travel and to choose a place of residence**

142. The Constitution and laws of Turkmenistan provide women and men with the same rights to freedom of travel and of choice of place of residence in Turkmenistan (Article 24, Constitution). According to the Turkmenistan law “On the procedure for departing from Turkmenistan and arriving in Turkmenistan of citizens of Turkmenistan,” dated 15 June 1995, with the subsequent changes and amendments, citizens of our country have the right to freely depart from Turkmenistan and to enter the country, and they may not be deprived of the right of departure from the country or arrival into it (Article 1 of the law). No exit visas are required for citizens of Turkmenistan to go abroad. A temporary limitation on departing from Turkmenistan may be instituted by order of the President in the event of an extraordinary situation arising in a foreign country and representing a threat to the health of our citizens or the impossibility of assuring their personal safety (Article 9 of the law “On the procedure for departing from Turkmenistan and arriving in Turkmenistan of citizens of Turkmenistan”).

143. Persons leaving Turkmenistan for permanent residence in other countries have the same rights as a citizen of Turkmenistan and bear the obligations established by law. No limitations on their civil, labor, residential, and other rights are permitted. They are entitled to bring out property belonging to them or members of their family that has been obtained in a legal manner, as well as foreign currency, and they are entitled to keep on the territory of Turkmenistan personal property belonging to them, monetary funds, securities, and other valuables (Articles 14, 16 of the law). By agreement with the neighboring countries, Iran, Kazakhstan, and Uzbekistan, reciprocal visitation without visas of citizens of the neighboring territories is permitted for the purpose of communication with relatives, trade, and cultural exchange.

### **Measures carried out in implementing the provisions of Article 16 of the Convention**

#### **a) Equal rights to enter into marriage**

144. The laws of Turkmenistan establish equal rights to enter into marriage for women and men. This provision is reinforced in the Constitution of Turkmenistan and in the Marriage and Family Code of Turkmenistan. According to Article 25 of the Basic Law, men and women have the same rights to enter into marriage upon reaching the age of marriage. The requirement of the inadmissibility of any direct or indirect limitation of rights, and the establishment of direct or indirect advantages for entering into marriage are contained in Article 4 of the Marriage and Family Code of Turkmenistan. Any limitation of or compulsion regarding entering into marriage is punishable by law.

#### **b) Equal rights to a free choice of spouse and to free agreement in marriage**

145. Men and women in Turkmenistan have the same rights to a free choice of spouse and to enter into marriage at their own discretion. The requirement of mutual agreement for entering into marriage and to create a family are raised to the level of

a constitutional principle of family and marriage relationships (Article 25, Constitution of Turkmenistan). This provision is realized in Article 15 of the Marriage and Family Code of Turkmenistan, which establishes that to conclude a marriage the mutual agreement of the persons entering into the marriage and their reaching marriageable age are necessary. Obstacles to the conclusion of the marriage are established by law. It is not permitted to conclude marriage between persons of whom at least one is already in another marriage; between relatives in directly ascending and descending lines; or between persons of whom at least one has been declared by a court to be incompetent due to mental illness or retardation. Compelling a woman to enter into marriage or to extend the marriage cohabitation, and to impede a woman's entering into marriage at her own discretion are criminally punishable acts (Article 162, Criminal Code of Turkmenistan). Kidnapping women for the purpose of entering into virtual marriage relationships is a crime (Article 27, Criminal Code of Turkmenistan).

**c) Equal rights and obligations of spouses**

146. The equal rights of spouses in family relations are stipulated by the Constitution of Turkmenistan (Article 25, Constitution). The rights and obligations of spouses arise from the moment a marriage is recorded. All family questions of life are decided jointly by the spouses. Spouses have equal obligations for the material support of the family and of each other. The right to receive support from the other spouse, under conditions established by law, is maintained even after the dissolution of marriage (Article 28, Marriage and Family Code of Turkmenistan). Property acquired by the spouses during the marriage is their joint property and they have equal rights to its disposal. Even after the dissolution of the marriage, spouses have obligations in maintaining and educating their minor children.

**d) Equal rights of spouses as parents**

147. A father and mother have equal rights and obligations in relation to their children. Parents have the same rights and bear the same obligations in relation to their children, even in cases when the marriage between them is dissolved. All questions relating to the education of the children are decided by both parents by mutual agreement. If agreement is impossible, difficult questions are resolved with the participation of close relatives, representatives of the older generation, and when it is impossible to reach agreement, the question is dissolved by guardianship agencies (Article 65, Marriage and Family Code of Turkmenistan).

The obligation of parents to maintain and educate their children is a requirement of the Constitution and of the laws of the country. Parents are obliged to care for, to be the guardian of, to create conditions for the growth, development, and advancement of the child, to educate him in the spirit of humanism and unshakable spiritual values, and to communicate with him as an individual personality, while also maintaining consideration of his age and gender. Both parents have the same responsibility for the life, health, and optimal education of the child (Article 24, Turkmenistan law "On guarantees of the rights of the child," dated 5 July 2002). When the decision to dissolve a marriage has been recorded, a court determines which parents shall have custody of which children, and from which parents means shall be required for the support of the children (Article 36, Family and Marriage Code of Turkmenistan). The parent living apart from the children is required to participate in their education and has the right to

communicate with them. The parent with whom the children live is not entitled to hinder the other parent from communicating with the children or from participating in their education (Article 67, Marriage and Family Code).

**e) Right to resolve questions on the size of the family**

148. The question of family planning, access to information on these questions, the preservation of motherhood and childhood, informational activity regarding these questions, and the work of reproductive health centers and clinics are explained in detail in Article 12 of the Convention (items 113-120 of this report). Spouses, and especially women, in practice resolve questions regarding the number of children in a responsible manner.

**f) The right of women to be guardians**

149. In accordance with the legislation of Turkmenistan, guardianship is stipulated for children who have not reached their 15th year and for those suffering from mental illness or retardation. Guardianship is established over competent minors from 15 to 18 years of age, if due to the condition of their health they cannot independently exercise their rights and carry out their responsibilities (Articles 144,145 Marriage and Family Code of Turkmenistan). The guardianship agencies are local executive bodies, the khyakimliki. The role of guardian can be filled by both men and women, and their choice does not depend on belonging to one or another gender. In selecting a guardian, consideration is given to the person's personal qualities, their capacity to carry out the obligations of a guardian, the relationships existing between them and the person requiring guardianship, and also, if possible, the desires of the child. The law (Article 154 of the Marriage and Family Code) establishes a list of persons who may not be designated guardians (those declared by a court to be incompetent, those deprived of parental rights, etc.).

150. In Turkmenistan, it is possible for both men and women to adopt children, and the legislation of the country with regard to adoption does not contain any differentiation by reason of gender. Establishing paternity is carried out on the basis of the joint declaration of the parents or by decision of a court, or, in the event of the death of the mother, the declaration of her incompetence, or the loss of her parental rights, by declaration of a father.

**g) Personal rights of spouses to the choice of last name and profession**

151. In accordance with the legislation of Turkmenistan, when a marriage is entered into, the spouses at their own discretion select the last name of one of the spouses as their common last name, or each of the spouses preserves his or her last name. Each of the spouses is free to select his or her employment, profession, and place of residence (Article 19, 20, Marriage and Family Code of Turkmenistan). The spouse changing his or her last name upon entering into marriage is entitled, after the marriage is dissolved, to take that last name, or, at his or her own request, when the dissolution of the marriage is recorded by the Civil Registry, the pre-marriage last name can be taken.

**h) Rights of spouses with regard to property**

152. Property acquired by spouses during a marriage is their common property. Spouses have the same rights of ownership, including the disposal of the property.

Spouses have equal rights to property even in cases when one of them is occupied in maintaining the domestic household and in caring for children, without an independent source of income. In the event of the dividing of the joint property, a court may recognize property acquired by each of the spouses during their separation in the case of a virtual termination of the marriage, as the property of each of them (Articles 21, 22, Marriage and Family Code of Turkmenistan).

**2. The minimum marriage age and the registration of marriages**

153. In Turkmenistan, the marriage age is established at 16 years. For citizens of Turkmenistan that are marrying foreign citizens and persons without citizenship, the marriage age is set at 18 years (Article 16, Marriage and Family Code of Turkmenistan). A marriage is concluded in the state Civil Registry. The rights and obligations of spouses arise only from a marriage that is concluded in the state Civil Registry. To compel persons who have not reached the marriage age to enter into virtual marriage relations is a criminally punishable act (Article 162, Criminal Code of Turkmenistan).

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