



**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 third and fourth periodic reports of States parties**

**Turkmenistan\*, \*\***

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

\*\* Annexes can be consulted in the files of the Secretariat.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–16	3
II. Implementation of the provisions of articles 1 to 16 of the Convention .....	17–345	7
Article 1: Definition of discrimination against women .....	17–22	7
Article 2: Prohibition of discrimination .....	23–56	9
Article 3: Development and advancement of women .....	57–70	15
Article 4: Adoption of temporary special measures .....	71–84	18
Article 5: Gender roles and stereotypes .....	85–97	20
Article 6: Suppressing exploitation and trafficking in women.....	98–137	22
Article 7: Participation of women in political and public life .....	138–148	29
Article 8: Participation and representation of women at international level .....	149–151	30
Article 9: Nationality .....	152–154	30
Article 10: Education .....	155–184	31
Article 11: Employment.....	185–232	35
Article 12: Health care .....	233–285	40
Article 13: Economic and social life .....	286–305	49
Article 14: Rural women.....	306–329	51
Article 15: Equality before the law .....	330–335	54
Article 16: Marriage and family relations .....	336–345	55
Annex: Statistical data.....		56

## I. Introduction

1. Turkmenistan ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1996, and in 2005 it submitted its combined initial and second periodic report (CEDAW/C/TKM/1-2), which was considered at the thirty-fifth session of the Committee in May 2006. The present report is the combined third and fourth periodic report of Turkmenistan on implementation of the provisions of the Convention. It was prepared in accordance with the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.1/Add.2) elaborated by the Committee on the Elimination of Discrimination against Women, and it covers the period from 2006 to 2009.

2. The report contains information on key legislative, judicial, administrative and other measures taken in the reporting period which are of direct relevance to the provisions of the Convention. In addition to reflecting legal, structural and political changes since the last report, it gives replies to the concluding comments of the Committee (CEDAW/C/TKM/CO/2) on its consideration of the combined initial and second periodic report of Turkmenistan. Due consideration was given to the general recommendations of the Committee in the preparation of the present report.

3. Multicandidate presidential elections were held for the first time in Turkmenistan in February 2007; Gurbanguly Berdymukhamedov was elected head of State. The Government of Turkmenistan immediately made the improvement of cooperation with international organizations, especially United Nations agencies and bodies, a foreign policy priority and expressed its commitment to fulfil its international obligations. In this respect, it welcomes open and constructive dialogue with all United Nations human rights mechanisms. The Government has consistently demonstrated its firm determination to comply with its international obligations in full.

4. Committed to implementing its international obligations in the area of human rights and freedoms, the Government of Turkmenistan has announced as one of its priorities the improvement of the legal foundation of government and the introduction of national legislation in conformity with universally recognized international norms. One of the most important aspects of the legal reform which Turkmenistan is carrying out is the elaboration and development of national legislation in accordance with generally accepted international norms. During the reporting period, Turkmenistan made significant progress in implementing its obligations under the Convention to protect women against all forms of discrimination and ensure their equal rights in all walks of life. In ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 18 April 2009, the Government once again reaffirmed its firm intention to ensure the full and equal enjoyment by women of all fundamental human rights and freedoms. The present report is based on materials from the ministries, State committees and departments responsible for addressing questions relating to guaranteeing and realizing human rights, including women's rights, as well as information from voluntary organizations.

5. As part of the preparation of the report, the Turkmen National Institute for Democracy and Human Rights in the Office of the President of Turkmenistan, in cooperation with the United Nations Population Fund (UNFPA), held seminars in Ashgabat and throughout the country to inform representatives of State bodies, local authorities and voluntary associations, including the resource centres of the Turkmenistan Women's Union, about the preparation of the draft report and work on the implementation of the concluding recommendations. Pursuant to a presidential order of 24 August 2007, the preparation of national reports on the status of implementation of international human

rights instruments for submission to the United Nations treaty bodies has been entrusted to an Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations. The Commission is a standing interdepartmental advisory body responsible for coordinating the efforts of ministries, State committees and departments, local authorities, enterprises, institutions and organizations to meet Turkmenistan's international legal obligations in the area of human rights.

6. The statute and composition of the Interdepartmental Commission were approved by a presidential order of 24 August 2007. The Commission's tasks include:

(a) Coordinating the activities of bodies responsible for implementing international human rights obligations;

(b) Preparing national reports on the status of implementation of international human rights conventions for submission to international organizations;

(c) Monitoring compliance of domestic legislation with international human rights standards;

(d) Drafting proposals to bring domestic legislation into line with the provisions of international human rights conventions to which Turkmenistan is a party;

(e) Promoting interaction and cooperation between State authorities, voluntary associations and international organizations in the field of human rights protection.

7. The Government has taken into consideration the constructive dialogue held with the Committee in May 2006 and also the Committee's recommendation about the need to establish a consultative mechanism to ensure the wide participation of all ministries and non-governmental organizations in the preparation of the report. Accordingly, the Interdepartmental Commission's membership comprises members of the Majlis (parliament), the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of the Economy and Development, the Ministry of Education, the Ministry of Health and the Medical Industry, the Ministry of Social Welfare, the Ministry of Culture and Broadcasting, the Ministry of Internal Affairs, the Supreme Court, the Procurator-General, the Religious Affairs Council in the Office of the President, the State Statistics Committee, the National Institute for Democracy and Human Rights in the Office of the President, the National Trade Union Centre, the Women's Union and the Makhtumkuli Youth Association. The National Institute for Democracy and Human Rights coordinates the Commission's activities.

8. In conformity with the Committee's recommendations, steps have been taken to familiarize the general public with the content of the report during drafting. The draft report was transmitted to ministries, State committees and departments, and voluntary organizations, whose comments and wishes were taken into account in preparing the final version. The Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations held a number of inter-agency meetings and consultations with international experts and representatives of United Nations bodies.

9. As part of a project carried out in conjunction with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the European Commission and the United Nations Development Programme (UNDP) on building Turkmenistan's national capacity to promote and protect human rights, the Ministry of Foreign Affairs and the National Institute for Democracy and Human Rights organized and held a cycle of seminars, with the participation of international human rights experts, on methods for preparing national reports on the implementation of the provisions of United Nations human rights conventions.

10. A number of consultative seminars and working groups were held during the reporting period, with the participation of representatives of UNDP, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the OHCHR Regional Office, on methods for preparing reports, the implementation of recommendations of treaty bodies, the procedure for the submission of periodic reports and the practice in other countries in addressing gender issues. In drafting the report, the Interdepartmental Commission received technical assistance from the UNFPA representative in Turkmenistan in conducting training courses and capacity-building for members of the Interdepartmental Commission's working group. Turkmenistan's country report for the present review was prepared in accordance with the principles contained in document HRI/GEN/2/Rev.1/Add.2 (Compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties) elaborated by the Committee on the Elimination of Discrimination against Women.

11. Pursuant to the national plan of action of the Beijing Declaration and Platform for Action, in recent years Turkmenistan's statistical system has been reforming its records of gender-based indicators. Experience has been gathered in addressing questions of gender equality. The principal transformations carried out by independent Turkmenistan in the economic, social and other spheres of public life have also been reflected in the standards of the statistical system. In devising economic and social programmes and projects, the need arose for comprehensive, reliable demographic data in respect of the size of the population, structure, distribution, age, education, employment and sources of income. The introduction of new indicators called for new methods for obtaining them. The State Statistics Committee has classified existing indicators and has elaborated a system of gender-based statistical indicators, taking into account ethnic and religious particularities. In addition to indicators traditionally used to take stock of a given situation (including that of women), new indicators have been introduced into the system on many aspects of the everyday lives of men and women.

12. A database for gender statistics has been set up for Turkmenistan and the regions (Genstat) and for the regions, subregions and districts (Genstat Region). The database is unlike any in post-Soviet countries or even in many developed countries, as confirmed by international experts, including those of UNFPA. To assess gender development in the country, 1,537 indicators have been introduced in 7 areas: population, health care, physical education and sports, education and science, social welfare, work and employment, and households. Regional data concern the period 1995–2008, and district and urban data, 2000–2008 (some indicators are gender-disaggregated from the outset). The Genstat Region database can be used to monitor basic indicators of gender development. The system was built on principles drawn from international practice in the area of record-keeping and statistics and on the basis of the methodological recommendations and classifications of the United Nations, UNESCO, the World Health Organization (WHO) and the International Labour Organization (ILO). Gender-based indicators were introduced taking into account proposals by the Ministries of the Economy and Development, Health and the Medical Industry, Social Welfare, Education and other administrative entities.

13. The principal source of information on gender statistics is the State Statistics Committee. With technical assistance from UNDP, UNFPA and UNICEF, random household surveys were conducted on employment and the labour market; population migration; reproductive behaviour and the situation of women of childbearing age; general aspects of the employment and income of the population; and public awareness of the interrelationship between reproductive health, gender issues, and population and development. A multiple indicator cluster survey was carried out on the situation of women and children.

14. With the assistance of the United Nations, national statisticians have implemented the following projects, which cover a broad spectrum of social and economic activities at national, regional and district level:

(a) A project on raising awareness of the interrelationship between population, reproductive health and gender issues, conducted in conjunction with UNFPA (2005–2009). The project has ensured that the national capacity for data collection and processing and the analysis and elaboration of reports is in keeping with international standards, in particular socio-economic, demographic and development indicators;

(b) A project on gender aspects of employment and population income in Turkmenistan, modelled on a random household survey in the Balkan and Dashoguz regions, was conducted in cooperation with UNFPA in 2005 to analyse the situation with regard to employment and population income and to pinpoint gender disparities. The results pointed to the need for a nationwide opinion survey of household members on gender and other demographic questions;

(c) A project was conducted in 2006 in conjunction with UNFPA to determine public awareness of the interrelationship between reproductive health, gender issues, population and development; an MIKS-3 multiple indicator cluster survey (2006) took place with UNICEF support. The survey collected valuable information on the situation of children and women in Turkmenistan and was dictated to a significant degree by the need to monitor progress made on implementing the goals and objectives of recently adopted international instruments: the Millennium Declaration, which was adopted by 191 States, i.e. all Member States of the United Nations, in September 2000, and the Plan of Action for a world fit for children, adopted by 189 Member States in May 2002 at the United Nations General Assembly Special Session on Children. In the recent Countdown to 2015 Report, Turkmenistan ranked sixth among the 68 countries on track to achieve Millennium Development Goals (MDGs) 4 and 5 by 2015, thanks to the results of its MIKS-3 survey.

15. The State Statistics Committee is conducting work on the basis of the MDGs to establish the Devinfo statistical database at national and regional level, a similar effort having been completed at district (village and municipal) level in 2005. Additional data for the indicators are collected annually. The Devinfo (Turxmeninfo since 2008) indicators cover seven areas (population, health care, education, social welfare, standard of living, economy and crime) and enable the attainment of the MDGs to be monitored. In 2007–2009 and in the first half of 2010, the State Statistics Committee conducted educational seminars on the use of the Devinfo programme and the establishment of a database on MDGs for State Statistics Committee experts, directors of medical statistics centres and specialists in municipal, district and regional administrations. In preparing the list of basic socio-economic and demographic indicators, the State Statistics Committee, in cooperation with international organizations, assessed all major international initiatives against conference and inter-conference indicators of the past two decades, following which an international review was designed and carried out on a selection of indicators of global importance and significance for Turkmenistan in the framework of the realization of the MDGs and other international conventions.

16. In May 2010, Gurbanguly Berdymukhamedov, the President of Turkmenistan, signed the State programme on the transition of Turkmenistan's statistical system to international standards, 2010–2012. Given the importance of the assessment and analysis of the impact of demographic processes on effective socio-economic policymaking, it is essential to improve the quality of statistical data in light of the realization of the Millennium Development Goals. Bearing in mind that most of these indicators concern data on sociodemographic statistics, whereas the MDG 3 goal — to promote gender equality and empower women — is directly related to gender statistics, efforts will continue to be made to improve the methods used for their calculation at both State and regional level.

## II. Implementation of the provisions of articles 1 to 16 of the Convention

### Article 1

#### Definition of “discrimination against women” in accordance with article 1 of the Convention

17. At the initiative of the head of State, a constitutional commission was set up in April 2008 to draft proposals for amending the Constitution of Turkmenistan. The provisions of the new version of the Constitution, which was adopted on 26 September 2008, are in conformity with the generally recognized principles of the Universal Declaration of Human Rights. The principle of the separation of powers between the judiciary, legislature and executive was introduced, which is inherent in all democratic States. The spectrum of the rights and freedoms of citizens of Turkmenistan was broadened. In accordance with the recommendation of the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, constitutional provisions guaranteeing equality of rights of citizens irrespective of any factors were expanded to include gender and race. The new version of article 19 of the Constitution ensures equal human and civil rights and freedoms and equality before the law, irrespective of ethnic background, race, sex, financial situation, official status, place of residence, language, attitude towards religion, political convictions, party affiliation or lack thereof.

18. The Constitution of Turkmenistan is based on the principle of equality and non-discrimination between women and men. Article 20 of the Constitution provides that men and women in Turkmenistan have equal civil rights. Violations of equality of rights for reasons of gender are punishable by law.

19. On 14 December 2007, the parliament adopted the State Guarantees for Gender Equality Act, which, in accordance with the national traditions of the Turkmen people and universal human values, is designed to implement the basic principles of Turkmenistan's policy in the area of human rights, ensure the full development and advancement of women and establish State guarantees for the realization of women's human rights and freedoms in political, economic, social, cultural and other areas on an equal basis with men. The goals and functions of the Act consist in guaranteeing that women are equal with men in the political, economic, social, employment, cultural and other sectors, as well as in relations in all spheres of social life, including in family relations. State policy for women aims at:

- (a) Guaranteeing by law equal rights for women, the prohibition of gender-based discrimination, and legal redress for women whose rights are violated;
- (b) Drawing up and implementing targeted State programmes for promoting equal rights for women;
- (c) Promoting maternal and child welfare;
- (d) Fostering women's balanced physical, intellectual, spiritual, cultural and moral development;
- (e) Protecting society from messages inciting gender-based discrimination or contributing to the spread of violence, cruelty, pornography, drug addiction or alcoholism;
- (f) Supporting and cooperating with voluntary associations, other bodies and international organizations promoting the interests of women;

(g) Ensuring compliance with the universally recognized principles and standards of international law and with Turkmenistan's international obligations in the area of the protection of women's rights and freedoms and equal rights.

20. In keeping with the concluding comments and recommendations of the Committee on the Elimination of Discrimination against Women, the State Guarantees for Gender Equality Act contains a broad definition of discrimination against women which is in complete conformity with the definition under article 1 of the Convention. In accordance with article 5 of the Act, discrimination against women, whether explicit or implicit, is prohibited in any sphere of human activity. Discrimination means any distinction, exclusion or preference that impairs or nullifies the exercise by members of either sex of their human and civil rights and freedoms in the political, economic, social, cultural or any other field. Article 5 also provides that the following does not constitute discrimination against women:

- (a) Protection of the functions of motherhood;
- (b) Performance of universal military service exclusively by men in the conditions prescribed by law;
- (c) Prohibition of the use of women to perform the types of work enumerated in the legislation of Turkmenistan.

Persons permitting explicit or implicit discrimination against women are liable to punishment in accordance with the law.

21. The State guarantees in practice equal rights for women in political, socio-economic, cultural and other areas through legal, economic, organizational, social, informational and other measures in accordance with the Constitution, domestic legislation, other national legal instruments and universally recognized principles and norms of international law. With regard to the Committee's request for clarification of the status of the Convention in the domestic legal system, it should be noted that under article 6 of the Constitution, Turkmenistan recognizes the pre-eminence of universally recognized norms of international law. Where an international convention to which Turkmenistan has acceded provides otherwise than domestic law, the provisions of the international convention are applied. This constitutional norm is included in all domestic legislation. In recent years, the country has made ongoing efforts to introduce practical measures, including of a legal, economic and institutional nature, relating to the human dimension. In order to improve the procedure for considering complaints from citizens about actions by law enforcement agencies and put into practice the principles of the rule of law and equality of all citizens before the law, on 19 February 2007 the President of Turkmenistan established in his Office a State commission for the review of complaints by citizens concerning actions by law-enforcement agencies. This was a first step towards the reform of the Turkmen legal system.

22. On 28 November 2007, a standing State commission was set up to amend Turkmen legislation. It is empowered to monitor the national legal framework and the implementation of universally recognized norms of international law. Currently, a process is actively under way to bring the entire body of domestic legislation into line with the new version of the Constitution, norms of international conventions and the recommendations of United Nations treaty bodies. The draft of the new version of the Constitution was the subject of a broad, open and democratic national debate for several months in the press, on radio and television, and in round tables. Representatives of all sectors of society, including women, were involved in preparing the new version of the Constitution, which concerned the interests of all citizens. The final version, which was adopted on 26 September 2008, was elaborated by the Constitutional Committee on the reform of the Constitution on the basis of proposals by individuals, administrative bodies, enterprises, and voluntary and political associations.



## **Article 2**

### **Prohibition of all forms of discrimination against women**

23. Turkmenistan condemns discrimination against women in all its forms, and it has pursued a strict, consistent policy which prohibits any distinction, exclusion, or restriction made on the basis of sex and is directed at the recognition, enjoyment or exercise by women, on a basis of equality of men and women, of human rights and basic freedoms in the political, economic, social, cultural or any other field. Since the first years of independence, Turkmenistan has conducted an active gender policy aimed at strengthening the ideas of equal participation of women in all aspects of public and political life. The high social standing of Turkmen women is clearly related to the democratic principles on which Turkmen society was historically founded. The status of women in Turkmenistan is determined by the overall strategy and priority areas of State policy in their regard, the aim being to realize the principle of equal rights and freedoms and create equal opportunities for men and women in accordance with the Constitution of Turkmenistan and the norms of international law. Turkmenistan's approach to guaranteeing genuine equal rights for women and enhancing their role in public and political life has received a solid national and international legal foundation. Recognizing the Universal Declaration of Human Rights, and complying strictly with its international obligations, Turkmenistan has acceded to the principal international human rights instruments, including the declarations and conventions on women's rights. The steps being taken by the Government of Turkmenistan to improve the social and economic situation of women are directed at developing mechanisms and measures of legislative support that guarantee the equal participation of women in all areas of public life, adapting to market conditions, ensuring equal rights and freedoms and creating equal opportunities for women and men.

24. Various forms of social assistance permit women to combine family and professional responsibilities and to raise their children while actively participating in the political and public life of the country. Turkmen women are full-fledged, active members of society, and they are broadly represented in all sectors of the economy as well as in the political and public life of the country. In accordance with the fundamental obligations arising from the ratification of the Convention, Turkmenistan has implemented legislative, judicial and administrative measures to prohibit and exclude any manifestation of discrimination against women and to secure their equality before the law without any distinction based on sex. All relevant constitutional norms guarantee the exercise of human rights and freedoms for all citizens and make no distinction according to gender (arts. 30, 33, 38 and 89). Having acceded to the fundamental international human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, Turkmenistan is fully aware of, and is scrupulously complying with, its obligation to condemn, prevent, prohibit and eradicate all forms of discrimination against women.

25. In Turkmenistan, it is prohibited and punishable by law to disseminate any ideas or messages based on discrimination against women, to affirm their inequality with men or to humiliate them or denigrate their role in the life of society. General and specific legislative and other measures have been adopted prohibiting discrimination against women. Direct or indirect violations or limitations of human and civil rights and freedoms for reasons of gender are criminally punishable actions, accountability for which is set out in article 145 of the Criminal Code of Turkmenistan of 14 May 2010. If discriminatory actions against women have serious consequences, the convicted person may be sentenced to imprisonment. Pursuant to article 5 of the Civil Service Act of 12 June 1997, citizens who have reached the age of 18 have the right to serve in State bodies irrespective of their social status, financial situation, race, ethnic background, sex, attitude towards religion or political beliefs. In accordance with the Labour Code of 18 April 2009, it is prohibited to restrict labour rights or benefit from any advantages in their realization on the basis of ethnic

background, race, sex, origin, financial situation, official status, place of residence, language, age, attitude towards religion, political convictions, party affiliation or lack thereof, as well as other circumstances unrelated to the professional qualities of an employee or the results of his or her work. In accordance with the law, distinctions in the employment sphere are not discriminatory if they are based on requirements inherent in the job or are prompted by the State's special concern for persons in need of greater social and legal protection (women, minors, persons with disabilities). Persons who consider that they have been subjected to discrimination at work have the right to file a complaint in court (article 7 of the Labour Code).

26. It is prohibited to refuse to hire a woman or to reduce her wages on grounds of pregnancy or if she has children under the age of 3 (or a disabled child under the age of 16) or is a single mother with children under the age of 14. An employer who refuses to hire a woman who is in one of these categories must inform her in writing of the reasons. A refusal to hire may be appealed in court (article 241 of the Labour Code). The unjustified refusal to hire a woman because she is pregnant, and the unjustified dismissal of a woman for the same reason, is a crime punishable by law (article 152 of the Criminal Code). An employer may not dismiss a pregnant woman, a woman with children under the age of 3 (or a disabled child under the age of 16) or a single mother with children under the age of 14 (article 241, paragraph 3, of the Labour Code).

27. The Constitution and the laws of Turkmenistan guarantee all citizens, without regard to gender, legal protection, including in court, against any manifestation of discrimination. In accordance with article 43 of the Constitution, citizens are ensured judicial protection of their honour and dignity and of the personal and political human and civil rights and freedoms set out in the Constitution and laws of Turkmenistan. Citizens have the right to file complaints in court regarding decisions and actions of State bodies, voluntary associations or officials.

28. Citizens, without regard to gender, have the right to seek reparation for material or psychological damage resulting from the illegal actions of State bodies, other organizations, their employees or private persons (article 44 of the Constitution).

29. Under the Constitution, judicial power in Turkmenistan resides solely with the courts. It is exercised by the Supreme Court and other courts, in accordance with the law. The function of the judiciary is to uphold civil rights and freedoms and the legally protected interests of the State and society (articles 99 and 100 of the Constitution). Justice is administered on the basis of equality of the parties and the principle of adversarial proceedings. The parties have the right to appeal judgements, rulings and other decisions of the court (article 107 of the Constitution). All persons residing in Turkmenistan are equal before the court and are entitled to a fair and public hearing. The right to professional legal assistance is recognized at every stage of legal proceedings; such assistance is provided to citizens and organizations by lawyers and other persons and organizations (article 108 of the Constitution).

30. Under article 5 of the Courts Act of 15 August 2009, justice in Turkmenistan is administered on the basis of equal rights and freedoms, the principle of adversarial proceedings and the equality of all before the law and the court, irrespective of ethnic background, race, sex, origin, financial situation, official status, place of residence, language, attitude towards religion, political convictions, party affiliation or lack thereof, as well as other circumstances not stipulated by law.

31. On 10 May 2010, the parliament adopted the Legal Profession and Legal Practice Act. Pursuant to article 4 of that Act, the State ensures the provision of necessary professional legal assistance to all. All individuals and legal entities on the territory of Turkmenistan are entitled to receive legal assistance as well as information on its nature

and the procedure for obtaining it, and the State guarantees free legal assistance for individuals and legal entities in cases provided for by law.

32. Of the 51 legal counselling services operating in Turkmenistan and providing legal assistance to the public, 22 are headed by women, and 29 by men.

33. All citizens, regardless of gender, are guaranteed judicial protection for personal property and non-property rights, as well as for their honour, dignity and business reputation (articles 15 and 16 of the Civil Code).

34. Criminal legislation, which is based on the principle of the equality of all citizens before the law, conforms to generally recognized international standards and does not contain any norms or provisions that discriminate against women. In fact, it provides for a number of extenuating circumstances for convicted female offenders, for example if they are pregnant or have a family with several or young children (articles 7 and 78 of the Criminal Code). Every year, on the "Night of the Almighty" ("Gadyr gijesi"), a sacred holiday for the Turkmen people, the President of Turkmenistan issues a pardon for convicted offenders; in keeping with that humanitarian act, virtually all convicted women are released.

35. Foreign nationals, refugees and stateless persons of both sexes enjoy the rights and freedoms of Turkmen citizens. To ensure the protection of their property and non-property rights, they are guaranteed access to the judicial system (article 8 of the Constitution and article 3 of the Refugees Act of 12 July 1997).

36. Pursuant to article 21 of the Legal Status of Foreign Nationals Act of 8 October 1993, foreign nationals in Turkmenistan have the right of recourse to the courts and other State bodies, as well as to the diplomatic representatives and consular institutions of their countries, for the protection of their personal, property and other rights. Foreign nationals enjoy the same procedural rights in court as Turkmen citizens.

37. Developing the constitutional right to judicial protection of the interests and rights of citizens, including women, the Act of 6 February 1998 on judicial recourse for actions of State bodies, voluntary associations, local authorities and officials which violate the constitutional rights and freedoms of citizens was adopted and is in force. Any Turkmen citizen, man or woman, whose constitutional rights have been violated, interfered with or hindered in their enjoyment may file a complaint in court. A complaint filed in accordance with the established procedure must be considered; it may not be refused (articles 2 and 5 of the Act).

38. The Act on legal recourse for citizens and the procedure for its consideration of 14 January 1999 constitutes an important tool for implementing and defending women's rights. In accordance with the Act, citizens are entitled to petition, in verbal or written form, bodies, enterprises, organizations or officials whose immediate conduct is the subject of the questions raised in the petition. Pursuant to article 4 of the Act, it is prohibited to refuse to accept or consider a petition for reasons of gender. State bodies, enterprises, organizations and officials petitioned by a citizen are required to consider the petition promptly, objectively and thoroughly and, if it is justified, to ensure reparation of the violated rights or removal of the obstacles to their enjoyment (article 11 of the Act).

39. The Constitution of Turkmenistan and the Code on Marriage and the Family provide judicial guarantees of equality of rights for women and men in matrimonial relations. A woman and a man may marry and create a family only upon mutual agreement. Spouses have equal rights in family relations (article 27 of the Constitution). A marriage that is concluded under compulsion or through deceit is considered invalid (article 48 of the Code on Marriage and the Family). Spouses have equal rights to property even if one of them was occupied in maintaining the domestic household or caring for children or did not have an

independent income for other valid reasons (article 21 of the Code). A husband is not entitled to file for the dissolution of the marriage without his wife's consent during his wife's pregnancy or for one year after the birth of a child (article 33 of the Code). Citizens of Turkmenistan have the right to marry foreign nationals and stateless persons (article 14 of the Code).

40. The activities of State bodies and institutions are anchored in the Constitution, laws and legal acts, which prohibit all forms of discrimination against women. The rule of law is the constitutional principle which underlies the functioning of State power in Turkmenistan. In accordance with article 5 of the Constitution, the State and all its bodies and officials are bound by the rule of law and the constitutional order. Legal acts of State bodies are published for general information or 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.

41. In accordance with article 5 of the Constitution, laws and other legal acts which are incompatible with the Constitution do not have legal force. Pursuant to the Legal Instruments Act of 7 December 2005, the fundamental rights, freedoms and obligations of citizens, as well as the means for their protection and enjoyment, are regulated solely by law. Under article 31 of the Act, normative legal acts of ministries and other central bodies of the State administration, the regional authorities and the municipal authorities of Ashgabat are subject to mandatory registration with the Ministry of Justice, in the course of which their compatibility with the Constitution and domestic law is examined. This procedure prevents a normative legal act from coming into force which contains any measure that discriminates against women. Normative legal acts of ministries and other central bodies of the State administration, the regional authorities and the municipal authorities of Ashgabat that have been assigned a State registration number enter into force from the day on which they are officially published or made known to the general public by other means, unless the acts themselves indicate another procedure for their entry into force.

42. One important guarantee prohibiting discriminatory actions and the acceptance by State administrative bodies of discriminatory acts against women is the activity of the offices of the procurator, which oversee, on behalf of the State, the strict and uniform compliance with the laws of Turkmenistan and the acts of the President of Turkmenistan by State and local authorities, participants in productive activities, organizations, institutions, voluntary associations, officials and private persons on the territory of Turkmenistan (article 110 of the Constitution). The offices of the procurator monitor the legality of the activities of State bodies and organizations and the conformity with the law of legal acts issued by them (articles 1 and 3 of the Office of the Procurator Act of 15 August 2009).

43. In the performance of their duties, the staff of the office of the procurator ensure the observance of the human and civil rights and freedoms guaranteed by the State irrespective of ethnic background, race, sex, financial situation, official status, place of residence, language, attitude towards religion, political convictions or party affiliation. Restrictions on civil rights and freedoms are permitted solely on the grounds and in accordance with the procedure established by law. The disclosure of information relating to the private life of a citizen and injurious to his or her honour and dignity or prejudicial to his or her rights and legal interests is prohibited, except in cases prescribed by law (article 7 of the Act).

44. In response to illegal acts or actions of officials which violate or restrict the rights of women, the procurator may:

- (a) File a complaint against the legal acts and actions of officials which are in violation of the law;
- (b) Order the removal of clear violations of the law;

(c) Issue an order concerning the filing of a criminal complaint, or initiate a disciplinary or administrative procedure regarding a violation;

(d) On the grounds and in accordance with the procedure established by law, institute proceedings in court for the protection of the rights and legal interests of citizens and the State, enterprises, organizations and administrations;

(e) Issue an order to State bodies and heads of enterprises, institutions and organizations who allowed the violation of the law, or to a higher authority, instructing them to remove the violation and the causes and circumstances leading to its commission;

(f) In accordance with the procedure established by law, take measures to prosecute officials for perpetrating violations of the rights and freedoms of citizens or the legal interests of enterprises, institutions and organizations (article 38 of the Act).

45. The actions of Turkmenistan's trade unions serve to guarantee the prohibition of discriminatory actions against women. In their capacity as independent self-sustained voluntary associations, trade unions represent and defend the social, economic, labour and other rights and interests of their members. They are entitled to raise questions concerning the revocation or suspension of administrative decisions that restrict the rights and interests of citizens and contravene the laws of Turkmenistan (article 14 of the Trade Union Charter).

46. As of 1 January 2010, the National Trade Union Centre was made up of 6,672 trade unions, and trade union membership stood at 1,076,712 persons, of whom 45.8 per cent (492,726) were women, 30.5 per cent (328,852) were men and women under 30 years of age, 30.1 per cent (324,168) were workers, 1,460, including 590 women, were entrepreneurs, and 37.2 per cent (400,324) were agricultural workers, of whom 34.2 per cent (367,620) were land tenants, including 12 per cent (44,114) women.

47. The Turkmenistan Women's Union, which is present in all administrative centres, cities and towns and in educational institutions, enterprises and institutions, also helps protect women's rights.

48. State gender policy ensures equal rights for women, their equal access to education and social activities, and equal opportunities with men for engaging in practical activities and participating in the administration of the affairs of society and the State. Turkmen customs do not permit the oppression of women or their unequal status in family or society. In this connection, the policy being steadily implemented to renew the nation's spiritual and moral foundations is of enormous importance in establishing the high social status of women and their role in a free country. It elevates women and prohibits disrespectful or discriminatory attitudes towards them.

49. The Social Security Code of 17 March 2007 envisages various forms of assistance for the full realization of women's rights in society. This includes maternity benefits (chapter XV of the Code), a benefit on the birth of a child (chapter XVI of the Code) and a childcare allowance (chapter XVII of the Code).

50. The Education Act of 15 August 2009 strengthened State guarantees for citizens' educational rights. Citizens are ensured access to education irrespective of sex, race, ethnic background, language, origin, place of residence, attitude towards religion, convictions, age, state of health, material situation, or social or official status.

51. The Majlis (parliament) has adopted a number of laws, including those codified in conformity with international conventions to which Turkmenistan is a party:

- Public Health-Care Act (25 October 2005)
- Social Security Code (17 March 2007)

- Women's Equality (State Guarantees) Act (14 December 2007)
- Human Trafficking Act (14 December 2007)
- Labour Code (18 April 2009)
- Code of Criminal Procedure (18 April 2009)
- Act on the Protection and Promotion of Breastfeeding and Infant Diet Requirements (18 April 2009)
- Foodstuffs Quality and Safety Act (18 April 2009)
- Courts Act (15 August 2009)
- Office of the Procurator Act (15 August 2009)
- Act on State support for small and medium-sized businesses (15 August 2009)
- Education Act (15 August 2009)
- Criminal Code (new version) (10 May 2010)
- Legal Profession and Legal Practice Act (10 May 2010)

52. The National Institute for Democracy and Human Rights in the Office of the President, in conjunction with the Ministry of Foreign Affairs and the OSCE Centre, regularly organizes and conducts a series of two-day seminars for the law enforcement personnel of the regions and Ashgabat. Topics have included the implementation of norms of international human rights law in the national legal system (2007), international human rights norms in the administration of justice (2008) and international legal standards on the administration of criminal justice (2009).

53. In 2007, the National Institute for Democracy and Human Rights, together with the UNFPA representative in Turkmenistan, held a training course on gender and CEDAW for representatives of local authorities (chairpersons, vice-chairpersons and members of the local councils and the regional and district Khalk Maslakhaty (People's Council)). The training course addressed adaptation techniques in market conditions and the nomination and support of female candidates in elections to representative bodies. The seminar participants were given an introduction to the basic principles and provisions of international legal protection of women's rights and freedoms as well as the norms and provisions of national legislation which regulate questions of gender equality in political and public life.

54. Together with the Ministry of Foreign Affairs and the UNFPA representative in Turkmenistan, the National Institute for Democracy and Human Rights conducted outreach seminars for law enforcement personnel and representatives of local authorities and voluntary organizations on the following topics:

(a) The practical implementation of the State Guarantees for Gender Equality Act and the Convention on the Elimination of All Forms of Discrimination against Women (2008);

(b) The provisions of the Optional Protocol to the Convention and the concluding comments of the Committee (2009);

(c) The role of women in society, and the promotion of reproductive rights and gender equality in the framework of the fifteenth anniversary of the International Conference on Population and Development (2010).

55. A joint project initiated by the Government of Turkmenistan is currently being carried out by the National Institute for Democracy and Human Rights in conjunction with

the European Commission, OHCHR and UNDP to build Turkmenistan's national capacities for the promotion and protection of human rights and to strengthen the constructive dialogue in that regard. This long-term project, which was launched on 2 October 2009, will continue until 2012. As part of the project, State institutions and international organizations have been holding an ongoing constructive dialogue on human rights questions. The project has a number of interrelated tasks:

- (a) Conducting an ongoing constructive dialogue between State institutions and international organizations on human rights questions;
- (b) Forging international contacts and learning from the successful experience of other countries;
- (c) Creating a human rights resource database in the national language, and training local specialists;
- (d) Heightening the awareness of representatives of State institutions and the public through the dissemination of national and international information of a legal nature on human rights, and holding international forums and training courses.

56. As part of the implementation of the joint project, the Ministry of Foreign Affairs and the National Institute for Democracy and Human Rights organized and conducted a series of seminars:

- (a) For members of the judiciary (judges, procurators, investigators, lawyers and police officers) in Ashgabat and throughout the country to familiarize them with international human rights standards and with international human rights norms and mechanisms, international organizations active in the protection of human rights and the practical experience gained through the activities of institutions in other countries (7–29 June 2010);
- (b) For representatives of the education, health-care and social protection sectors at the administrative offices of the regions, the districts and Ashgabat, representatives of the Women's Union, the Makhtumkuli Youth Association, the National Trade Union Centre and law enforcement personnel to acquaint them with the functioning of the United Nations system in the area of human rights, the preparation of country reports on the implementation of human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, and follow-up action at national level (16–29 August 2010).

The seminars were attended by international and national experts in the field of human rights.

### **Article 3**

#### **Development and advancement of women**

57. Turkmenistan is systematically implementing the provisions of the Convention and the strategy of the Beijing Platform for Action, ensuring women the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Since the early days of independence, Turkmenistan's gender policy has been aimed at developing political, international, economic, social, institutional and legislative support measures that guarantee equal participation by women in all spheres of public life and the realization of the constitutional principle of gender equality and create equal opportunities for women and men.

58. A national action plan for 2005–2010 was elaborated to implement the United Nations Millennium Declaration and the Beijing Platform for Action. It defines the general

strategy and priority areas of State gender policy. The action plan is designed to implement the principle of equal rights and freedoms and to create new opportunities for women and men in accordance with the Constitution, Turkmenistan's international obligations and the recommendations of the Fourth International Conference on Women (Beijing, 1995), with due regard for the actual socio-economic situation in Turkmenistan. The priority areas of the action plan are: further inclusion of women in the socio-economic and cultural development of Turkmenistan; advancement of women in State executive and administrative bodies and their involvement in the administrative decision-making process; women and the economy; women and the media; women and the environment; education and occupational training for women; women's rights; and women and health care. The action plan, whose aim is to ensure equal rights for women, was prepared with the participation of members of parliament and representatives of the ministries and departments and of voluntary organizations.

59. To implement the action plan, the Women's Union established an Interdepartmental Council made up of members of parliament and representatives of State and public institutions. The Council plays a coordinating role in putting the action plan into effect. Its members monitor implementation of the action plan in the capital and at regional and district level throughout the country. They regularly conduct consultations, seminars, round-table discussions and training courses. At the meetings of the Council, which are held periodically, participants discuss progress made in implementing the action plan and define future goals and ways of achieving them.

60. The conceptual basis of international norms in the area of human rights and freedoms and the priority of women's rights are embodied in the Constitution and domestic law. Scrupulously fulfilling its international obligations, and recognizing the norms of the Universal Declaration of Human Rights, Turkmenistan has acceded to the main international human rights instruments, including the declarations and conventions on women's rights: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women, ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, ILO Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and others. On 4 September 2008, the Majlis (parliament) of Turkmenistan ratified the Convention on the Rights of Persons with Disabilities, and on 18 April 2009, it ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

61. The Cabinet of Ministers is responsible for administration and regulation in the area of ensuring gender equality. It elaborates and adopts targeted State programmes for socio-economic and cultural development, which include maternal and child welfare, the continuing realization of women's rights and the improvement of their status in society, and it guarantees the enforcement of those rights.

62. The State health-care programme (1995), the national strategy for the economic, political and cultural development of Turkmenistan for the period up to 2020, the President's national programme for the transformation of social and living conditions in villages, settlements, towns and district centres for the period up to 2020, the national programme for the socio-economic development of Turkmenistan for the period 2011–2030, the policy blueprint for the socio-economic development of the districts and Ashgabat for the period up to 2012 and other social programmes promote equal access to



the decision-making process on questions relating to maternal and child welfare. The development of democratic processes and the protection of human rights fall within the remit of the National Institute for Democracy and Human Rights. The Institute works to translate into reality conceptual programmes for the democratic transformation of Turkmenistan; further strengthen Turkmen statehood; improve the legal system; and ensure protection of citizens' rights and the development of civil society. The Institute's activities are of a practical nature. The results of its research have an applied focus aimed at drafting concrete recommendations for the realization of the Head of State's human rights initiatives and further strengthening the dynamic democratic transformation under way in the country. Many of the Institute's recommendations and suggestions have been put into practice in the legal system.

One of the Institute's core policies concerns the legal framework for monitoring existing law and international legal acts and preparing proposals and recommendations for State bodies in respect of regulations for relations in various spheres of public life and direct participation in the elaboration of draft legislation. Special departments of the Institute receive and consider complaints from citizens, which they analyse and draw conclusions on; they also prepare suggestions for submission to the Government. The results of their analysis are sent to the relevant ministry, department or institution so as to address the causes and circumstances which led to violations of citizens' rights.

63. State bodies and voluntary organizations regularly organize awareness-raising campaigns on gender issues. The parliament has held discussions, round tables and high-level working meetings on questions of gender equality.

64. In August 2009, the OSCE Centre in Ashgabat conducted a seminar on preventing and combating trafficking in persons. The more than 45 representatives of national institutions, international organizations and embassies who attended the seminar stressed the importance of exchanging international experience on combating the phenomenon in its various forms, including trafficking for sexual and labour exploitation. The participants were also familiarized with international norms, Turkmenistan's legislation, the OSCE Action Plan and United Nations standards in the area.

65. In October 2009, a seminar was organized in Ashgabat by the OSCE Centre in conjunction with the National Institute for Democracy and Human Rights to consider international legal acts which ensure and protect gender equality; the improvement of national legislation to take the gender perspective into account; and mechanisms for enforcing the law and conducting further monitoring.

66. On 10 December 2009, the parliament of Turkmenistan held a seminar in cooperation with the OSCE Centre in Ashgabat as part of efforts to promote the participation of women in public life. Twenty-five women attended the seminar, including parliamentarians from the countries of the Western Balkans and Central Asia, and representatives of the National Institute for Democracy and Human Rights, the Turkmenistan Women's Union, regional authorities, voluntary organizations and student groups. The discussion focused on the importance of women's participation in public and political life, including in the elaboration and implementation of legislation. Views were also exchanged on the advancement of gender equality and the promotion of women's role in the decision-making process.

67. On 13–14 April 2009 the National Institute for Democracy and Human Rights, together with the Ministry of Foreign Affairs and the United Nations Population Fund, held a conference on international standards in the elaboration of gender policy. Attended by more than 100 representatives of Governments, parliamentarians, voluntary organizations, international organizations and experts in gender issues from the countries of the Commonwealth of Independent States (CIS) and Turkey, the conference provided an

opportunity for an interactive exchange of experience, knowledge, information and successful practice in the area of gender equality and the empowerment of women with a view to giving effect to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Programme of Action of the International Conference on Population and Development. Discussions at the conference centred on successful initiatives and difficulties encountered in elaborating and implementing legislation that took the gender perspective into account, questions of gender rights and reproductive health and a range of other important gender issues.

68. In conjunction with the Ministry of Foreign Affairs and representatives of UNDP in Turkmenistan, the National Institute held an international conference on 30 September 2009 to celebrate the thirtieth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women. Parliamentarians, representatives of a number of ministries and departments, national voluntary organizations, diplomatic missions accredited in Turkmenistan and the local offices of the main United Nations bodies, as well as teachers and students at higher institutions of learning and journalists, took part in the work of the conference. Lectures were delivered on global and regional perspectives, results achieved and tasks ahead, and the role of international conventions in ensuring respect for human rights.

69. The staff of the National Institute periodically visit districts in which seminars, consultations and training courses are being held. International experts and human rights specialists attend the seminars. Material distributed to the participants include international documents and the recommendations of treaty bodies.

70. Gender policy is aimed at the targeted implementation of initiatives included in programmes for achieving gender equality and a more rapid translation into practice of economic, social, cultural, organizational and other measures designed to strengthen social institutions such as the family, maternity, work and the comprehensive protection of women. This all shows that the country has been working steadily to implement the basic provisions of the Convention and norms of national legislation relating to the protection of women's rights.

#### **Article 4**

##### **Adoption of temporary special measures**

71. Turkmenistan reaffirms that the comprehensive protection of women's rights by the State and society is its most important political, social and economic goal.

72. Turkmenistan is establishing favourable conditions for the implementation of women's rights and freedoms on an equal basis with men. The State is pursuing its efforts to elaborate a strategy and programmes aimed at accelerating the realization of women's de facto equality.

73. An analysis of the basic indicators of women's status and gender discrepancies in development shows that progress has been made in a number of areas and that the process of promoting gender policy is continuing. The legal and institutional foundation has been cast for ensuring a decent life for all sectors of the population, including women, on the basis of the principles of equality and justice. The high quality of the legislation adopted and the many areas in which the details and effectiveness of its implementation are regulated create the necessary conditions for an ongoing, more dynamic development and improvement of a national legislative framework that is in line with international legal norms and takes the gender perspective into account. The promotion and protection of gender equality by law continues to be a priority State policy which helps ensure that legislation can contribute to attaining equality between men and women.

74. In cooperation with the UNFPA office, Turkmenistan is currently elaborating a plan of action on the introduction of national legislative acts in conformity with international requirements and gender-sensitive principles.

75. The Government of Turkmenistan has taken note of general recommendation No. 25 on temporary special measures. It should, however, be pointed out that national legislation makes no provision for temporary special measures for the achievement of women's real de facto equality with men in the enjoyment of their basic human rights and freedoms. The Government is taking additional steps to create a favourable environment in which women enjoy the same rights as men.

76. As noted above (cf. articles 1 and 2), conceptual norms guaranteeing human rights and freedoms, questions of gender equality, and the priority of women's rights as set out in the Constitution have been further developed in national legislation. The achievement of social equality of the sexes presupposes a full-scale democratization of society. Equal opportunity is closely linked to genuine guarantees for human rights in all spheres and the ongoing dynamic process of democratization of State and public life in Turkmenistan. Democratization ensures that women and men have equal opportunities for putting their energy and capabilities to effect in all spheres of society. These conditions set the stage for the emergence of qualitatively new forms for the expression and realization of women's interests and help promote the transformation of women from objects of social protection to actively functioning individuals.

77. Pursuant to article 7, paragraphs 2 and 3, of the Labour Code, distinctions in the employment sphere are not discriminatory if they are based on requirements inherent in the job or are prompted by the State's special concern for persons in need of greater social and legal protection (women, minors, persons with disabilities). Persons who consider that they have been subjected to discrimination at work have the right to file a complaint with a court.

78. The Labour Code has a special chapter with regulations governing the employment of women and other persons with family obligations. It is prohibited to refuse to hire a pregnant woman or to reduce her wages on the grounds that she is pregnant or has a child under the age of 3 (or a disabled child under the age of 16).

79. Directors of enterprises and their deputies as well as division heads and their deputies incur criminal responsibility in accordance with the law if they refuse to hire the above-mentioned persons. An employer who refuses to hire a woman in these categories must inform her in writing of the reasons. A refusal to hire may be appealed in court. The employment contract of a woman who is pregnant or has children under the age of 3 (or a disabled child under the age of 16) may not be terminated on the employer's initiative, except in the event of liquidation of the enterprise, commission of a major violation of work discipline or theft of the owner's property. If a fixed-term contract terminates during the employee's pregnancy, the employer must extend the employment contract until the end of pregnancy once the employee has submitted a written application and a medical certificate confirming the pregnancy.

80. A woman may be dismissed upon expiry of her employment contract during her pregnancy if the employment contract was concluded for the temporary performance of the duties of an absent employee and it is not possible with the woman's written consent to transfer her until the end of pregnancy to another job with the employer (either a vacant post or work commensurate with the woman's qualifications, or a vacant inferior post or lower-paid job) which the woman could perform, account being taken of her state of health. The employer is required to offer her all vacancies consistent with these requirements that are available at the place of employment. The employer must offer vacancies at other places

of employment if provision for so doing is made in the employment contract or in the collective or labour agreement (article 241 of the Labour Code).

81. Pregnant women may not be required to perform night work, to work overtime or on weekends, non-working holidays and memorial days or be sent on special assignments.

82. Women with a child under 18 months of age who are unable to carry out their work are transferred to lighter tasks, while preserving their normal earnings from the earlier job, until the child reaches the age of 18 months.

83. In addition to the usual pause and lunch break, women with children under 18 months of age are entitled to an additional break of at least 30 minutes for feeding the child at maximum intervals of three hours. A mother with two or more children under 18 months of age is entitled to feeding breaks of at least 60 minutes. Feeding breaks are considered time worked and are paid at the normal wage rate. The duration of the breaks and the procedure for scheduling them are determined by the employer in cooperation with the trade union or other body representing the workers, account being taken of the mother's preference. Nurseries and kindergartens, breastfeeding rooms and women's personal hygiene facilities are available at enterprises employing a large number of women.

84. Maternity guarantees and benefits accorded to pregnant women also apply to fathers raising children without a mother (if she is deceased, has been deprived of parental rights or requires long-term treatment in a medical facility, and in other cases of absence of maternal care) and to tutors and guardians of minors.

## **Article 5**

### **Gender roles and stereotypes**

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

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

87. The State is responsible for preserving the national historical and cultural heritage and the natural environment and for ensuring equality between social and ethnic groups. It encourages scientific and artistic creativity and the dissemination of its achievements, and it contributes to the development of international relations in science, culture, education, sports and tourism (article 11 of the Constitution).

88. The Women's Union of Turkmenistan functions as a voluntary association which plays a key role in ensuring respect for women's rights and promoting the advancement of women in the public, political, economic, cultural and social life of the country. The legal basis for the activity of the Women's Union is set out in the Constitution, the Voluntary Associations Act of 21 October 2003, the State Guarantees for Gender Equality Act of 14

December 2007, the Charter of the Women's Union and other legal and regulatory instruments. The Women's Union is a legal entity, and on 28 May 1993 it was registered with the Ministry of Justice. Its members include a variety of occupational and age groups. Women's associations have been created in Ashgabat, in all five regions and at district level. Women's grass-roots organizations continue to be set up in enterprises and other units in all sectors of the economy. The Women's Union is participating in a programme to enhance women's potential and broaden their opportunities and capacities. As part of that initiative, it is carrying out a joint programme with UNDP entitled "Support to Gender Mainstreaming in Policy Making in Turkmenistan".

89. With assistance from UNDP, the Women's Union has set up more than 30 regional women's information and resource centres, which play an important role in informing women on political, legal, economic, environmental and reproductive issues and promoting their increasingly active participation in all spheres of public life and their involvement in the ongoing realization of national gender equality reforms.

90. Progress has been made in heightening awareness of gender issues among employees in State bodies and voluntary organizations and in the population as a whole through educational programmes, seminars, conferences, the dissemination of statistical data on gender differences, newspapers and journals, and the publication of materials on human rights and gender issues, which have included reports on Turkmen women and gender statistics, women's rights in Turkmenistan and women's status in Turkmenistan, as well as booklets on gender stereotypes, gender and gender equality, gender and sex, and the triple role of women. Seminars with representatives of local authorities and civil society are held regularly throughout the country to discuss gender issues and to acquaint the public with the Convention on the Elimination of All Forms of Discrimination against Women.

91. A monthly women's magazine ("Women's Destiny") covers the whole spectrum of the life of Turkmen women.

92. In cooperation with the offices of international organizations and accredited foreign embassies in Turkmenistan, long-term humanitarian programmes are being conducted to draw public attention to the fundamental international conventions on human rights and freedoms. The texts of international conventions are published in Turkmen and Russian. Their content is regularly explained in the mass media; there are special radio and television broadcasts, and articles and reviews appear in newspapers and magazines. The purpose of this measure is to promote a culture of respect for human rights, including the rights of women. The ministries of foreign affairs, justice, culture and broadcasting, and education, the Academy of Sciences, the State Statistics Committee, the National Institute for Democracy and Human Rights in the Office of the President, higher institutions of learning and voluntary associations in Turkmenistan, with backing from United Nations agencies (UNICEF, UNDP, OHCHR, UNFPA), OECD, IOM and a number of other international organizations in Turkmenistan, publish collections of international texts and national legislation on human rights and freedoms and hold joint seminars, round tables, conferences and presentations in the capital and throughout the country for the staff of State entities working in the human rights domain.

93. The National Institute for Democracy and Human Rights periodically publishes a magazine entitled "Democracy and Law" in Turkmen, Russian and English. In collaboration with a number of ministries and departments and with support from the offices of United Nations agencies in Turkmenistan, it has issued 19 compilations containing international and national legal instruments in the area of human rights.

94. The State guarantees all citizens, irrespective of ethnic background, race, sex, origin, financial situation, official status, place of residence, language, attitude towards religion, political convictions, party affiliation or lack thereof, the right to participate in cultural

activities, to use cultural organizations and to have access to cultural treasures located at State cultural organizations. It ensures citizens the right to all forms of creative activity in accordance with their interests and capabilities, free choice of moral, aesthetic and other values and the protection of their cultural identity (article 5 of the Culture Act of 19 March 2010).

95. Every year, pursuant to a presidential decree, a “Golden Century of Turkmen” (“Türkmeniň Altyn asyry”) contest is held to encourage the creative work of persons active in culture, the arts and literature, including women. Most of the prizewinners are Turkmen women.

96. Art exhibits, song and musical performances, theatrical pieces and poetry evenings, as well as meetings and conferences on the role of women in Turkmenistan during the democratization of political and public life, are regularly held in the museums and exhibition halls of Ashgabat and in other cities. The conferences touch upon controversial issues and various topics relating to the participation of women in the development of modern society and the promotion of the humanistic ideals and democratic values of the Turkmen State.

97. The media give wide coverage to the lives of Turkmen women. Numerous broadcasts, including the television programmes “The Beauty of the Earth”, “Women’s Achievement”, “The World of Beauty” and the radio programmes “Woman’s World” and “Epoch and Women”, address women’s problems, their place and role in contemporary society, State efforts to protect their rights and other topics. The programmes are broadcast on five television channels (“Altyn asyr: Türkmenistan”, “Türkmenistan”, “Miras”, “Yaşlyk” and “Türkmen owazy”) and four radio stations (“Çar tarapdan”, “Owaz”, “Miras” and “Watan”).

## **Article 6**

### **Suppressing exploitation and trafficking in women**

98. In accordance with the State Guarantees for Gender Equality Act, the State ensures the protection of women, in the same way as men, from all offences of a sexual nature, abduction or trafficking of any form and to any end.

99. As part of its efforts to prevent and combat trafficking in persons, Turkmenistan has acceded to the following international instruments:

- Convention on the Rights of the Child (23 September 1994)
- Slavery Convention (20 December 1996)
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (20 December 1996)
- Protocol amending the Slavery Convention, approved by General Assembly resolution 794 (VIII) (20 December 1996)
- Convention on the Elimination of All Forms of Discrimination against Women (20 December 1996)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (28 March 2005)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (28 March 2005)
- United Nations Convention against Transnational Organized Crime (28 March 2005)

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (28 March 2005)
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (28 March 2005)
- ILO Convention No. 29 (1930) concerning Forced or Compulsory Labour (20 December 1996)
- ILO Convention No. 105 (1957) concerning the Abolition of Forced Labour (20 December 1996)

100. Turkmenistan is firmly committed to combating trafficking in women and related acts. On 14 December 2007, the parliament adopted the Human Trafficking Act, which is in full compliance with all major international and national instruments and constituted the first phase of efforts to prevent and combat trafficking in persons in Turkmenistan.

101. State policy on combating trafficking in persons is aimed at:

- Ensuring a holistic approach to the problem
- Protecting the individual and society from the practice in question
- Strengthening legislation in the area
- Addressing issues that arise in the process of combating trafficking in persons
- Preventing, detecting and suppressing the phenomenon
- Creating favourable conditions for the physical, psychological and social rehabilitation of trafficking victims
- Complying with Turkmenistan's international obligations in the area

102. Turkmenistan's efforts to combat trafficking in persons are based on the following principles:

- Compliance with the law
- Determination to bring traffickers to justice
- Non-discrimination of trafficking victims
- Security and fair treatment of trafficking victims
- Coordinated legal, political, medical, socio-economic, preventive and awareness-raising measures
- Cooperation with voluntary associations and international organizations

103. In accordance with the norms and principles of international law, Turkmenistan cooperates with other States and their competent authorities as well as with international organizations in combating trafficking in persons and protecting the rights and legitimate interests of trafficking victims. Major efforts are being made to prepare national specialists in this area and to improve their qualifications. Close attention is being given to international practice in dealing with the problem, providing assistance to the victims and addressing possible causes.

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

105. The following projects have been completed or are under way:

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

The following activities were carried out in the context of the above projects:

- Capacity-building and awareness-raising among representatives of State bodies through the holding of seminars and round tables
- Training courses for representatives of law enforcement agencies with the participation of international and national experts
- Elaboration of training modules for law enforcement agencies based on international practice and the experience of other countries
- Preparation and distribution of information brochures to counterparts and potential victims
- Training courses for representatives of voluntary organizations

106. Turkmenistan's Human Trafficking Act contains a clear definition of illegal actions which constitute exploitation of trafficking victims:

- (a) Physical coercion with the use of violence and/or narcotic or psychotropic substances, alcohol or other potent agents;
- (b) Economic coercion in the form of debt bondage or other financial dependence, including slavery or slavery-like conditions;
- (c) Psychological coercion by means of blackmail, deceit, deception or threat of use of violence;
- (d) Legal dependence as a result of adoption, guardianship or marriage not for the purpose of starting a family.

107. Exploitation of trafficking victims may take the following form:

- (a) Exploitation of a person's organs or tissue for the purpose of transplantation;
- (b) Exploitation of a woman as a surrogate mother;
- (c) Exploitation of human labour in daily economic activities (household and daily services), production or agricultural work or in a criminal enterprise (involvement in armed groups or the production of illicit goods);
- (d) Sexual exploitation;
- (e) Exploitation of a person in armed conflicts or military actions.

The consent of a trafficking victim to a specific act of trafficking must be disregarded if any form of coercion was used.

108. The State bodies directly involved in combating trafficking in persons are: the Office of the Procurator-General, the Ministry of Internal Affairs, the Ministry of National Security, the Ministry of Foreign Affairs, the State Border Guard Service, the State Migration Service and other State bodies within their field of competence.



109. The Office of the Procurator-General is the body responsible for coordinating efforts to combat trafficking in persons. It has the following powers:

- (a) Enforcing State policy in the area;
- (b) Organizing and carrying out activities aimed at a more efficient identification and elimination of the causes of trafficking in persons;
- (c) Overseeing the strict, uniform enforcement of the Human Trafficking Act and other relevant legal instruments;
- (d) Coordinating efforts by State bodies to combat trafficking in persons, and supervising the work of specialized agencies;
- (e) Participating in the elaboration of international agreements to address the phenomenon;
- (f) Formulating proposals for improving Turkmenistan's legislation in the area;
- (g) Organizing activities aimed at heightening public awareness;
- (h) Submitting an annual report to the Cabinet of Ministers on activities in the area;
- (i) Conducting other activities to deal with the problem.

110. The Ministry of Internal Affairs seeks to combat the phenomenon by preventing, detecting and suppressing such offences, collecting, analysing, collating and exchanging information on trafficking with regard to its scale, current state and trends and identifying and eradicating links between individuals and organized crime groups involved in trafficking in persons and active in Turkmenistan. According to the Ministry of Internal Affairs Information Centre, four criminal cases involving abduction were registered in 2008, three in 2009 and three in the first 11 months of 2010. As of 1 December 2010, two criminal cases were registered under article 129, paragraph 1, of the Criminal Code.

111. The Ministry of National Security, within the limits of its competence, combats trafficking in persons by working to detect links between international terrorist organizations and organized crime groups, on the one hand, and human traffickers, on the other.

112. The Ministry of Foreign Affairs and diplomatic missions and consular services of Turkmenistan in other countries ensure the protection of the rights and interests of Turkmen nationals abroad who fall victim to traffickers.

113. The State Border Guard Service prevents, detects and suppresses attempts by human traffickers to cross the State border of Turkmenistan illegally, as well as the illicit transit of trafficking victims through the country.

114. The State Migration Service is responsible for identifying and halting any attempts by human traffickers to pass through migration control posts at the State borders of Turkmenistan, sending back trafficking victims who are foreign nationals and taking measures to assist trafficking victims.

115. State bodies active in the area must pass on any information on detected cases of trafficking to the Office of the Procurator-General.

116. Measures taken by State bodies to prevent trafficking in persons include:

- (a) Monitoring efforts to address the problem;
- (b) Elaborating and implementing prevention programmes;

(c) Raising public awareness about dangerous situations that potential trafficking victims may encounter, the protection provided by the State and specialized institutions, and action taken by the State to initiate criminal prosecution and impose administrative penalties;

(d) Developing and implementing educational programmes designed to prevent trafficking in persons and reduce the risk of becoming a trafficking victim;

(e) Collaborating with voluntary organizations working to combat the phenomenon.

The Cabinet of Ministers of Turkmenistan oversees the work of State bodies active in the area.

117. National and local authorities, voluntary associations, officials and private persons assist State bodies in their efforts.

118. Specialized institutions may be set up to protect, support and assist trafficking victims. The procedure for doing so and funding for their activities are determined by the Cabinet of Ministers. Voluntary organizations active in combating trafficking in persons may be involved in establishing these bodies, whose main functions are:

(a) Providing trafficking victims with easily understood information about legal and organizational measures designed to protect their interests;

(b) Making medical, psychological, legal and other types of assistance available to trafficking victims;

(c) Helping trafficking victims to become reintegrated in their families and society;

(d) Providing trafficking victims with temporary shelter.

119. Temporary shelter in specialized institutions is made available to trafficking victims for up to one month upon their request. Child victims given temporary shelter in specialized institutions must be kept separate from adults.

120. If there is a need to give testimony against human traffickers, shelter may be prolonged for the duration of the proceedings at the request of the investigating body, the procurator or the court if the victim agrees to give testimony or makes a reasonable request.

121. Social rehabilitation of trafficking victims, which aims to help them return to a normal way of life, includes legal assistance, medical, psychological and occupational rehabilitation, and job placement.

122. When a child victim comes to the attention of the competent State bodies or specialized institutions, they must notify the child welfare authorities without delay.

123. It is prohibited to disclose information about trafficking victims or the specific circumstances of a case of trafficking that may pose a threat to the life or health of the victim or the victim's family members, as well as information about anyone helping to combat trafficking in persons. In the event of a genuine danger to the life and health of a trafficking victim, that person has the right to change his or her first, last and patronymic names in accordance with the law. It is prohibited to reveal security measures or to disclose confidential information about trafficking victims, as well as the results of preliminary investigations and security measures taken with regard to parties to criminal proceedings. Officials of national and local authorities and the staff of voluntary associations active in combating trafficking in persons may be held accountable, in accordance with the law, for disclosing confidential information about trafficking victims or denying assistance to such persons.

124. The inquiry officer, investigator, procurator and court must take measures to protect a trafficking victim who is willing to cooperate with the investigation and inquiry agencies in identifying suspected traffickers.

125. Following a substantiated request by an inquiry officer, investigator, procurator or court, a foreign national or a stateless person recognized as a trafficking victim in accordance with the Code of Criminal Procedure who is a witness in criminal proceedings or provides assistance to law enforcement agencies may not be deported until the trial of accused traffickers is concluded and a final judgement delivered. In such cases, the trafficking victim must be granted temporary residence in Turkmenistan, irrespective of how he or she entered the country.

126. A trafficking victim must not be held accountable for any act regarded as an administrative offence if the act was committed due to circumstances provoked by human traffickers.

127. Diplomatic missions and consular services of Turkmenistan in other countries safeguard the rights and interests of Turkmen nationals who become victims of trafficking in another State, and they help them return to Turkmenistan. If it is not possible to recover documents from human traffickers proving that trafficking victims are Turkmen nationals or if such documents are lost, the diplomatic missions and consular services of Turkmenistan issue documents so that the victims can return to Turkmenistan. In accordance with the legislation of Turkmenistan and the other State, the diplomatic missions and consular services of Turkmenistan must inform the authorities of the other State about Turkmenistan's legislation on trafficking and disseminate information about the rights of trafficking victims among the persons concerned.

128. Cases of crimes involving trafficking in persons and cases of restitution to trafficking victims may be considered in closed judicial proceedings.

129. Individuals and legal entities implicated in crimes of trafficking in persons are held accountable in accordance with the law. If a court determines that a legal entity in Turkmenistan has intentionally served as a cover for trafficking, it may order the legal entity's liquidation. If it finds that a legal entity of another State (its office or branch) is intentionally involved in trafficking in persons, it may decide to prohibit the activities of that legal entity and close its office or branch in Turkmenistan. It may also rule that assets of a legal entity (its office or branch) acquired by illegal means are to be confiscated and forfeited to the State.

130. Guided by the need to protect the individual, society and the State, and bearing in mind the transnational nature of the phenomenon, Turkmenistan prosecutes persons involved in trafficking, including in cases in which such offences or aspects thereof were committed abroad and caused harm to citizens of Turkmenistan or foreign nationals, as well as other cases provided for in international agreements to which Turkmenistan is a party.

131. Turkmenistan's legislation establishes criminal liability for trafficking in persons. Criminalization became possible after the incorporation into the Criminal Code of a new wording of article 1291, on trafficking in persons, which introduces criminal liability for such acts. In accordance with article 1291, trafficking in persons is defined as the purchase or sale of human beings or their recruitment, transportation, harbouring or transfer to another person for the purpose of their exploitation; it is punishable by deprivation of liberty for 4 to 10 years. The same act committed against two or more persons; against a person known to be a minor; with the use of official powers; in connection with the illegal removal of the abducted person beyond the State borders or the illegal detention of that person outside the State borders; with the use or threat of violence; or for the purpose of extracting organs or tissue from the abducted person for transplantation is punishable by deprivation of liberty for up to 15 years. If the above-mentioned acts resulted in the

victim's death by negligence, caused grave bodily harm to the victim or had other serious consequences, if they were committed in a manner endangering the lives and health of several persons, or if they were committed by a criminal group or a criminal organization, they are punishable by deprivation of liberty for 15 to 25 years. In the past, trafficking in persons was not punishable under the Criminal Code. The new version of the Criminal Code came into force on 1 July 2010, and with it article 1291 on the same date. As of 1 December 2010, two criminal cases were instituted and investigated under article 129, paragraph 1, of the Criminal Code.

132. The Criminal Code also establishes criminal liability for related offences, including abduction (art. 126), abduction of a woman for the purpose of entering into a de facto marriage (art. 127), unlawful deprivation of liberty (art. 129), rape (art. 134), sodomy (art. 135), gratification of depraved sexual urges (art. 136), compelling a person to engage in sexual relations (art. 137), engaging in prostitution (art. 138), recruitment for prostitution (art. 139), establishing and operating facilities for engaging in prostitution (art. 140), procuring (art. 141), trafficking in prostitutes (art. 142), sexual relations with a person under the age of 16 (art. 143) and unlawful crossing of the State border (art. 214).

133. A new chapter (chapter 52) has been incorporated into the Code of Criminal Procedure setting out the procedure for relations with law enforcement bodies of other States with regard to requests for and the provision of international legal assistance in criminal cases, including extradition.

134. International cooperation on criminal matters with the countries of the Commonwealth of Independent States takes place in accordance with the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 and inter-State agreements on mutual legal assistance.

135. The staff of law enforcement agencies regularly take active part in national and international training courses, seminars, meetings and conferences conducted with the participation of international organizations such as UNDP, ILO, UNFPA, UNICEF, the United Nations Development Fund for Women (UNIFEM), the OSCE and the ICRC, both in Turkmenistan and abroad, for the purpose of obtaining and improving professional qualifications.

136. The Code of Administrative Offences of 17 December 1984 establishes administrative responsibility for engaging in prostitution and for having paid sexual relations with a person engaged in prostitution (art. 176, paras. 1 and 2).

137. Criminal liability is incurred (articles 138–142 of the Criminal Code) for engaging in prostitution again within one year after the imposition of an administrative penalty; recruiting for prostitution; establishing and operating facilities for engaging in prostitution; and procuring or trafficking in prostitutes, i.e. using a person engaged in prostitution for the purpose of sexual exploitation and personal gain. Local police officers of the Ministry of Internal Affairs conduct preventive initiatives on an individual basis with persons registered as prostitutes, in the course of which the latter are brought to regional law enforcement centres, where police officers together with representatives of other law enforcement agencies, local administrations and voluntary organizations seek to heighten their awareness and discourage them from engaging in prostitution; they also receive legal counselling and advice on how to find employment.

## Article 7

### Participation of women in political and public life

138. The integration of women into the social and political life of society is one of the fundamental elements of democratization. Women account for 50.2 per cent of the population of Turkmenistan and have a commendable representation in elected State and administrative bodies. The right to vote of citizens of Turkmenistan is anchored in the Constitution and law. In accordance with article 31 of the Constitution, every citizen has the right to participate in administering the affairs of society and the State, whether directly or through freely elected representatives. In 1999, Turkmenistan acceded to the United Nations Convention on the Political Rights of Women.

139. When organizing and holding elections, Turkmenistan, a full-fledged member of the international community, scrupulously upholds the principles and norms set out in the Charter of the United Nations and the constituent instruments of the OSCE and other universally recognized international organizations, implements the provisions of international agreements, conventions and accords to which it is a party and ensures compliance with them.

140. The Act on the election of members of the Majlis (parliament) was adopted on 10 October 2008. Pursuant to article 2 of the Act, restrictions of any kind on the electoral rights of women based on ethnic background, origin, financial situation, official position, sex, language, education, attitude towards religion, political views or party affiliation are prohibited.

141. Elections of members of parliament were held on 14 December 2008. The previous composition of parliament was doubled: there are now 125 members. Women account for 17 per cent of the total. The Chairperson of parliament and the Chairperson of one of the five committees are women. A significant number of women hold office in the higher echelons of executive and administrative bodies: the Deputy Prime Minister, ministers, deputy ministers, deputy regional, urban and district administrative heads, as well as editors-in-chief of media.

142. Currently 25 women hold senior positions in the country, including at the level of ministers and their deputies, for example the Chairperson of parliament, the Deputy Chairperson of the Cabinet of Ministers, the Director of the National Institute for Democracy and Human Rights in the Office of the President, the Minister of Education, the Minister of the Textile Industry, the State Minister of the Turkmenkhaly Corporation, the Chairperson of the State Publishing Service, the Head of the Main Archives Department under the Cabinet of Ministers and the Deputy Chairperson of the State Statistics Committee. The Government continues to promote the advancement of women in the public and political life of the country.

143. On 10 December 2009, female parliamentarians from the countries of the Western Balkans and Central Asia as well as members of the parliament of Turkmenistan and representatives of State organizations and national voluntary associations attended seminars held by the OSCE to promote the participation of women in public and political life.

144. The Gengeshi (local councils) are the representative bodies of popular power in cities, districts, towns and villages. In 2009 multicandidate elections were held for the local councils, to which 1,047 (16.84 per cent) women and 5,173 (83.16 per cent) men were elected. In the elections held on 5 December 2010, female representatives of various professions were elected to the local representative body of popular power, the Khalk Maslakhaty (People's Council). Women account for 16.67 per cent of the membership of the regional People's Councils and 20.21 per cent of the district and municipal People's Councils.

145. Of the 847 persons working for the judicial authorities, 388 are men, and 459 are women. Of those 459 women, 322 work in cities and 137 in districts. There are 41 female judges in district, municipal and regional courts and the Supreme Court, 7 women hold leading positions in the judicial system, and 30 women are department heads.

146. Legislation does not contain any obstacles to women becoming lawyers or judges, to their giving testimony as witnesses or to their engaging in any activity not prohibited by law, on an equal basis with men. Of the six Presidiums of the Bar Association of Turkmenistan, five are headed by women. All lawyers have specialized legal training. All told, there are 218 lawyers in Turkmenistan, of whom 130 are women, including at regional level.

147. The high level of education and participation of women testifies to the large proportion of women in all spheres of the economic life of the country, especially in education, culture and the arts, health care, physical education and social welfare.

148. In November 2009, nationwide games were held in a number of sports disciplines under the motto “Turkmenistan – a spirited and healthy country”; women’s teams from ministries, departments, regions and Ashgabat took part.

## **Article 8**

### **Participation and representation of women at international level**

149. The Constitution specifies that everyone has the right freely to choose their activity, profession, employment and place of work as a function of their occupational capabilities. The Government has been taking steps to empower women, on an equal basis with men and without any discrimination, to represent their Government at international level and to participate in the work of international organizations. Together with their male counterparts, Turkmen women represent the country at international level and participate in the work of a number of international organizations. The permanent representative to the United Nations is a woman.

150. In March 2008, the Institute of International Relations was set up within the Ministry of International Affairs. It provides specialist training in international relations and diplomacy, international law, international economic relations and international journalism. As of 1 September 2010, the Institute had 248 students (103 women and 145 men) and a teaching staff of 20 women and 17 men.

151. Women working in State and voluntary organizations play an active part in the activities of leading international organizations. All delegations representing the country at international level include women. Women help to carry out projects in conjunction with the offices of international organizations accredited in Turkmenistan and are members of the expert groups of these organizations.

## **Article 9**

### **Nationality**

152. In accordance with article 7 of the Constitution, Turkmenistan has its own citizenship. Citizenship is acquired, maintained or forfeited as provided by law. Citizenship of another State is not recognized for a Turkmen citizen. No one may be deprived of their citizenship or of the right to change it. Turkmen citizens may not be extradited to another State or deported, nor may their right to return to Turkmenistan be restricted. The State defends and protects Turkmen citizens at home and abroad.

153. Under article 5 of the Citizenship Act of 30 September 1992, citizenship is the same for all citizens regardless of the grounds on which it was acquired. The Act does not contain any restrictions with regard to women.

154. The entry into marriage of a female citizen of Turkmenistan with a person of another nationality or with a stateless person and the dissolution of such a marriage do not entail 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 make a woman a stateless person, and no stipulation requires her to accept the nationality of the husband (article 16 of the Citizenship Act). The fact that a citizen of Turkmenistan resides on the territory of another State does not result in termination of Turkmen citizenship. There have been no changes concerning questions of citizenship during the latest reporting period.

## **Article 10 Education**

155. Article 38 of the Constitution guarantees the right to education. Every citizen enjoys that right. General secondary education is compulsory, and everyone has a right to such education free of charge in State schools. The State ensures universal access to vocational education in accordance with individual ability. On the basis of and in accordance with the procedure prescribed by law, State bodies, non-governmental organizations and citizens have a right to engage in paid educational activities. The State sets educational standards for all schools.

156. One of the aims set out in article 3 of the Education Act of 15 August 2009 is to guarantee and protect citizens' constitutional right to education.

157. In accordance with article 2 of the Act, education in Turkmenistan is based on the following principles:

- (a) Equal rights for all in the full realization of abilities and aptitudes;
- (b) Humanistic nature of education, priority of universal values, human life and health and the free development of the individual;
- (c) Access for all citizens to all forms of State educational services.

158. Citizens are guaranteed access to education irrespective of sex, race, ethnic background, language, origin, place of residence, attitude towards religion, convictions, age, state of health, social or financial situation or official status.

159. Citizens of Turkmenistan can acquire a specialty, in keeping with their vocation, interests and abilities, at the following levels of education:

- (a) Primary vocational training;
- (b) Secondary vocational training;
- (c) Higher vocational training;
- (d) Postgraduate vocational training.

Radical educational reforms guarantee:

- The same conditions for all for employment and vocational guidance, and for access to studies in urban as well as in rural areas; this equality is ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;

- Access for all to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality
- The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education
- The same opportunities to benefit from scholarships and other study grants
- The same opportunities for access to programmes of continuing education, including adult education
- The same opportunities to participate actively in physical education and sports
- The same access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning

160. The main objectives of the President's new education policy are to establish a comprehensive system for training a skilled national workforce, to provide education that meets international standards and to satisfy the growing need in the economy for highly qualified professionals capable of participating in the transformations that are affecting all aspects of the life of the State and society.

161. One of the first steps taken by the President to realize those objectives was to issue the decree of 15 February 2007 on improving the educational system, the decree of 30 March 2007 on raising salaries in the education sector and student grants and the decree of 4 March 2007 on improving the work of educational institutions. These documents specifically define aims and objectives, indicate ways of improving the work of educational institutions and set academic standards for all levels of instruction and education. Above all, they are designed to create a new integrated national model of general, vocational and higher education in line with international standards.

162. Pursuant to these texts, salaries in the education sector and student grants are being increased by 40 per cent. The workload of teachers in all types of primary and secondary vocational schools has been reduced to 24 hours per week. The maximum annual workload of professorial and teaching staff at institutes of higher learning has been set at 850 hours.

163. Ten-year general education was introduced as from the 2007/08 academic year. New subjects have been included in the curriculum: social sciences, physical education, and the foundations of life and industry, and more attention is being given to the study of the laws of social development and the bases of legal, moral, economic and environmental culture. Moreover, in accordance with the new school curriculum, the number of hours for teaching foreign languages was increased.

164. Radical changes have been made in the educational system in institutions of higher learning. One of the basic areas of improvement in the higher education system has been the increase in student enrolment and the shift to five-year and six-year teaching cycles. Pupils can now enrol at a higher educational establishment as soon as they complete general secondary education. The time spent on theoretical studies has been increased, while less time is spent on practical work.

165. Secondary schools and higher educational establishments are now equipped with modern multimedia and computer technology and employ interactive teaching methods, thus enabling young Turkmen to receive a world-class education, enjoy an enriching personal experience, broaden their horizons and learn about the achievements of science.

166. The curricula of higher educational establishments have been revised, new subjects have been introduced, the rules for admission have been changed, new faculties have been opened and more than 30 new specialities are taught, and enrolment has increased.



167. As of the beginning of the 2009/10 academic year, women accounted for 34.5 per cent of the student body in higher educational establishments, 50.4 per cent of overall staff, 37.3 per cent of teaching staff, 68.1 per cent of the student body in secondary vocational training schools, 54.7 per cent of overall staff in secondary vocational training schools and 54.4 per cent of teaching staff in secondary vocational training schools.

168. The opening of a branch of the Russian I.M. Gubkin State University of Oil and Gas in Ashgabat was another important step towards the implementation of a new educational policy based on an effective interaction mechanism and geared towards international cooperation. A total of 152 persons study there, including 26 women and 126 men. There are 21 persons on the teaching staff, 11 women and 10 men. In December 2009, a new building of the A.S. Pushkin Turkmen-Russian school was opened, with 800 places. As of the beginning of the 2009/10 academic year, 947 persons were enrolled, 468 women and 479 men; there were 57 teachers (not including substitutes), of whom 54 were women and 3 were men.

169. As of the beginning of the 2007/08 academic year, a new subject was introduced in classes 1 to 10 on "Basics of everyday living", which is divided into three sections ("Skills for a healthy lifestyle", "Health and safe living skills" and "Generational health"), the aim being to prepare children and adolescents for life, provide sex education and encourage healthy lifestyles. The subject is taught 1 hour per week (34 hours in the school year) in each of the 10 classes.

170. Questions concerning sex education and healthy lifestyles are also addressed in the framework of a number of other courses. As of the beginning of the 2007/08 academic year, physical education was introduced as a subject in classes 1 to 7 and, as of the beginning of the 2009/10 academic year, in classes 8 to 10 in order to promote children's physical health and develop physical education and sports on a broad basis in secondary schools.

171. The Government and the UNDP office in Turkmenistan are carrying out the "Information Sharing in Turkmenistan for Sustainable Human Development" (InfoTuk) project to disseminate the latest information technologies in Turkmenistan. Under the project, computer learning centres have been opened in Ashgabat, Turkmenbashi, Balkanabat, Tedzhen, Mary, Dashoguz and Serdar with the participation of local authorities.

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

173. Higher educational establishments in Turkmenistan have carried out more than 30 Tempus projects, 5 of which are still under way. With the support of European partners in France, Portugal and Spain, an Economics Study Centre was set up at the State Economics and Management University for civil servants, who continue to study there. A translation centre to train teachers of English for special assignments was established in 2007 at the D. Azadi Institute of World Languages in conjunction with higher educational establishments in Spain and Scotland.

174. Reciprocal visits by Turkmen and European partners, during which specialists exchanged experience in various areas of higher education, helped make the projects a success. Just from the beginning of 2007 to the present, more than 200 teachers from Turkmen higher educational establishments, of whom more than 100 were women, visited

their opposite numbers in Germany, France, Spain and Scotland, and a similar number of teachers from those countries visited higher educational establishments in Turkmenistan for joint studies and seminars.

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

176. One of the main aims of the radical reform of national science in Turkmenistan is to create a global system for training scientific personnel – freshly trained scholars called upon to carry out the nation’s ambitious tasks in the third millennium. To that end, the Government has adopted a number of very important documents, including presidential decrees on the work of the Academy of Sciences (12 June 2007) and on improving the scientific system (12 June 2007), as well as a special presidential decree on the training of highly qualified specialists and scientific personnel and on State support for scientific research (14 January 2008). These documents, which govern State policy on science and technology, introduce a range of specific measures that establish a solid foundation for the training of scientific personnel and the creation of all necessary conditions for maximum realization of the nation’s intellectual potential.

177. One of the main aims of the reform of national science is to set up a global system for training scientific experts. To that end, postgraduate and doctoral study courses and joint research have been started and are continuing at 22 scientific establishments and institutions of higher learning, which have highly qualified scientific and teaching staff.

178. Turkmenistan has 13 scientific research institutes, which are financed from State budget resources.

179. Men and women are guaranteed access to social services for training, education, spiritual development and vocational training; all forms and types of educational services provided by the State are universally accessible and free of charge.

180. Men and women have the right to choose their educational establishment, language of instruction, and field and form of study.

181. Young men and women studying in State educational establishments have the right to use textbooks, educational supplies and the school’s technological, scientific, cultural and sports facilities free of charge and can receive scholarships and grants.

182. Under article 6 of the Freedom of Religion and Religious Organizations Act of 21 October 2003, Turkmenistan’s education system is separate from religious organizations and is secular. Turkmen citizens are entitled to a secular education regardless of their attitude towards religion. They have the right to instruction in a spiritual doctrine and to spiritual education of their choice individually or together with others.

183. State programmes such as “Education”, “New Village” and others provide for the further extension and construction of preschool facilities, schools and sports, and educational and cultural facilities.

184. The State is responsible for setting up educational establishments at all levels. Students in the private sector take a variety of courses of study in business administration, foreign languages, computer skills, the fundamentals of psychology, and the use of the Internet. Women have no difficulty enrolling for such studies.

## Article 11 Employment

185. Article 33 of the Constitution guarantees citizens the right to work, free choice of profession, type of employment and place of work, and healthy and safe work conditions.

186. The fundamental principles of State employment policy are set out in article 4 of the Employment Act of 12 November 1991. They are: guaranteeing equal opportunities for all citizens in Turkmenistan in the exercise of the right to work and the free choice of employment, irrespective of race, sex, attitude towards religion, age, political beliefs, ethnic background or social status, as well as the voluntary nature of employment, whereby employment is based on the free expression of citizens' wishes.

187. Under article 11 of the Employment Act, citizens living in Turkmenistan are guaranteed protection against any form of discrimination and are ensured equal opportunities to learn an occupation, find work, and choose an employment and working conditions. Turkmen legislation establishes disciplinary, administrative and criminal responsibility for violations of the Act.

188. The level of participation of women in employment and their opportunities for finding work reflect the extent to which they are economically active. Indicators for the economic activity of women in Turkmenistan testify to the fact that over the period under consideration, the proportion of women in the economically active and working population is on the rise. From 2005 to 2008, the proportion of women in the economically active and working population grew by 0.9 and 0.7 per cent, respectively. That shows, in turn, that women have not been forced out of the sphere of social production.

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

190. The Labour Code has a special chapter on regulations governing the employment of women and other persons with family responsibilities. An employer may not refuse to hire a pregnant woman or reduce her pay on the grounds that she is pregnant or has a child under the age of 3 (or a disabled child under the age of 16).

191. Directors of enterprises and their deputies as well as division heads and their deputies incur criminal responsibility in accordance with the law if they refuse to hire the above-mentioned persons. An employer who refuses to hire a woman in these categories must inform her in writing of the reasons. A refusal to hire may be appealed in court.

192. In 1997, independent labour exchanges were set up in the regions and in Ashgabat as a modern way of helping citizens find employment and providing vocational guidance in market conditions. These exchanges regulate labour supply and demand at regional level, maintain a registry of the non-working population and offer assistance in finding employment. In 2009, 107,100 persons were registered with labour exchanges, 20 per cent more than in 2005. The number of persons who found employment through a labour exchange rose from 48.0 per cent in 2005 to 71.1 per cent in 2009, and the number of women who found employment rose from 34.3 per cent to 57.4 per cent over the same period. Labour-exchange statistics show that men avail themselves of these services more often than women. Moreover, more jobs are found for men, because the labour market in Turkmenistan is geared towards blue-collar work, and men, whose occupational skills are better suited to the demand, have a better chance of finding employment.

193. To improve the job situation in the population and increase the employment level, new posts are being created, jobs at enterprises with long-term perspectives are being maintained, and the vocational training and retraining system, both for new workers and for workers who have been released, is being improved.

194. Under article 12 of the Gender Equality (State Guarantees) Act, the State ensures that women have the same rights as men to equal remuneration for work of equal value, to all work-related benefits, to equal working conditions for work of equal value and to equal access to evaluation of work quality. Pursuant to article 111 of the Labour Code, an employer, irrespective of his financial situation, must pay an employee for work performed in accordance with the established conditions and wage payment periods. The wage guaranteed by the employer may not be less than the legal minimum wage; there is no wage ceiling. Article 113 of the Labour Code specifies that wages are a function of an employee's qualifications, the complexity and stress of the work involved, working conditions and the quantity and quality of labour expended.

195. The form, systems and amount of remuneration and wage scales in the civil service are set in labour legislation. Employers decide independently on the types and systems of remuneration, wage scales, salaries, bonuses, incentives and other forms of compensation, as well as wage differentials between the various labour categories, on the basis of collective agreements or employment contracts. Presidential decrees on salary increases establish average wages for enterprises, organizations and administrations irrespective of their organizational, legal or ownership form; when wages are below that level, the heads of the bodies concerned are subject to administrative penalties. Presidential decree No. 35624 of 1 January 2011 set the minimum wage at 350 manats. There is no wage ceiling.

196. Turkmenistan does not have regular statistics on wages disaggregated by sex. However, like other countries, there is some difference between the average wage of men and women, which is due to a large extent to the amount of time worked. The law prohibits the employment of women in difficult and harmful working conditions, and there are restrictions on working time, missions, overtime work and night work. Women are more attracted to part-time employment than men are. Salaries are also usually influenced by the structural distribution of men and women as a function of branch and occupation (horizontal segregation) and position (vertical segregation).

197. In recognition of the need to promote the private sector as an integral part of civil society, the Constitution was amended by a new article on State support for private enterprise. Under article 10 of the Constitution, the economy of Turkmenistan is based on principles of market relations. The State promotes and supports the private sector and contributes to the development of small and medium-sized businesses.

198. On 15 August 2009, the Majlis (parliament) of Turkmenistan adopted the Act on State support for small and medium-sized enterprises in order to establish the legal foundation of State policy for creating favourable conditions for the development of the business sector.

199. Self-employment has become widespread among women in Turkmenistan. A large-scale programme of State support for small businesses, particularly during the current period of national renewal and modernization, is helping to increase the participation of women in small enterprises. Women are making considerable progress in this area. The members of the Union of Entrepreneurs and Industrialists of Turkmenistan, which was registered in 2008, include 82 women: 66 Turkmen, 11 Russian, 2 Armenians, 2 Azerbaijanis and 1 Tatar. Twelve businesswomen are active in the construction sector, 36 in commerce, 6 in the carpet industry, 3 in education and 25 in other branches.

200. The highest proportion of working women is to be found in light industry, the food industry and the services sector: health care, education, culture and the arts, and social

welfare. Women in other branches are also employed to a large extent in services (office work, customer assistance, etc.). Men are more often employed in the fuel and energy industry, the metal and glass industry, construction and transport, i.e. by and large in branches in which salaries are high because of round-the-clock operations and difficult and harmful working conditions. Thus, the pay gap is due to differences in the average level of wages in “masculine” and “feminine” forms of employment.

201. The basic aims of the social security system are to give effect to citizens’ constitutional right to a retirement pension, provide support to various categories of persons and adapt the social security system to the evolving market conditions in the country.

202. In accordance with the Social Security Code adopted in March 2007, social security is the State system of financial support and social services for citizens unable to work or with disabilities, families with children and other persons, which operates on the basis of payments in the form of pensions, State benefits and social entitlements. The measures set out under the Code are designed to continue to improve the standard of living of pensioners, recipients of allowances and other categories of citizens in need of social protection, as well as to ensure observance of the principles of social justice. Social assistance may be provided to beneficiaries in the monetary form of a pension or allowance, as benefits in kind or through various types of services. It may be compensatory or preventive in nature.

203. In paying benefits, the State provides social assistance to persons who cannot ensure their own material existence because they are unable to work.

204. The assistance made available under the social security system offsets some of the income lost in connection with partial, total or temporary incapacity, motherhood, loss of breadwinner or loss of sources of protection upon the attainment of retirement age.

205. State benefits include:

- (a) Allowance for temporary incapacity;
- (b) Maternity benefit;
- (c) Allowance for the birth of a child;
- (d) Childcare allowance;
- (e) Disability benefit (in the event of partial or total incapacity);
- (f) Loss of breadwinner benefit;
- (g) Social allowance.

206. In accordance with articles 102 and 103 of the Code, a social allowance is paid to persons who have reached retirement age and do not have other sources of livelihood. Men are entitled to this allowance when they reach the age of 62, and women when they reach the age of 57, if they are not eligible for a retirement pension.

207. Particularly needy citizens also receive financial assistance, and they have access to social services free of charge or on preferential terms. To that end, special commissions have been set up at regional, district and municipal level to consider requests from citizens in need of State support.

208. The centres and departments of the Ministry of Social Security as well as residential facilities under the Ministry of Health and the Medical Industry provide social services for single elderly persons and persons with disabilities.

209. Pursuant to the Social Security Code, social services may also be provided by non-governmental organizations, which are licensed for their work by the Ministry of Social Security.

210. Article 241 of the Social Security Code establishes security of employment for pregnant women and women who have children under the age of 3 (or a disabled child under the age of 16) and prohibits their dismissal. An employer may not refuse to hire a pregnant woman or reduce her wages on the grounds that she is pregnant or has children under the age of 3 (or a disabled child under the age of 16). Directors of enterprises and their deputies as well as division heads and their deputies incur responsibility in accordance with the law if they refuse to hire the above-mentioned persons. An employer who refuses to hire a woman in these categories must inform her in writing of the reasons. A refusal to hire may be appealed in court.

211. The employment contract of a woman who is pregnant or has children under the age of 3 (or a disabled child under the age of 16) may not be terminated on the employer's initiative, except in the event of liquidation of the enterprise or termination by the employer of the activity, commission of a major violation of work discipline or theft of the owner's property, as well as in the case set out in article 241, paragraph 5.

212. If a fixed-term contract terminates during an employee's pregnancy, the employer must extend the employment contract until the end of pregnancy once the employee has provided notification in writing and has submitted a medical certificate confirming the pregnancy. A woman whose employment contract has been extended until the end of pregnancy must submit, upon the request of the employer, but not more often than once in three months, a medical certificate confirming that she is pregnant. If the woman continues to work after the end of pregnancy, the employer has the right to terminate the employment contract with her on account of its expiry within one week from the day on which the employer learned or should have learned of the end of pregnancy.

213. The State budget has a social focus. Pursuant to the State Budget Act of 2011 adopted on 27 November 2010, 37.1 per cent of overall budget resources for funding public and social services will be allocated for education, 12.2 per cent for health care, 4.2 per cent for culture, 36.2 per cent for social security and 10.1 per cent for housing. Considerable resources are earmarked for further increases in pensions, benefits and scholarships.

214. In 2010, 74.1 per cent of budget resources (not counting investments) was allocated for the social sphere, of which 39.2 per cent was earmarked for education, 33.4 per cent for social security, 12.7 per cent for health care, 10.4 per cent for housing and 4.3 per cent for culture.

215. Article 96 of the Labour Code specifies that women are entitled to maternity leave. Under current legislation, maternity leave lasts no less than 112 calendar days and comprises two periods: prenatal and post-natal. An employee or student may take maternity leave for 56 calendar days as from the thirty-second week of pregnancy. A premature birth does not affect the duration of maternity leave before delivery. Leave following delivery is permitted for 56 calendar days and is extended by 16 calendar days for difficult deliveries and by 40 calendar days for multiple births.

216. A woman's job (post) is kept for her while she is on maternity leave. Before a woman takes maternity leave, she receives a lump-sum benefit for the prenatal and post-natal period at her main place of work (service) or of postgraduate, doctoral or academic study. In the case of an adoption of one or more children, maternity benefits are paid starting from the day of adoption for a period of 56 calendar days. Maternity benefits are not halted in the event of the death of the child during or after delivery. They are paid to eligible persons at their main place of work (service) or postgraduate, doctorate or academic study.

217. When wages are increased in accordance with presidential decisions, the wages used for the calculation of maternity benefits are indexed to the wage increase coefficient.
218. Pursuant to article 76 of the Social Security Code, one of the parents, adoptive parents or guardians is paid a one-time benefit for the birth of a child.
219. Under article 97 of the Labour Code, a working mother, irrespective of the length of service, has the right to take unpaid leave at the end of maternity leave in order to care for a child until the child reaches the age of 3. Such leave may also be granted to the person who is actually caring for the child, including the father or the guardian, as well as another family member in cases prescribed by law.
220. The job (post) is kept for an employee on childcare leave. Such leave may be taken in full or in part. A person on leave to care for a child until the child reaches the age of 3 has the right to interrupt leave and return to work before leave expires, provided the employer is given notice two weeks in advance. A person on childcare leave is entitled to a monthly childcare allowance in accordance with the Social Security Code.
221. One parent (or tutor or guardian) bringing up a disabled child under the age of 16 is entitled to one additional day off a month, to be paid at the daily wage rate. The employer has the right, upon written notice from the parent (or tutor or guardian), to allow the days set out in article 97, paragraph 1, to be taken over the course of the working year or to be added to annual work leave.
222. Pursuant to article 243 of the Labour Code, women who have children under the age of 3 (or a disabled child under the age of 16) may not be required to perform night work, to work overtime or on weekends, non-working holidays and memorial days or be sent on special assignments without their written consent. Women who have children between 3 and 14 years of age (or a disabled child under the age of 16) may not be required to work overtime or be sent on special assignments without their written consent.
223. An employer may not compel an employee caring for sick members of the family to perform night work, work overtime, go on special assignments or work on a rotating basis if on the basis of a medical finding those members of the family are in need of care. In accordance with article 249 of the Labour Code, maternity guarantees and benefits granted to pregnant women (restrictions on night and overtime work, work on weekends, non-working holidays and commemorative days and assignments away from the workplace; unpaid leave; creation of special working conditions and other guarantees and benefits) also apply to fathers raising children without a mother (if she is deceased, has been deprived of parental rights or requires long-term treatment in a medical facility, and in other cases of absence of maternal care) and to tutors and guardians of minors.
224. Article 248 of the Labour Code provides for services to be made available to women in enterprises employing a large number of women. These enterprises have nurseries and kindergartens, breastfeeding rooms and women's personal hygiene facilities. In the current period of modernization and renewal, a State programme adopted for the development of all branches of the economy envisages the construction of factories that will use cutting-edge, world-class technologies. A new culture of work is being created in these enterprises, and production takes place in a favourable and safe environment for women's health.
225. Under article 242 of the Labour Code, pregnant women may not be required to perform night work, to work overtime or on weekends, non-working holidays and memorial days or be sent on special assignments.
226. Women may not be compelled to lift or carry objects weighing more than prescribed limits. Pursuant to article 243 of the Code, the employment of women under harmful or extremely difficult working conditions is subject to restrictions, except for non-physical work and health-related and community services. Article 244 of the Code stipulates that

pregnant women working in the agricultural sector in field conditions are entitled to a six-hour working day, while maintaining the average wage.

227. Article 245 of the Code provides that productivity and performance standards are to be lowered for a pregnant woman on the basis of a medical report, or she is to be transferred to lighter, non-hazardous work, while maintaining the average wage from her previous work. Pending a decision on reassignment, she must be released from work, and she receives her average wage from the enterprise for all working days missed.

228. Presidential decree No. 10732 of 25 December 2009 approved the list of professions and work harmful or dangerous to health.

229. Nurseries and kindergartens, breastfeeding rooms and women's personal hygiene facilities are available at enterprises employing a large number of women.

230. Random surveys and monitoring conducted by national statistics agencies provide information on the situation in the private and informal sectors.

231. With regard to the question of pay gaps, Turkmenistan does not currently collect regular statistics on wages disaggregated by sex.

232. Turkmenistan has ratified the following ILO Conventions:

- ILO Convention No. 138 concerning Minimum Age for Admission to Employment (20 December 1996)
- ILO Convention No. 29 concerning Forced or Compulsory Labour (20 December 1996)
- ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize (20 December 1996)
- ILO Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (20 December 1996)
- ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (20 December 1996)
- ILO Convention No. 105 concerning the Abolition of Forced Labour (20 December 1996)
- ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (20 December 1996)
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (25 September 2010)

## **Article 12**

### **Health care**

233. Concern for mothers and the younger generation is an important and integral part of State policy. The realization of the President's principle that the State must serve the individual is reflected in the Constitution and the law, in which questions of family support and maternal and child welfare are given highest priority. Much has been done in recent years to bring legislation as well as medical care for women into line with international standards. All citizens of Turkmenistan have equal access to public health services, including free use of the network of State medical institutions (article 35 of the Constitution).



234. The legislation of Turkmenistan provides women with every opportunity to realize all their reproductive rights in full and enables them to enjoy good reproductive health. In accordance with the Health-Care Act of 25 November 2005, the State protects and promotes maternal welfare (chap. IV, art. 16). These rights are ensured by elaborating and implementing preventive measures; introducing modern achievements of science in medical practice; carrying out studies on effective and safe contraceptive means and methods and preventing abortions; making available skilled staff and specialized prenatal, perinatal and post-natal care in State medical establishments; providing social and legal assistance in accordance with the law; ensuring the right of pregnant women to work in conditions that accommodate their special physiological needs and state of health; and guaranteeing the right to free specialized care and other benefits in State medical establishments for women during pregnancy and confinement and for mother and child during the first year after childbirth.

235. Citizens entering into marriage in Turkmenistan have the right to a genetic test in health clinics of their choice in order to protect their health and that of their spouses and offspring (article 30 of the Act).

236. In accordance with article 31 of the Act, adult women of childbearing age have a right to artificial insemination and embryo implantation in medical centres with the written consent of their spouse; single women also enjoy this right. Information on artificial insemination and embryo implantation and on the identity of the donor is confidential. Every woman has a right to information on the procedure for artificial insemination and embryo implantation, their social and legal consequences, the results of a genetic test, external data and the nationality of the donor; this information is to be provided by the physician performing the procedure. An artificial insemination or embryo implantation performed illegally is punishable in accordance with the law.

237. Under article 32 of the Act, women have the right to decide the question of maternity on their own. Abortion is permitted upon a woman's request until the twelfth week of pregnancy, on social grounds until the twenty-eighth week, and on medical grounds, with the woman's consent, at any time during pregnancy. It is performed in medical establishments; illegal abortions are criminally punishable in accordance with the law. Proposals are being drawn up for introducing amendments which would shorten the period in which an abortion is permitted on social grounds to 22 weeks.

238. Pursuant to article 33 of the Act, medical sterilization as a special intervention for the purpose of preventing a person from being able to produce offspring or as a contraceptive method may be performed solely at the written request of a person not younger than 35 years of age or with no less than three children, or on medical grounds and with the consent of the person concerned irrespective of the person's age or number of children. Medical sterilization is performed in State medical establishments. Medical sterilization performed illegally is punishable in accordance with the law.

239. Legislation on maternal and child welfare includes the Act on the prevention of illnesses caused by the HIV virus of 7 July 2001, the Pharmaceutical Industry and Medical Supplies Act of 5 July 2002, the Narcotic Drugs, Psychotropic Substances and Precursors (Measures to Counter Illegal Trafficking) Act of 9 October 2004, the Act on the Protection and Promotion of Breastfeeding and Infant Diet Requirements of 18 April 2009 and the Foodstuffs Quality and Safety Act of 18 April 2009.

240. The State health-care programme, the programme for the economic, political and cultural development of Turkmenistan for the period up to 2020, the President's national programme for the transformation of social and living conditions in villages, settlements, towns and district centres for the period up to 2020 and other social programmes have

helped in successfully addressing questions concerning maternal and child welfare and the support and promotion of the family.

241. The State has elaborated a system of additional maternity benefits to encourage women to have three or more children. Allowances for the birth and care of a child have risen by 30 per cent. Benefits for the care of children between 18 months and 3 years of age have also been increased. Legal guarantees ensure favourable working conditions and additional leave for pregnant women and mothers of young children.

242. The State system of voluntary medical insurance came into force in 1996. Insurance payments were introduced amounting to 2 per cent of wages. A 50 per cent discount was set on all forms of paid medical service and a 90 per cent discount on medicine. Paid forms of medical service thus became even more accessible for all citizens, including women, irrespective of whether they live in an urban or rural area.

243. The legislation of Turkmenistan provides women with every opportunity to realize all their reproductive rights in full and enables them to enjoy good reproductive health. An analysis of State policy and legislation from the gender perspective gives reason to believe that in the future women will have greater opportunities for realizing their reproductive rights. This conclusion is based on the fact that the State guarantees the legal status of women, more resources than in the past are earmarked in the budget for providing social assistance to mothers and children, and the legal prohibition on heavy physical work for women and on their working in harmful conditions has been reinforced.

244. Given the fundamental importance of sexual and reproductive health for the health and quality of life of men and women, measures are being planned which will focus on the following areas with a view to introducing a sexual and reproductive health strategy:

- (a) Family planning as an essential aspect of the Millennium Development Goals (MDGs);
- (b) Unsafe abortion;
- (c) Sexual and reproductive health and the rights of adolescents and young people;
- (d) Inclusion of programmes and services for sexually transmitted diseases in programmes and services on sexual and reproductive health and rights;
- (e) Promotion of mother's health to ensure safe maternity;
- (f) The health of children and newborns and their survival.

In order to act on the main aspects of the President's policy, considerable attention is being given to women's health, including reproductive health, in keeping with Goal V of the Millennium Declaration, namely to improve maternal health. The State grants women equal free access to health care and family planning resources and also addresses their special health-care needs. In tackling problems of women's health, the Ministry of Health and the Medical Industry takes gender issues into account in all its strategies and programmes, and it gives full support to maternal and child-welfare services, above all those that focus on women's interests, because it considers such services to be essential for reducing maternal morbidity and mortality and the number of abortions, extragenital pathologies and sexually transmitted diseases. To reduce maternal mortality, access has been improved to women's health-care services, qualified prenatal care and safe childbirth, as well as to family planning services, contraceptives and the possibility of terminating pregnancy. Considerable success has been achieved in elaborating readily available sources of information on possibilities for choosing medical services throughout pregnancy and confinement.

245. In 2005–2009, State obstetric facilities (obstetric wards of district hospitals, maternal and child health-care centres and the “Ene Myakhri” perinatal centres) providing qualified prenatal, perinatal and post-natal care increased the number of beds for pregnant women and women in labour to 3,300. Over the same period, the birth rate increased by 35 per cent, from 15.7 to 25.0. The number of home births was halved and accounted for less than 0.2 per cent of all births, and thus 99.8 per cent of births take place in medical establishments with the assistance of medical staff. The percentage of caesarean sections does not exceed WHO indicators.

246. In accordance with a presidential decree, the Ene Myakhri medical centre was set up in 2005, a network of Ene Myakhri medical centres was established throughout the regions in 2008, and the State Medical University of Ashgabat was opened in the same year, all in response to the need to provide top-quality services with contemporary equipment and cutting-edge technology. The centres have the equipment and medicine needed to care for premature newborns weighing as little as 500 grams. The introduction of these technologies increases the survival chances of newborns, and thus more women can experience the joy of motherhood. The facilities are equipped to conduct tests for anaemia, metabolism and the intrauterine state of the embryo and to screen for HIV/AIDS. With the help of modern technology, high-quality assistance can be provided to women who have had repeated miscarriages, testing can be carried out to determine group and Rh factor incompatibility so that it can be treated, the presence of viral infections can be detected with ELISA and PCR methods, and injuries to the foetus and the placenta can be prevented and treated, thereby improving the chances that a newborn child will survive.

247. Quality services include cervical colposcopies and cytologic smears, mammograms and paracentetic stereotactic biopsies with subsequent smear tests. Thanks to screening, cervical cancer and breast cancer can be detected at an early stage. The results of the screening are used to plan vaccinations against human papilloma virus.

248. Preventive measures include diagnosis of early development of osteoporosis: bone densitometry, determination of hormone levels and mineral metabolism, hormone replacement therapy, diet therapy and the use of special medication. In 2005, the Ene Myakhri medical centre in Ashgabat was equipped with a laboratory for in vitro fertilization to help women and their spouses realize their reproductive rights.

249. In 2007, in cooperation with the centre, an international project was carried out for the introduction of IKSI, IVF, TESE and PESE technologies, which are helping many couples to have children. As part of the project, a genetic laboratory set up in 2010 provides an early diagnosis of hereditary diseases through the utilization of FISH technologies and the study of karyograms. Also in the framework of the project, work has begun on preserving the fertility of cancer patients. A bank for the preservation of biomaterial makes it possible to ensure that men and women with cancer can better realize their reproductive rights and do not feel discriminated against in this regard.

250. In 2008, a joint Turkmen-German project was launched on gestational diabetes which involves screening for early detection of anomalies in the carbohydrate metabolism of pregnant women, prevention of complications during pregnancy and childbirth, and elaboration of a system for monitoring the state of health of mother and child during the first six weeks after delivery and the onset of diabetes mellitus type 2.

251. All newborns are vaccinated against hepatitis B and poliomyelitis, and 99 per cent receive a BCG vaccination. The vaccinations are recorded in an “inoculation passport”, which enables vaccinations to be followed from childbirth until a person reaches the age of 25. A project is under way to create a “medical passport” for mother and child in which basic data on the course of all pregnancies, deliveries and the health of the newborn will be recorded.

252. The decline in maternal mortality in Turkmenistan is attributable to the overall development of the country (improvement in the social and economic well-being of the population, and increased promotion of the rights of women and their social status). The maternal mortality rate fell from 15.5 in 2005 to 11.5 in 2009. Factors that have had a direct impact on the maternal mortality rate include medical progress, comprehensive medical care at work and in the post-natal period, universal access to prenatal care, and the automatic investigation of every case of maternal mortality. Turkmenistan has met the goal for reducing maternal mortality set out in the Millennium Declaration.

253. In 2009, 98.4 per cent of women were registered with medical institutions during pregnancy, and 99.8 per cent received qualified medical care during childbirth from skilled medical staff.

254. The Ministry of Health and the Medical Industry has drawn up and adopted guidelines for women's health care and for abortions, whether voluntary or for medical or other reasons. Voluntary abortions may be performed up to the twelfth week of pregnancy, and mini-abortions up to the fifth week. Specialists are currently working to introduce safe medication-induced abortions. All types of abortion are performed in medical centres free of charge or on a fee basis. Illegal abortions are criminal offences. With the establishment of reproductive health services, efforts to prevent abortions have resulted in a decline by 50 per cent in the number performed, an increase in the interval between successive births by an average of 2.5 years and a decrease in illnesses among women of childbearing age.

255. A basic indicator of the reproductive health of the population is infant mortality per thousand live births. Following Turkmenistan's transition in 2007 to a new system of registration of live births and stillbirths recommended by WHO, the infant mortality rate rose from 12.1 in 2005 to 15.3 in 2009.

256. A number of programmes are being carried out. The national programme for the protection and promotion of breastfeeding, conducted in conjunction with international organizations active in the area of maternal and child welfare, has been under way since 1998. A public awareness campaign encourages the exclusive use of breastfeeding until the age of six months together with a timely introduction of dietary supplements. Turkmenistan currently has 62 medical establishments certified as child-friendly hospitals, accounting for 95 per cent of all obstetric institutions; 34 hospitals have been recertified. Thirty-three seminars have been prepared and conducted on a programme on principles of breastfeeding young infants, and 769 family physicians have received training. A national breastfeeding week is held annually from 1 to 7 September. An Act was adopted on the protection and promotion of breastfeeding and requirements for children's food. The WHO Integrated Management of Childhood Illness programme is operating successfully. School materials have been adapted and published in the national language. In 2007, the criteria for the registration of live births and stillbirths recommended by WHO were adopted. Seven national trainers were trained with the assistance of international organizations, and 70 per cent of specialists (neonatologists, obstetricians and gynaecologists, statisticians, forensic pathologists and teachers at medical academies) completed the training. A course is being taught under the programme on primary reanimation and care of newborns.

257. In 2008, a programme on the early development of the child was launched with the cooperation of the Ministry of Health and the Medical Industry and the Ministry of Education. A joint working group was set up under the auspices of the National Institute for Democracy and Human Rights in the Office of the President of Turkmenistan. Teaching material was adapted and translated into the national language. Twelve national and 20 local trainers from health care and teaching staff were trained; 300 family physicians and kindergarten teachers took the training programme.

258. With support from UNFPA, State reporting form No. 19 on medical care for pregnant women, women in labour and new mothers was made available in electronic form and tested at maternal and child-welfare centres in Ashgabat and in the Ahal region. It is planned to expand the implementation of reporting form No. 19 to the next stage.

259. With the introduction throughout the country of the International Classification of Diseases, tenth revision (ICD-10), the medical statistics system was brought into line with uniform international standards for comparing data. Regular training and monitoring of the use of ICD-10 in Turkmenistan's medical establishments have helped to improve the collection, analysis and distribution of data on reproductive health, women's illnesses, including those of pregnant women, and complications during pregnancy, confinement and the post-natal period.

260. The national programme on safe motherhood 2007–2011 is making good progress. It covers all regulations regarding the organization of assistance to pregnant women, women in labour and newborns and its modernization based on effective WHO technologies. All WHO guidelines have been translated into the national language and published.

261. To promote national health, Turkmenistan has been successfully implementing large-scale preventive measures such as the iodization of salt, the fortification of flour with iron and folic acid, the organization of the country's transition to the chlorination of drinking water with locally produced sodium hypochlorite, and the hygienic certification of products of national and foreign origin that pose a potential danger to human health. These measures are designed to prevent illnesses due to iodine and iron deficiency, infections and other factors. Turkmenistan is the fourth country worldwide, and the first in the CIS, to have achieved universal iodization of salt. After the receipt of an international certificate for the salt iodization programme, regular biological monitoring ascertained that 100 per cent of households use iodized salt, and urinary iodine excretion meets upper normative values. Today the population of Turkmenistan uses flour that is 100 per cent fortified with folic acid and iron.

262. The Ministry of Health is giving special attention to heightening public awareness of the need to promote health and healthy lifestyles. Television programmes and media initiatives are regularly broadcast, and women are regularly provided with informational and educational services, especially in the area of sex and reproductive health, for which the necessary resources are made available. Fourteen videofilms have been made on the basis of the book "Facts about health protection", and video clips on the following topics have been produced and broadcast on national television: the healthy toddler, sports, maternal welfare, early development of children, breastfeeding, immunization and the prevention of depression.

263. "Syrdash zhoralar" clubs are organized for adolescent girls (sixth and seventh classes) at Turkmenistan's Health Information Centre at the request of parents and school directors. Questions and issues of interest to girls of this age are discussed with them at meetings in a relaxed, friendly atmosphere. At the end of classes, the girls are given gifts from the company Procter & Gamble and booklets entitled "About you" and "Advice to adolescent girls". Pregnant women receive counselling in regular meetings and discussions at the Information Centre's Health Museum and at health-care establishments.

264. On 1 September 2009, a telephone helpline was opened at the Information Centre. Consultations are confidential. The helpline aims to provide social and psychological assistance to adolescents and young people, including on questions of reproductive health (crises of adolescence, personal problems, problems related to relations between boys and girls, psychological health, and family, school and personal problems). The work of the service is based on the principles of anonymity, confidentiality, humanity and free

accessibility. The main purpose of telephone counselling as a form of psychotherapeutic assistance is to help callers overcome a difficult crisis situation.

265. In 2009, a youth centre was set up at the Information Centre in cooperation with UNFPA. On the basis of the peer-to-peer principle, volunteers and trainers from the centre conduct seminars and training courses with their counterparts on the reproductive health of adolescents, gender, leadership and the prevention of HIV/AIDS and sexually transmitted diseases.

266. A sociological survey was conducted in the capital and in the five regions on families with children under 5 years of age. Questions asked concerned breastfeeding, diarrhoea, diet and acute viral respiratory infections. The survey's findings showed that the population was well informed about acute viral respiratory infections and diarrhoea; 70 per cent of the population was informed about breastfeeding, which testifies to the need for further initiatives on the subject. The survey also found that 90 per cent of the population trusted the information received from medical personnel.

267. Persons with malignant tumours receive free oncological assistance, irrespective of sex, age or any other factors. Screening for the early detection of tumours is carried out on persons applying for a job or admission to an educational establishment, persons whose employment require them to take regular examinations, children and certain other categories. Efforts to combat cancer are coordinated by the scientific and clinical centre for oncology under the Ministry of Health and the Medical Industry. Special programmes are conducted in conjunction with WHO, UNICEF, UNFPA and USAID for women with cancer in several locations. Prevention work includes initiatives to raise public awareness about malignant tumours through the publication of articles in newspapers and journals, television and radio broadcasts and direct presentations by medical personnel at places of work, study and residence. Instructional pamphlets, brochures and posters are distributed to the public.

268. The principal bodies involved in combating HIV/AIDS are the HIV/AIDS national prevention centre, the five regional AIDS prevention centres and 36 specialized diagnostic laboratories. The AIDS centres carry out information campaigns, conduct preventive measures, hold pre-test and post-test counselling, and test for the HIV infection (EIA and IB); they also prepare and publish educational materials geared to the age and specific features of the target group. The Act on the prevention of diseases caused by the immune deficiency virus (HIV-infection) of 2001 is the basic legal instrument that defines the procedure for addressing questions associated with the prevention, diagnosis and treatment of HIV/AIDS and assisting persons living with HIV/AIDS.

269. The national programme for the prevention of HIV/AIDS and sexually transmitted diseases for the period 2005–2010, approved by the Cabinet of Ministers, is a continuation of the multisectoral approach introduced under the previous HIV/AIDS programme. One of its main aims is to prevent those diseases among young people and in vulnerable groups. HIV/AIDS testing of pregnant women has been carried out with pre-test and post-test counselling with obstetricians and gynaecologists since 2005.

270. With financial support from UNFPA, and in cooperation with the national AIDS prevention centre, an information and resource centre has been working since 2007 to help women whose behaviour puts them at risk (sex workers, injecting drug users). An outreach team at the centre composed of medical staff and former sex workers and injecting drug users conducts preventive work in locations with target groups. The centre also provides a range of medical and social services and consultations with specialists (gynaecologists, dermato-venereologists, psychologists, infectious disease specialists, tuberculosis experts and surgeons). Information materials are distributed to persons in vulnerable groups, training seminars are conducted on the transmission of the HIV-infection, and classes are

taught on safe sexual and infectious behaviour. As part of the project, in 2010 it is planned to open information and resource centres at three regional AIDS prevention centres.

271. In conjunction with the Health Information Centre, and with assistance from UNFPA, youth centres were set up in 2009 at which volunteers and trainers learn to conduct seminars and training courses with their counterparts on the basis of the peer-to-peer principle on questions of gender, leadership, adolescent reproductive health and the prevention of HIV/AIDS and sexually transmitted diseases. The Health Information Centre distributes materials in Russian and Turkmen to the public at medical facilities, schools, industrial enterprises and commercial centres and on airplanes on the following topics: "Life is wonderful when it is safe", "Join the fight against AIDS", "Let's build a healthy family", "Let's protect ourselves against adult illnesses", "We're defending our future ourselves", "It's wonderful to be young!" and "HIV/AIDS/STD", with a focus on the target audience. Every year on 1 December, informational and educational initiatives are conducted in connection with World AIDS Day.

272. Together with the BOMCA-CADAP programme, the Health Information Centre has launched a training course for media journalists to heighten awareness and enhance the role of journalists in improving the health and well being of vulnerable population groups, including adolescent girls, with regard to AIDS and drug abuse in the framework of the Medissa project. Training is carried out by an international expert on preventive measures and legal aspects of preparing broadcasts on problems of HIV/AIDS and drug abuse, as well as on interaction between State authorities and civil society.

273. As part of the national vaccination plan, in 2007 the combined MMR vaccine against measles, mumps and rubella was introduced for children between 12–15 months and 6 years of age and in 2010 against infections caused by haemophilus influenzae b (Hib-infection) for children between 12 and 15 months.

274. In accordance with the WHO European region strategic plan for eliminating measles and rubella and preventing congenital rubella infection, and in the framework of the national inoculation programme for the period 2003–2020, the Ministry of Health and the Medical Industry launched a vaccination campaign in 2007–2009 to combat measles and rubella in the following groups:

- Both sexes between 7 and 23 years of age
- Women of childbearing age between 24 and 40
- Men between 26 and 33 years of age

275. In keeping with the national tuberculosis programme, and pursuant to legal instruments in force and an order of the Ministry of Health and the Medical Industry, all citizens, irrespective of sex, age, social status, origin or place of residence (rural or urban), receive free tuberculosis tests and treatment. The national tuberculosis programme is an active part of primary care, which has made it possible to increase the percentage of cases detected, monitor a relatively long course of treatment and improve the quality of medical services for tuberculosis patients. Guidelines and handbooks have been drawn up for family physicians. The national tuberculosis programme cooperates closely with the prison sector. The Ministry of Health and the Medical Industry supplies prisons (including facilities for women and adolescents) with medicine and diagnostic equipment and conducts training courses for the medical personnel of specialized establishments. Active measures are planned for integrating the national tuberculosis service at sectoral (maternal and child welfare, HIV/AIDS and drug abuse treatment services) and intersectoral (Ministry of Internal Affairs, Ministry of Defence, border security forces and veterinary services) level. WHO DOTS offices operate in remote rural areas in conjunction with health-care clinics,

thereby enabling local inhabitants, including women and children, to obtain quality medical care where they live.

276. Dermato-venereological treatment, without discrimination based on sex, age, origin, social status or place of residence (rural or urban), is coordinated by the central dermato-venereological hospital of the Ministry of Health and the Medical Industry. All pregnant women are tested for a Wasserman reaction, gonorrhoea and trichomoniasis at their place of residence free of charge twice annually, and more often if necessary. These measures have made it possible to eliminate congenital syphilis and gonorrhoea among newborns. If a woman is found to have a sexually transmitted disease, she has the right to choose a place of treatment, a specialized hospital, an outpatient clinic or a private office, and the physician.

277. Detection and treatment of sexually transmitted diseases is also carried out in prisons, including women's facilities. When inmates are released, information about their diseases is forwarded to the public health-care system.

278. Family physicians regularly conduct awareness-raising activities about sexually transmitted diseases.

279. With active support from UNFPA, well-equipped centres for men's reproductive health are in operation which provide all medical services in the area of family planning, free consultations on sexual and reproductive health and treatment for sexually transmitted diseases and male infertility. In 2008, a youth centre was opened at which activities on the prevention of sexually transmitted diseases are conducted for young persons. A gynaecologist at a university clinic regularly monitors the health of female students.

280. Persons with disabilities enjoy all rights and medical benefits. Expert commissions at regional and district level and in Ashgabat that are responsible for medical services for persons with disabilities ensure that such persons are examined at home as often as needed.

281. Persons with disabilities use urban transport free of charge. A centre for the treatment of persons with disabilities conducts free testing and therapy and provides rehabilitation measures (exercises, massages and physiotherapy). Disabled persons are also entitled to free treatment once a year at one of the country's health spas (Archman, Bairam-Ali or Mollakara).

282. In partnership with the Ministry of Health and the Medical Industry, the local authorities of the Lebap and Mary regions, regional health-care bodies, the Women's Union, the Youth Association, the NGO Keik Okara, UNHCR and UNFPA organized a project in 2007–2009 on improving the quality of reproductive health and social services for refugees and local communities. As part of the initiative, activities were carried out by medical staff that were geared to the particularities of the status of refugee women and girls, the most vulnerable population group.

283. Information campaigns carried out with the active involvement of young people help ensure that refugees and the local population are better informed about access to health care in the area of reproductive health and safe motherhood. Twenty-three centres for girls have been set up in cooperation with rural health clinics and secondary schools. A total of 7,790 adolescents have taken courses on reproductive health, diet and hygiene, which also addressed sexually transmitted diseases and HIV/AIDS. Thanks to the project, district hospitals and rural health clinics have been supplied with the requisite medical and telecommunications equipment, and new guidelines have been introduced for maternal health and the reproductive health of adolescents, with a special focus on girls. The measures taken have resulted in a decline in difficult pregnancies by 11 per cent and of difficult deliveries by 10 per cent.



284. Eighty-six students at the State vocational and technical schools of the Mary and Lebap regions have successfully completed vocational training, which has helped former refugees and local citizens improve their financial situation and become more independent and has opened social and economic opportunities for them.

285. The problem of drinking water has been addressed by installing water pumps, building reservoirs and modernizing the water supply system, with a special focus on medical units and schools. Four roads have been rebuilt, thereby improving the access of refugee women and the local population to district centres, schools and medical establishments.

### **Article 13**

#### **Economic and social life**

286. In accordance with article 37 of the Constitution, citizens have a right to social security if they are elderly, sick, disabled, no longer able to work, have lost the breadwinner or are unemployed. Families with many children, children who have lost their parents, and war veterans and other people whose health has suffered in defence of State or public interests are provided with additional assistance and benefits out of State and public funds.

287. Pursuant to the Social Security Code:

(a) Maternity benefits are paid to working women, who are entitled to maternity leave for not less than 112 calendar days. Benefits are calculated on the basis of wages and the number of calendar days of maternity leave;

(b) Benefits are paid to widows of veterans of the Second World War who were killed in action or who returned from the front.

288. By and large, women are entitled to:

(a) A lump-sum benefit upon the birth of a child, which as of 1 January 2010 stood at 157.30 manats for each of the first two children, 302.50 manats for the third child and 605 manats for each child thereafter;

(b) A childcare allowance, which prior to 1 July 2007 was paid only to parents who were unfit for work until the child reached the age of 3. Since 1 July 2007, it has been paid to parents of children up to the age of 18 months and, since 1 July 2009, up to the age of 3 years, irrespective of the parents' employment status.

289. Women have more favourable retirement pensions, and periods of non-payment of social security contributions are taken into account when calculating their pensions so that they are not discriminated against.

290. In accordance with the Social Security Code, women have the right to a pension when they reach the age of 57, which is 5 years earlier than for men. Women who have given birth to and raised three children to the age of 8 are entitled to a pension at the age of 56 (for four children, pension entitlement starts at the age of 55, and for five or more children or a disabled child, at the age of 54). When a woman's pension is calculated, periods of leave for childcare are counted as part of total employment time.

291. On 1 January 2010, the retirement pensions of persons who had been employed in the agricultural sector were reviewed, and the pensions of approximately 60,000 retired persons, including 36,000 women, were raised by 42 per cent (not including the annual increase for all pensioners).

292. With the development of the financial market, conditions will be established for the creation in 2012 of a national pension fund for the effective investment of voluntary retirement savings and the introduction of a notional defined contribution pension system.

293. Men and women who are not entitled to a retirement pension receive social assistance. Prior to 1 July 2007, beneficiaries were men over the age of 67 and women over the age of 62 who did not have a permanent source of income and were not entitled to other benefits. Thereafter, the age of entitlement was lowered to 62 for men and to 57 for women. As of 1 January 2010, 11,761 persons (11,250 women and 511 men) were social assistance beneficiaries.

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

295. Family members of armed forces personnel who die in the performance of compulsory military service or as a result of injury, trauma or contusions or of an illness contracted during military service, including after departure from military service upon reaching the age of retirement or for health reasons, are entitled to certain benefits (article 23, paragraph 1, of the Act on the status and social protection of armed forces personnel and members of their families of 30 August 2009). In accordance with the presidential decree of 23 July 2010 on the approval of the procedure for granting preferential loans to family members of armed forces personnel for loss of breadwinner, such persons are entitled to preferential loans in banking institutions for the purchase of flats in four-storey multiple occupancy buildings and private residential houses not higher than two stories, as well as for the construction of garden cottages and the renovation of residential houses and flats.

296. In addition, women who are on pensions or are social assistance beneficiaries receive an annual gift of 40 manats on 8 March, International Women's Day.

297. Benefits have been increased for disabilities, the birth of a child and childcare, and the period during which childcare benefits are paid has been extended from 18 months to 3 years. Thus, as of 1 July 2009 these benefits rose by an average of 27–28 per cent.

298. Basic social assistance indicators in Turkmenistan.

299. Under article 72 of the Social Security Code, the following persons are entitled to State assistance upon the birth of a child:

(a) The mother or the father of the child;

(b) A person who has adopted a child under 4 months of age, if assistance was not paid to the child's mother or father.

Article 77 specifies that mothers, fathers and guardians are entitled to a childcare allowance, regardless of whether their employment is a socially beneficial activity and irrespective of who is actually caring for the child, until the child reaches the age of 3 years.

300. Young men and women are entitled to loans against immovable property and other forms of financial credits. They are free to assert their rights and obligations on the basis of a contract (loans against immovable property and other forms of financial credits) and to establish in it any terms which are not contrary to the law. There are no restrictions on women's rights in this area. The State guarantees women's equality with men regarding the realization of property rights. It ensures equal conditions of access to all types of property, including land tenure, allocation or acquisition of decent housing and construction of an individual residence.

301. By law, women are guaranteed the right to participate in recreational activities, sports and all aspects of cultural life.

302. Pursuant to article 39 of the Constitution, the State promotes the development of science, culture, art, folk art, sport and tourism. On 12 March 2010 the Culture Act was adopted, which regulates public relations with regard to the creation, revival, preservation, promotion, dissemination and use of the culture of the Turkmen people. It is designed to ensure and protect the constitutional right of citizens to participate in cultural life and have access to cultural treasures, and it defines the legal, economic, social and organizational foundations of State policy in the cultural sphere. In accordance with article 5 of the Act, the State guarantees citizens, irrespective of ethnic background, race, sex, origin, financial situation, official status, place of residence or language, the right to participate in cultural activities, use cultural organizations and have access to cultural treasures located at State cultural organizations. Under article 4, paragraph 3, of the Physical Education and Sports Act of 7 July 2001, the State guarantees citizens the right to all forms of creative activity in accordance with their interests and capabilities, free choice of moral, aesthetic and other values and the protection of their cultural identity.

303. Article 5, paragraph 3, of the Act provides that the State Committee on tourism and sports is responsible for:

- Organizing the creation of a network of sports sections and clubs in enterprises, organizations and schools
- Coordinating the activities of public sports associations
- Organizing sports contests

304. The Makhtumkuli Youth Association holds annual sports events, championships in taekwondo, karate, checkers, chess etc., in which young people between 14 and 37 years of age take part. In 2007 more than 236,000 persons participated in sports events, including more than 110,000 girls and about 126,000 boys, in 2008 more than 297,000 persons, including more than 139,000 girls and about 156,000 boys, and in 2009 more than 369,000 persons, including more than 174,000 girls and about 195,000 boys.

305. The Makhtumkuli Youth Association regularly holds seminars, training courses, initiatives and contests at the centre and in rural areas on questions of health, healthy lifestyles and reproductive health, including reproductive rights.

## **Article 14**

### **Rural women**

306. The President's national programme for the transformation of social and living conditions in villages, settlements, towns and district centres for the period up to 2020 is directed at creating modern socio-economic infrastructures in rural areas and ensuring a high level of social and living conditions for the population. As part of the programme, comprehensive social and economic development plans have been elaborated for virtually all the regions of the country, and a list has been drawn up of top priority social, cultural and communal facilities that need to be built or restored in towns and villages, including the most remote areas. The programme's main objective is to ensure rural inhabitants a high quality of life and decent working conditions that are as close as possible to those in urban areas. To attain these goals, the State has earmarked \$4 billion for major projects in rural areas for the construction of modern housing, utilities and communications systems, including roads, water lines, sewerage systems and gas and electric supplies. To that end, decent housing, modern schools, medical establishments with the latest equipment, cultural centres, stadiums and other recreational facilities will be built at district level in the near

and medium term. An increasing number of dwellings are being built in rural areas with the help of mortgage loans. In 2009 alone, more than 800 mortgage loans were granted.

307. The State gives special attention to rural women, because their activities in villages have a number of particularities. Provision has been made for free access to medical services, education, technical training, social security and better housing. Pregnant women working in the agricultural sector in field conditions are entitled to a six-hour working day, while maintaining the average wage.

308. Rural women have equal access to medical services, including information, counselling and family planning services. Women have access to social protection programmes at primary health-care facilities and hospitals. In view of the urgent nature of problems associated with the reproductive health of the population, a national programme aims to protect and promote safe motherhood with the help of family planning.

309. In accordance with the President's national programme for the transformation of social and living conditions in villages, settlements, towns and district centres for the period up to 2020, district hospitals and rural health-care units and centres are being built or renovated and supplied with modern equipment in order to improve the quality of medical services in rural areas.

310. There are 1,643 health-care centres and clinics in rural areas providing primary assistance, and medical service is also available at 64 district hospitals. Ambulances at these facilities are equipped to intervene in emergency situations. Medical staff in rural areas improve their qualifications by taking free training with special modules that include programmes on reproductive health, obstetrics and gynaecology.

311. Obstetricians, gynaecologists and family physicians in rural health-care centres together with 64 district reproductive-health clinics are working to ensure a stage-by-stage provision of medical care and are conducting educational programmes for rural women on questions of reproductive health and reproductive rights, family planning and healthy lifestyles.

312. The State provides considerable support to both men and women who wish to work in the agricultural sector and grants agricultural loans and incentives for machinery use and State investments to improve soil fertility. Both men and women are employed in cotton growing, cattle breeding, the processing of agricultural and livestock products and vegetable farming.

313. The State provides comprehensive support for the promotion of small and medium-size enterprises and private farms, including through preferential loans and tax incentives for persons engaged in agricultural production. These measures have helped attract more women to business activities in rural areas and have had a positive impact on the standard of living of the rural population.

314. The right to own land is guaranteed under article 9 of the Constitution, the Land Code of 25 October 2004 and the Property Act of 1 October 1993. Land relations are governed by the Land Code, which aims to create conditions for rational land use and protection, the preservation and improvement of the environment, the development of agriculture, the use of different forms of land management and the promotion of free enterprise. The Code is applicable for physical persons (regardless of sex), legal national and foreign entities and international organizations. One of its purposes is to establish conditions for the equal development of all forms of land management.

315. Pursuant to presidential decisions (article 23 of the Code), citizens (regardless of sex) may be granted private ownership of land parcels for part-time farming (on garden plots, at individual dwellings in towns and villages or for agricultural production) from

lands of peasant associations and other agricultural enterprises formerly used on the basis of a long-term lease.

316. In accordance with article 27 of the Code, up to three hectares of land which tenant farmers have cultivated with their own machinery and tools for 10 years and which have yielded good harvests may be converted to private ownership for agricultural production pursuant to a presidential decision.

317. In order to promote a market economy in the agricultural sector, a number of presidential and governmental acts have introduced incentives exempting the farming economy from taxes on land, water and cattle raising, as well as in a number of other areas. In 2009, under a presidential decree aimed at increasing the profitability of agricultural equipment and promoting the work of farmers, decommissioned agricultural machinery was given for free to farmers and private entrepreneurs, including women, who wished to obtain and use discarded tractors and combine harvesters. Shops have opened throughout the country that sell spare parts and components for agricultural machinery.

318. A wide range of low-cost credits is available in the agricultural sector. Pursuant to the presidential decree of 17 March 2008, loans are granted for 10 years at an annual interest rate of 5 per cent. There are no limitations or restrictions on credit conditions based on gender.

319. The Government has taken steps to stimulate agricultural production in the private sector. Soft loans at annual interest rates of 1 per cent and tax breaks have been extended to agricultural producers, and the State takes on half of peasant farmers' expenses for technical services.

320. Women in Turkmenistan have the right to obtain mortgages and other forms of financial credit. Article 1, paragraph 1, of the Civil Code guarantees recognition of the equality of participants in relationships regulated by them, freedom of contractual relations and unhindered exercise of civil rights, and it prohibits any interference in private affairs. Men and women are free to assert their rights and obligations on the basis of a contract (loans against immovable property and other forms of financial credits) and to establish in it any terms which are not contrary to the law. No distinctions in or restrictions on the exercise of the civil rights of women are permitted in this area.

321. Women have equal access to agricultural credits. Loans are granted irrespective of the sex or place of residence of the borrower (article 13 of the Act on commercial banks and banking activity of 8 October 1993).

322. The Youth Association of Turkmenistan conducts competitions among persons between 14 and 37 years of age, including women, in order to encourage young agricultural producers. The competitions are an incentive for young persons in the agricultural sector, and they provide an opportunity for promoting self-employment in the agricultural population. They are becoming more widespread and are helping create new jobs.

323. One of the priority areas of the national action plan for the implementation of the Beijing Platform for Action is the participation of women in economic affairs. This choice is based on women's role in shaping the new economy and social change. Being able to work provides women with financial independence, thereby enhancing their social and political standing. The proportion of women in small and medium-sized businesses has been growing steadily.

324. The Women's Union of Turkmenistan, in cooperation with local authorities and in the framework of a joint project with UNDP, has conducted a number of initiatives to promote business activities for women in the regions in order to reduce disparities in income and standard of living and ensure equal pay for men and women in rural areas.

325. The Women's Union is carrying out a joint project with UNDP on support for rural women and gender mainstreaming in policymaking (2007–2009). As part of the project, a programme was drawn up on creating opportunities for the self-employment of women in rural areas, the main aim being to develop women's potential at district level and to set the stage for women's self-employment through practical courses and measures enabling women to acquire knowledge needed for their economic independence.

326. A project conducted together with UNDP on the economic empowerment of rural women began its work in the regions of Dashoguz and Mary, where a wide range of initiatives have been carried out, including exhibits on women's empowerment, training programmes for rural women on the fundamentals of business and an examination of international experience in assisting women entrepreneurs, as well as a grant programme to support the business plans of rural women. In 2009, the project continued its activities in the region of Lebap, in the context of which a seminar was held on the role of enterprises in the development of the economy of Turkmenistan and the economic basis for the organization and promotion of microbusinesses for rural women. As part of the project, a round table was organized at which rural women could exchange experience on setting up business, with the participation of members of the project, the resource centres of the Women's Union of Dashoguz, Mary and Lebap, and representatives of regional and district authorities and voluntary organizations.

327. A main aim of the project was to create opportunities for the development of the self-employment of rural women and to mainstream equal rights and opportunities for men and women. Training courses, seminars, evaluation sessions, periodic information for self-employed women (for instance, through the publication of a "Women in Business" organizer) and training trips abroad to draw on international experience have been very helpful in promoting self-employment for women. These activities served to illustrate various approaches for involving unemployed rural women in entrepreneurial activities and creating business opportunities for them. Pilot projects carried out in Dashoguz, Mary and Lebap have enabled many women to gain skills and experience in starting up a business. Women entrepreneurs demonstrated their potential and their products at regional exhibits in Mary and Dashoguz in 2008, in Ashgabat in 2009 and in Turkmenabat in 2010. Building on Turkmen traditions, rural women have been particularly active in creating small businesses for carpet weaving, the fabrication of traditional clothing and ornaments, commerce and everyday services. The results of the activities under the joint project received wide coverage in the press and on radio and television.

328. On 26 February 2009, the Women's Union of Turkmenistan and UNDP organized a Forum in Ashgabat on rural businesswomen. The Forum was reported on extensively in the media.

329. With support from UNDP, resource centres were created at regional level which address questions of improving the legal, economic, environmental and reproductive literacy of women and promote their involvement in all spheres of the public and political life of the country.

## **Article 15**

### **Equality before the law**

330. Pursuant to article 20 of the Civil Code, the capacity to have civil rights and obligations (i.e. civil legal capacity) is recognized in equal measure for all physical persons. In accordance with article 19 of the Code, physical persons are defined as citizens of Turkmenistan, foreign nationals and stateless persons.

331. Within the limits of the law, persons are free to conclude contracts and define the contents thereof. If, for the purpose of protecting the fundamental interests of society or the individual, the validity of a contract depends on permission from the State, this must be regulated in a separate law. It is prohibited to use coercion to conclude a contract, except in cases in which an obligation to conclude a contract is foreseen in the Civil Code or legislation or is freely undertaken (article 333 of the Civil Code).

332. Under article 3 of the Criminal Code, criminal legislation is based on the principles of legality, the equality of citizens before the law, criminal accountability, justice and humanity.

333. Article 11 of the Code of Criminal Procedure ensures the judicial protection of the rights and freedoms of all persons.

334. The Courts of Law Act established the court system; laid down procedures for defining the powers of judges, the autonomy and independence of the courts from the legislative and the executive, and the inviolability of judges; confirmed the equality of all before the law and in court, the transparency of court hearings and the participation of citizens in the administration of justice as lay judges; and provided for the enforceability of court decisions, with no exception for any State or non-State bodies, officials, voluntary associations, individuals or legal entities.

335. Legislation does not contain any obstacles to women becoming lawyers or judges, to their giving testimony as witnesses or to their engaging in any activity not prohibited by law, on an equal basis with men.

## **Article 16**

### **Marriage and family relations**

336. Under article 27 of the Constitution, upon reaching the legal age for marriage, women and men may marry and start a family by mutual consent. The spouses enjoy equal rights in family relations. Family welfare, in which the public interests and the personal interests of citizens coincide harmoniously, is one of the State's most important objectives.

337. In accordance with article 3 of the Code on Marriage and the Family, women and men have the same personal and property rights in family relations. Only marriages performed in a civil registry office are recognized. A religious marriage ceremony and other religious ceremonies have no legal value. This rule does not apply to religious ceremonies performed prior to the creation or restoration of Soviet civil registry offices or to documents issued under such religious ceremonies for births, marriages, divorces or deaths.

338. Article 3 of the Code on Marriage and the Family provides that women and men have the same rights upon entry into marriage, in the marriage and during divorce. The legal regulation of family relations is carried out in conformity with the principles of the voluntary nature of marriage between a man and a woman, equality of rights of the spouses in the family, settlement of family matters on the basis of mutual consent, concern for children's well-being and development, and the paramount importance of the protection of the rights and interests of underage children and disabled family members (articles 4 to 6 of the Code).

339. The rights and obligations of spouses arise from the moment a marriage is registered at a civil registry office (article 18 of the Code on Marriage and the Family). When a marriage is entered into, the spouses select at their own discretion the last name of one of the spouses as their common last name, or each of the spouses keeps his or her last name (art. 19). Questions relating to the education of children and other family matters are settled

by the spouses consensually. Both spouses are free to choose an occupation, profession or place of residence (art. 20). Property acquired by the spouses during a marriage is jointly owned. Spouses have equal rights of ownership, use and disposal of the property (art. 21).

340. Article 65 of the Code stipulates that the father and the mother have equal rights and responsibilities in matters relating to their children, including in the event of divorce. All questions concerning the upbringing of children are settled by both parents by mutual agreement. In the absence of agreement, a contentious question is resolved by the guardianship and trusteeship authorities with the participation of the parents.

341. When a marriage is entered into, the spouses select at their own discretion the last name of one of the spouses as their common last name, or each of the spouses keeps his or her last name (art. 19).

342. Pursuant to article 23 of the Code, property owned by a spouse prior to entering into the marriage as well as property received during the marriage as a gift or an inheritance is the property of that spouse. Objects of personal use (clothing, shoes), with the exception of jewels and other luxury items, even if acquired during the marriage from the joint resources of the spouses, is deemed to be the private property of the spouse who uses them. The property of either of the spouses may be recognized as being owned by the spouses in common if a court determines that investments were made during the marriage which substantially increase the value of that property (major renovation, further construction, modernization).

343. The State guarantees the realization of the right of women to inherit property in accordance with the law.

344. Pursuant to article 15, paragraph 1, of the Code, the mutual consent of the future spouses and their attainment of marriageable age are required for entering into marriage. Article 16 of the Code sets the minimum age of marriage at 16. For marriages between citizens of Turkmenistan and foreign nationals or stateless persons, the minimum age of marriage is 18.

345. The Code on Marriage and the Family specifies that citizens of Turkmenistan may marry foreign nationals or stateless persons by concluding a marriage contract setting out the property rights and obligations of the spouses as well as their responsibilities concerning the support of children and an incapacitated spouse in need of material assistance. A marriage contract is deemed valid when it has been signed by the spouses and registered at a civil registry office. A new draft family code is currently under consideration which would raise the age of marriage to 18 and would also make provision for the conclusion of a marriage contract by Turkmen citizens.

## Annex

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