



Convention on the Rights of the Child

Distr.: General
25 October 2013
English
Original: Russian

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography

Initial reports of States parties due in 2007

Turkmenistan*

[26 January 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

GE.13-47816 (E) 130114 160114



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I. Introduction

1. Care for children and young people is a major priority of State policy in Turkmenistan. An all-embracing concern for the welfare of the younger generation is a cornerstone of all the forward-looking reforms under way in the country.
2. The Convention on the Rights of the Child was ratified by decision of the Mejlis, the parliament of Turkmenistan, on 23 September 1994.
3. Turkmenistan acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New York, 25 May 2000) on 28 March 2005.
4. It acceded to the Convention on the Civil Aspects of International Child Abduction on 25 November 1997 and also the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 28 March 2005 and the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), on 25 September 2010.
5. The provisions of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography have been incorporated into the national legislation of Turkmenistan.
6. The initial report of Turkmenistan (CRC/C/TKM/1) on implementation of the Convention was considered on 24 May 2006 at the forty-second session of the Committee on the Rights of the Child.
7. Additional information on the concluding observations of the Committee and the follow-up to the recommendations made to the Government of Turkmenistan was submitted in late 2007.
8. Turkmenistan submitted its combined second to fourth periodic reports on implementation of the Convention and the recommendations made to it in 2011.
9. The Convention and its Optional Protocol on the sale of children, child prostitution and child pornography have been incorporated into the national law of Turkmenistan.
10. The report was drafted on the basis of information provided by the relevant government bodies and voluntary associations.

II. Information on the implementation of the Protocol

11. The human being is of paramount importance to society and the State in Turkmenistan. The State is accountable to every citizen and is to make provision for the free development of his or her personality and protect the life, honour, dignity, liberty, personal inviolability and natural and inalienable rights of citizens (Constitution, art. 3).
12. The primacy of universally accepted principles of international law is recognized under article 6 of the Constitution of Turkmenistan. If an international agreement to which Turkmenistan is a party establishes rules other than those specified under national law, the rules of the international agreement are applied.
13. Under article 1 of the Guarantees of the Rights of the Child Act of 5 July 2002, unless otherwise specified by law, a person is considered to be a child until he or she reaches 18 years of age.

14. The State takes all necessary steps to prevent the abduction, trafficking or smuggling of children for any purpose or in any form (Act, art. 34).
15. State policy for children provides for:
- Guarantees of the rights and legitimate interests of children under the law, the prohibition of discrimination against them and the restoration of rights that have been violated;
 - The development and implementation of special State programmes to secure children's rights and legitimate interests and support for mothers and children;
 - The setting of State standards of care for the quality of life of children;
 - The promotion of children's physical, intellectual, spiritual and moral education and development;
 - Support for and cooperation with social and other organizations working for the benefit of children;
 - The fulfilment of the international obligations undertaken by Turkmenistan on the protection of the rights and legitimate interests of the child (Guarantees of the Rights of the Child Act, art. 4). These principles underpin the work of the executive, administrative and judicial bodies of the country.
16. Child protection and welfare issues are also covered by the 1995 State Health-Care Programme and national social and economic development programmes, in particular the President's National Programme to Improve Social Welfare and Living Standards in Villages, Settlements, Towns and District Centres for the Period up to 2020, the National Programme for Social and Economic Development for 2011–2030, the policy blueprint for the social and economic development of the provinces and Ashgabat for the period up to 2012, the National Programme on Early Childhood Development and Preparation of Children for Schooling for 2011–2015 and other national welfare programmes.
17. Work is currently being done to develop a national plan of action for children, which is aimed at fulfilling the principles and provisions of the Convention in the light of the document entitled "A world fit for children", promoting young persons' all round development and providing them with an appropriate social, economic, institutional and legal environment. A seminar for public officials and members of voluntary associations was held on 30 November and 1 December 2010 under the auspices of United Nations Children's Fund (UNICEF) country office in Turkmenistan, with the participation of an international expert, on drafting the national plan of action for children.
18. The State and the relevant authorities are to take legal, economic, social and other steps so that children may live a decent life and develop in a healthy and safe environment (Guarantees of the Rights of the Child Act, art. 6).
19. The State budget has a social focus. Significant resources are set aside each year when the budget is drawn up to promote the full and harmonious development of children during their first years of life. Under the State Budget of Turkmenistan Act of 2011, adopted on 27 November 2010, a large portion of the overall budget resources for funding public and social services is allocated to social development. For example, 37.1 per cent has been set aside for education, 12.2 per cent for health care, 4.2 per cent for culture and 36.2 per cent for the State social security system, including increases in pensions and State benefits.
20. Under article 10 of the Guarantees of the Rights of the Child Act, it is prohibited to violate a child's right to privacy through forcible or unlawful interference injurious to the child's honour, dignity, affections or reputation.

21. The rights and legitimate interests of children in family settings are to be protected by their parents (or legal representatives) and, if they are in a children's home or an educational or special educational institution, by the administration of the institution and also the central and local authorities and relevant voluntary organizations.
22. Under article 24 of the Act, a family upbringing for children is the preferred and best way of upholding the child's rights and legitimate interests and may be interrupted only on the grounds established by national law.
23. It is prohibited to degrade or intimidate children or inflict on them corporal punishment or any other pain that harms their mental or physical health. Both parents are equally responsible for the life, health and proper upbringing of their children. Under article 34 of the Education Act, day and residential schools must provide for the protection of the lives and promotion of the health of pupils. Under article 38, paragraph 2, of the Act, teachers are obliged to respect the honour and dignity of pupils, students and boarders.
24. The State ensures that children deprived of parental care receive a family-type upbringing in the form of adoption, tutorship, guardianship or placement in a State-run children's home.
25. The State protects children against all forms of abuse by parents, legal representatives or other persons responsible for their upbringing and care and duly monitors the conditions of tutorship and guardianship.
26. The State protects children against all forms of exploitation in the workplace through a range of legal, economic, social, medical and educational measures. No child may be employed to perform work that might harm their health or impede their physical, intellectual or moral development. Children may not perform work connected with the manufacture or sale of tobacco products or alcoholic beverages. School-age children may not be employed during the academic year in agricultural or other work that is not related to their education (Guarantee of the Rights of the Child Act, art. 27, and Education Act, art. 33).
27. The Guarantees of Young People's Right to Work Act of 1 February 2005 envisages measures to protect children against economic exploitation through the use of physical force and prohibits situations that could endanger a child's health, prevent a child from receiving an education, harm a child's physical, intellectual or spiritual development or prevent a child from exercising his or her freedom of conscience. The Act prohibits parents, tutors and guardians from using children to perform work that involves full-time employment or interferes with the child's studies, which would be considered a violation of the child's rights under the laws and regulations of Turkmenistan and the generally recognized norms of international law.
28. The production or dissemination of pornographic publications, films or other pornographic items is prohibited in Turkmenistan. The State protects children against all offences of a sexual nature.
29. The State helps children to obtain information from a variety of sources. It is forbidden to exhibit, rent, sell, give or disseminate to children any toy, film, sound or video recording, book, newspaper, magazine or other printed matter that directly encourages or advocates war, cruelty, violence, racial, religious, sex or age discrimination, or in any other way harms a child's spiritual and moral development.
30. Expert assessments of things and subject matter that are capable of harming the spiritual and moral development of the child are carried out, in the manner prescribed by the Cabinet of Ministers, for the purpose of safeguarding the life, health and morality of children and protecting them against negative influences.

31. The protection of the child against abduction, trafficking and smuggling is guaranteed under article 34 of the Act. The State takes all necessary measures to prevent the abduction, trafficking and smuggling of children for any purpose or in any form.

32. Under article 53 of the Public Health Act of 25 October 2005, the donation or transplantation of a person's organs and/or tissues is a means of saving the life or restoring the health of another; any such operation must observe human rights and national law in accordance with the humanist principles promulgated by the international community. Organs and/or tissues may be transplanted only with the written consent of the living donor and usually with the consent of the patient or recipient. The forced removal of organs and/or tissues for transplantation is prohibited. Human organs and/or tissues may not be bought, sold or traded for transplantation. Persons who are complicit in such acts incur criminal liability under national law.

33. The Human Trafficking Act was adopted on 14 December 2007 in order to lay down the legal, organizational and preventive framework to tackle trafficking in persons, including children, and to provide State guarantees of individual freedom and the protection of society against such trafficking.

34. Article 1 of the Act sets out the following definitions: "Trafficking in persons means all activities involving the recruitment, purchase, sale, transportation in one or several countries, transfer or harbouring of a person or group of people by means of the threat or use of force, debt bondage or other forms of coercion, abduction, deception, fraud, abuse of power, exploitation of vulnerability or adoption for commercial purposes, or by means of bribery with payments or other benefits, to obtain the consent of a person having control over another person and by other means that constitute elements of an offence for the purpose of exploitation."

35. Individuals and legal entities implicated in crimes of trafficking in persons are held accountable in accordance with article 20 of the Act. If a court determines that a legal entity in Turkmenistan has intentionally served as a cover for trafficking, it may order the 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 entity and close its office or branch in Turkmenistan. The assets of a legal entity (its office or branch) specified in paragraphs 2 and 3 of this article acquired by illegal means are to be confiscated and forfeited to the State.

36. Article 14 of the Act stipulates that child victims of trafficking must be rendered assistance in compliance with national legislation and the relevant norms of international treaties to which Turkmenistan is a party. When information about a child victim comes to the attention of the State bodies responsible for combating trafficking in persons or specialized institutions, they are required under national law to notify the child welfare authorities without delay in order to protect the rights of the child. Child victims given temporary shelter in specialized institutions must be kept separate from adults. They are to be given the opportunity to attend public educational institutions in accordance with national law. If child victims have been left without parental care or if they have no information about their families' whereabouts, steps are taken to find their families or provide them with a guardian or tutor according to the procedure established by national law.

37. Under the Criminal Code, there are articles that prescribe liability for murder (art. 101), abetment of suicide or incitement to suicide (art. 106), intentionally causing bodily harm (arts. 107, 108 and 111), battery (art. 112), torture (art. 113), infection of others with HIV/AIDS (art. 119), abduction (art. 126), substitution of children (art. 128), trafficking in persons (art. 129¹), hostage-taking (art. 130), rape (art. 134), gratification of depraved sexual urges (art. 136), inducement of another to have sexual intercourse by duress (art. 137),

sexual intercourse with a person under 16 (art. 143), indecent assault on a person under 16 (art. 144), failure to fulfil the obligation to protect the life and health of minors (art. 123), implication of a minor in the commission of a crime (art. 155), implication of a minor in the commission of antisocial acts (art. 156), deliberate neglect of the obligation to attend to a child's education (art. 159) and production or distribution of pornographic items (art. 164).

38. Under article 11 of the Criminal Code, depending on the gravity of the offence and degree of criminal intent provided for by the Code, crimes are subdivided into minor, less serious, serious and especially serious offences. Minor offences are intentional or negligent acts for which criminal law stipulates a maximum penalty of deprivation of liberty for no more than 2 years. Less serious offences are intentional or negligent acts for which criminal law stipulates a maximum penalty of deprivation of liberty for up to 8 years. Serious offences are intentional or negligent acts for which criminal law stipulates a maximum penalty of deprivation of liberty for up to 15 years. Especially serious offences are intentional or negligent acts for which criminal law stipulates a maximum penalty of deprivation of liberty for up to 25 years.

39. Pursuant to the Criminal Code:

- Inducement of another to have sexual intercourse by duress (art. 137) falls in the category of minor offences;
- Recruitment for prostitution (art. 139), the establishment or maintenance of brothels (art. 140), sexual intercourse with a person under 16 (art. 143), indecent assault (art. 144) and the production or distribution of pornographic items (art. 164) fall in the category of less serious offences;
- Trafficking in persons (art. 129¹), hostage-taking (art. 130), rape (art. 134) and also gratification of depraved sexual urges (art. 136, para. 3) fall in the category of serious offences;
- Abduction (art. 126), trafficking in persons (art. 129¹), hostage-taking (art. 130) and rape (art. 134) fall in the category of especially serious offences.

40. The offences covered by the above-mentioned articles of the Criminal Code are treated as individual acts.

41. Between 2009 and 2010 57 offences against minors were registered, including:

- 1 act of sodomy against a person known to be a minor, contrary to article 135, paragraph 3 (c), of the Code;
- 9 acts of sodomy against a minor known to be under 14, contrary to article 135, paragraph 4 (a), of the Code;
- 6 acts of recruitment of a minor for prostitution, contrary to article 139, paragraph 2 (c), of the Code;
- 41 acts of production and distribution of pornographic items, contrary to article 164 of the Code.

42. Following the adoption of the Human Trafficking Act, the Criminal Code was amended with a new article 129¹, which provides for criminal liability for human trafficking, as follows:

- Trafficking in persons, i.e. the purchase or sale of human beings or their recruitment, transportation, harbouring or transfer to another person for the purpose of their exploitation, is punishable by deprivation of liberty for a term of 4 to 10 years.

The same acts are punishable by deprivation of liberty for 8 to 15 years when committed:

- Against two or more persons;
- Against a person known by the perpetrator 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;
- For the purpose of extracting organs or tissue from the abducted person for transplantation; are punishable by deprivation of liberty for 8 to 15 years.

The acts referred to in paragraphs 1 and 2 of this article, if they:

- Resulted in the victim's death by negligence, caused grave bodily harm to the victim or had other serious consequences;
- Were committed in a manner endangering the lives and health of several persons;
- Were committed by a criminal group or criminal organization; are punishable by deprivation of liberty for 15 to 20 years.

43. A total of three offences contrary to article 129¹ (Human trafficking) were registered in 2010 and a further three during the first 10 months of 2011. It should be noted that the facts of all these offences were brought to light during prostitution-related criminal investigations under articles 139 to 142 of the Criminal Code.

44. Under article 176¹ of the Code of Administrative Offences, prostitution is subject to a fine of between 15 to 20 times the average monthly wage or administrative detention for a period of up to 15 days.

45. In accordance with article 7 of the Criminal Code, persons who have committed crimes in the territory of Turkmenistan are punishable under the national criminal law. Crimes committed within its territorial waters or airspace are regarded as having been committed in the territory of Turkmenistan. National criminal law also applies to crimes committed on the continental shelf and in the maritime economic zone of Turkmenistan. Persons who have committed a crime on board vessels registered in a port of Turkmenistan in the water or airspace beyond its borders are liable under national criminal law, unless otherwise provided for under an international agreement to which Turkmenistan is a party. When a crime is committed in the territory of two or more States, it is punishable under national criminal law if it is stopped or suppressed in the territory of Turkmenistan. The criminal liability of diplomatic representatives of foreign States and other persons who invoke immunity when they commit a crime in the territory of Turkmenistan is covered by the norms of international law and the international agreements to which Turkmenistan is a party.

46. Persons who have committed a crime in the territory of Turkmenistan are held criminally liable. Crimes begun, continued or ended in the territory of Turkmenistan are regarded as crimes committed in Turkmenistan.

47. In accordance with article 8 of the Criminal Code, citizens of Turkmenistan and stateless persons permanently residing in Turkmenistan are liable under the criminal law of Turkmenistan for crimes committed outside Turkmenistan if the act is punishable under the criminal law of the State in whose territory it was committed and if they have not been convicted in the other State. Punishment exceeding the maximum punishment provided for under the law in force in the place where the crime was committed may not be imposed. Foreign nationals and stateless persons who are not permanently residing in Turkmenistan

are liable under the criminal law of Turkmenistan for crimes committed outside Turkmenistan if the crime was directed against Turkmenistan or its citizens and also in the cases provided for under international agreements to which Turkmenistan is a party if they have not been convicted in another State or prosecuted in Turkmenistan.

48. Criminal proceedings stipulated by the Code of Criminal Procedure, and also proceedings stipulated by other national laws and international agreements entered into by Turkmenistan, may be conducted with legal assistance provided to the investigating bodies and courts of other States with which Turkmenistan has concluded an international legal assistance agreement or on a mutually agreed basis. The legal assistance costs are to be borne by the requested institution in the territory of the relevant State, unless otherwise stipulated by international agreements entered into by Turkmenistan (Code of Criminal Procedure, art. 542).

49. Citizens of Turkmenistan who have committed a crime in the territory of another State are not subject to extradition to that State, in accordance with article 7 of the Constitution and also article 9 of the Criminal Code and article 553 of the Code of Criminal Procedure.

50. Human traffickers and other persons involved in human trafficking may be extradited to a foreign State in accordance with the national law and international agreements to which Turkmenistan is a party.

51. Turkmenistan has entered into the following intergovernmental agreements:

- Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (Minsk, 22 January 1993);
- Agreement between Turkmenistan and Georgia on the Mutual Provision of Legal Assistance in Civil, Family and Criminal Cases of 20 March 1996;
- Agreement between Turkmenistan and the Republic of Uzbekistan on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases of 27 November 1996;
- Agreement between the Government of Turkmenistan and the Government of the Islamic Republic of Iran on Mutual Provision of Legal Assistance in Criminal Cases of 11 March 2003.

52. Turkmenistan extradites persons arrested and detained in its territory who are wanted internationally for criminal prosecution or enforcement of a sentence, in accordance with the above-mentioned international agreements.

53. Extradition for criminal prosecution takes place for acts such as human trafficking and related crimes which are prohibited by law and punishable by the requesting party and for which provision is made for penalties in the form of deprivation of liberty for a period of no less than 1 year or a harsher punishment. Extradition for enforcement of a sentence takes place for acts which are punishable by law by the requesting and requested parties and for which a person whose extradition is requested was sentenced to deprivation of liberty for a period of no less than 6 months or a harsher punishment.

54. In accordance with article 9, paragraph 2, of the Criminal Code, foreign nationals and stateless persons who have committed a crime outside Turkmenistan and are present in the territory of Turkmenistan may be extradited to another State for criminal prosecution or to serve a sentence in accordance with the international treaties to which Turkmenistan is a party and agreements, conventions and other international legal instruments to which Turkmenistan has acceded. Criminal justice for foreign nationals and stateless persons is administered in accordance with the rules set out in article 5 of the Code of Criminal Procedure.

55. The accession of Turkmenistan to the ILO Minimum Age Convention, 1973 (No. 138), on 20 December 1996 and ILO Worst Form of Child Labour Convention, 1999 (No. 182), on 25 September 2010 has determined child labour policy and the measures planned to eliminate the worst forms of child labour.

56. The particulars of governing the employment of persons under 18 years of age are set out in Labour Code of 1 July 2009 (arts. 250–258).

57. It is prohibited under the Code for persons under the age of 18 years to be employed in work with special working conditions or in work that may harm their health and moral development (gambling business, production, transport and the trade in alcoholic beverages, tobacco products, drugs and toxic or other such substances) and for the maximum working hours or work week established for them to be exceeded. In addition, workers under 18 may not be recruited to work at the weekend or on public holidays or memorial days and may not be sent on official business trips.

58. Employment contracts with workers under 18 may be broken at the request of their parents, guardians and tutors, and also guardianship and tutorship authorities, if continuing to work would harm their health or encroach on their legitimate interests.

59. Forced or compulsory labour is prohibited under article 8 of the Code. Forced or compulsory labour means all work or service exacted from any person under threat of punishment and which the person has not voluntarily offered to perform.

60. On 4 September 2008, Turkmenistan acceded to the Convention on the Rights of Persons with Disabilities of 13 December 2006. On 25 September 2010 the Mejlis ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

61. Discrimination against children with disabilities is prohibited and punishable by law. The State guarantees the protection of the rights, freedoms and legitimate interests of children with disabilities in accordance with the procedures established by law.

62. The national voluntary associations are concerned with the welfare of children, including their health and physical and intellectual development. Every year, Turkmen trade unions and State organizations arrange summer holidays for children at camps and sanatoriums. The National Trade Union Centre provides assistance to large families, orphans and children with disabilities for stays in the health resorts in Turkmenistan (Mollakara, Archman, Baýramaly and Farab) and children's health centres. Since 2007, anyone with a medical insurance logbook receives a 50 per cent discount on stays in health resorts under a presidential decision aimed at providing for citizens' social protection.

63. A health spa in Gokdere with a capacity to host 150 children and the Dayanc Health Spa located in the Avaza tourist zone with a capacity for 120 adults and 280 children were built in 2007. The health spas offer every possible amenity and the right environment for people to rest and restore their health. Unions cover 70 per cent of the cost of children's stays in the spas and their parents the remaining 30 per cent.

64. Confiscation of property is a form of punishment under the Criminal Code. Under article 52 of the Code, confiscation of property means the forced appropriation without compensation to the use of the State of property belonging to a convicted person and obtained by means prohibited by law. Less serious, serious and especially serious offences committed for profit are punishable by confiscation of property, which may be imposed only in the cases provided for by law.

65. The property listed below that is necessary to the convicted person or persons dependent on him is not subject to confiscation. The following types of property and articles that are privately owned or a part of which is owned in common that are necessary to the convicted person or persons dependent on him are not subject to confiscation:

- A house, apartment or parts thereof if the convicted person and his family permanently reside in them;
- For persons whose main occupation is agriculture, a supply of outbuildings and livestock sufficient to meet household needs and feed the livestock;
- Seeds for the next planting of crops;
- Household effects, utensils and clothing;
 - Clothing, shoes, linens, bedding, kitchen and dining utensils that are in use. Objects made of precious materials or having artistic value may be confiscated;
 - A minimal level of furniture required for the convicted person and members of his family;
 - Felt rugs, two carpets and two whole-floor carpets;
 - All the children's belongings;
- A supply of food products as is required for the convicted person and his family until the next harvest if the main occupation of the convicted person is agriculture and in all other cases food products and money amounting to up to five times the average monthly pay;
- Fuel for cooking and heating the living quarters;
- Implements (as well as manuals and books) needed for the convicted person or his family to continue to exercise their trade;
- Special mobility aids for persons with disabilities.

66. In accordance with the Human Trafficking Act, one of the main objectives of combating trafficking in persons is to detect, prevent and mitigate the consequences of such trafficking.

67. The campaign against trafficking in persons is based on the following principles:

- Due process of the law in combating trafficking in persons;
- No impunity for traffickers;
- Non-discrimination with respect to victims;
- Guarantees of the safe and fair treatment of victims;
- Comprehensive use of legal, political, health, social and economic, preventive and outreach measures;
- Cooperation with voluntary associations and international organizations (Act, art. 4).

68. Under article 6 of the Act, public bodies directly involved in efforts to combat trafficking in persons include the Office of the Procurator-General, the Ministry of Internal Affairs, the Ministry of National Security, the Ministry of Foreign Affairs, the State Border Service, the State Migration Service and other authorities within the scope of their competence.

69. The Cabinet of Ministers has responsibility for monitoring the activities of the public bodies involved in combating trafficking in persons. The Office of the Procurator-General is the public body responsible for coordinating efforts to combat human trafficking.

70. The Ministry of Internal Affairs is involved in combating trafficking in persons by preventing, detecting and suppressing such offences, collecting, analysing and publicizing

data and exchanging information on the scale, status and trends related to human trafficking while identifying and cutting off the links between persons and organized groups engaged in human trafficking and operating in the territory of Turkmenistan. The Ministry of National Security engages in the campaign against trafficking, within the scope of its competence, by exposing the relationship between international terrorist organizations and organized criminal gangs and human traffickers. The Ministry of Foreign Affairs and diplomatic and consular missions abroad provide protection for the rights and interests of Turkmen nationals living abroad who have fallen victim to trafficking. The State Border Service of Turkmenistan works to combat trafficking in persons through the prevention, detection and suppression of the illegal attempts by human traffickers to cross the State borders or move victims across the State borders of Turkmenistan. The State Migration Service conducts its campaign against trafficking in persons through the detection and suppression of attempts by human traffickers to cross checkpoints at the State border, sends victims of human trafficking who are foreign nationals outside the country and takes steps to assist victims (Act, art. 8).

71. Under article 10 of the Act, public bodies involved in efforts to combat trafficking in persons organize trafficking prevention work. The set of measures taken to prevent human trafficking includes:

- Keeping abreast of challenges in combating trafficking in persons;
- Developing and carrying out programmes to prevent trafficking in persons;
- Raising public awareness about the dangerous situations in which potential victims of human trafficking may find themselves, available protections afforded by the State and specialized institutions and steps taken by the State to combat trafficking in persons through criminal prosecution and administrative penalties;
- Developing and implementing educational programmes designed to prevent human trafficking and reduce the risk of becoming a trafficking victim;
- Cooperating with voluntary associations working to combat human trafficking;
- Other measures provided for by the national law.

72. Local police and juvenile affairs inspection units work under the internal affairs agencies responsible for preventing human trafficking. The units have the duty to identify potential victims of human trafficking, including prostitutes or persons susceptible to prostitution or other sex work, and conduct awareness-raising efforts among them.

73. For the purpose of establishing constructive partnerships on issues involving the return of children left without parental care to their State of residence, the Ministry of Internal Affairs signed in September 1993 the Agreement on Cooperation between Ministries of Internal Affairs on Matters involving the Return of Minors to their States of Residence (Volgograd, 24 September 1993) concluded among the Ministries of Internal Affairs of the Commonwealth of Independent States.

74. Members of the offices of the Inspectorate for Juvenile Affairs of the Ministry of Internal Affairs regularly hold lectures and discussions for older pupils, in accordance with a yearly joint plan (of the Ministry of Internal Affairs, the Office of the Procurator-General, the Ministry of Education, the Ministry of Health and the Medical Industry, the Magtymguly Youth Union, the Women's Union and others), in order to prevent and suppress not only juvenile offences but also offences against minors.

75. Turkmenistan is a member of the International Criminal Police Organization, INTERPOL. The national office of INTERPOL in Turkmenistan considers providing assistance to ensure strict controls through the exchange of information on the movements

and activities of persons involved in human trafficking, including for the purpose of prostitution at the international level, to be among its main objectives.

76. The internal affairs agencies work with public bodies and voluntary associations to prevent child homelessness and take a range of investigative and preventive measures to prevent prostitution among minors, including inspection raids and meetings with teaching staff and parent associations and their representatives. Minors from deprived social backgrounds are given special attention.

77. Internal affairs agencies together with the standing commissions of juvenile affairs at the district level participate in events aimed at preventing juvenile crime. Staff are trained in the ways and means of working with minors in vocational schools, in career development training courses and at seminars organized by ministries and departments, UNICEF and the National Society of the Red Crescent of Turkmenistan.

78. National voluntary associations carry out extensive educational work with children. The work covers issues relating to human rights and freedoms, including those of children and young people, healthy lifestyles, social skills and the harmful consequences of alcohol abuse and drug addiction. The mass media are widely used for outreach purposes, as are meetings with veterans, politicians and public figures and round-table debates that take up topical issues affecting the lives of children and young people.

79. National voluntary organizations cooperate with the offices of international organizations such as UNICEF, the United Nations Population Fund (UNFPA), the World Health Organization (WHO) and the World Bank to pursue policies for children.

80. A joint seminar was held with the International Organization for Migration (IOM) in 2010, entitled “Combating illegal trafficking in persons in Turkmenistan: defending victims and prosecuting criminals,” in order to improve the skills of law enforcement officers in investigating trafficking in persons.

81. The IOM office in Turkmenistan and the competent State authorities are conducting a number of joint projects to heighten awareness of the issue. They include:

- Combating trafficking in persons in Central Asia: Prevention, protection and capacity-building (2006–2007);
- Combating trafficking in persons in Turkmenistan (2008–2009);
- 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 national voluntary associations (2009–2012).

82. The IOM office in Ashgabat has established a hotline to advise the public about trafficking in persons and illegal migration. Members of the police, judiciary and procuratorial system, Government officials and social workers are regularly involved in conferences, seminars and round tables on trafficking in persons. A workshop on best practices in Eastern and Western European countries in the prevention, suppression and prosecution of trafficking in persons was organized by IOM in Ashgabat on 8 and 9 September 2011.

83. Turkmenistan is pursuing an extensive programme of education in civil rights and freedoms and protection of the rights and freedoms of children. A course on the basic principles of the State and the law, which includes a module on the rights of the child and relevant national and international norms in this area, has been introduced into the secondary school curriculum. At higher educational institutions in Turkmenistan, students can study Turkmen law and international instruments on the rights of the child; special

efforts are being made to educate young people in a spirit of moral integrity, full legal awareness and adherence to universal human values.

84. The professional training of staff and employees who deal with the rights of the child includes the study of the rules of international and national law concerning the rights of the child and the educational and psychological preparation of specialists for work with children. Special training in this area is also included in the curriculum of higher educational establishments that train specialist personnel for law enforcement agencies.

85. With a view to further constructive dialogue on the protection of human rights and the development of democratic processes in Turkmenistan, the Government is currently carrying out a joint project with the European Union, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) on strengthening the national capacity of Turkmenistan to promote and protect human rights for 2009–2012. Under this project, on 2 May 2011, the National Institute of Democracy and Human Rights in the Office of the President opened the Human Rights Information Centre, whose purpose is to promote human rights in Turkmenistan by improving public awareness of international human rights norms and standards, including those pertaining to child abduction. The Information Centre's activities include creating and running a human rights database to provide visitors with the information that they require, using a human rights library and legal database and organizing public briefings, lectures and round tables on human rights issues, including children's rights. With this in mind, a library has been assembled for visitors that incorporates titles published by the Office of the United Nations High Commissioner for Human Rights (OHCHR), international conventions and treaties, national human rights instruments and scholarly, guidance and reference materials. Visitors may also use human rights-related Internet resources.

86. The National Institute for Democracy and Human Rights under the Office of the President is currently working with the UNICEF office in Turkmenistan on a draft outline to improve the juvenile justice system in Turkmenistan, with the aim of bringing it into line with international standards.

87. Under the Code of Criminal Procedure, in the course of the pretrial investigation and trial of cases involving minors, the authorities are required to ascertain the minor's age, standard of living, living conditions and level of education, the causes and circumstances leading to the commission of an offence and the minor's level of intellectual, emotional and psychological development, special traits of character and temperament, needs and interests and the influence of peers, adults and instigators on the minor.

88. In accordance with article 510 of the Code, separate proceedings may be instigated at the pretrial investigation stage for minors who have participated in the commission of a crime together with adults.

89. Article 512 of the Code sets out the procedures for questioning a juvenile suspect, accused person or defendant, which allow for a lawyer to participate in juvenile criminal cases from the moment that a minor is interrogated as a suspect or accused person and, if the minor is detained or remanded in custody before being accused, from the moment that a minor is detained or remanded in custody. If the juvenile suspect, accused person or defendant or his legal representatives have not concluded an agreement with a lawyer, the investigator, procurator or court is to ensure that a lawyer participates in the proceedings. The parents or other legal representatives of the suspect or accused person are also required to participate in the proceedings.

90. The interrogation of a juvenile suspect, accused person or defendant is to take place in the daytime and may not go on for more than two hours at a time without a pause and for more than four hours per day in total. The interrogation of a minor is to be conducted with

the participation of a lawyer, a legal representative and, if necessary, a teaching professional.

91. A teaching professional or counsellor must take part in legal proceedings involving juvenile suspects, accused persons or defendants who are under 16 years of age or who are over 16 but are persons with psychosocial disabilities. In other situations, a teaching professional or counsellor may be allowed to take part in the proceedings at the discretion of a detective, investigator, procurator or the bench or at the request of a lawyer or legal representative (Code, art. 514).

92. Article 517 of the Code provides for a minor's legal representative to take part in judicial proceedings. Legal representatives have the right to participate in the examination of evidence in judicial proceedings, present evidence, give testimony, make applications, raise challenges, file complaints about the actions and decisions of the court, participate in hearings of courts that are considering cases by way of cassation and provide background to their complaints.

93. When pronouncing a sentence in a juvenile criminal case the court must consider whether to hand down a suspended sentence or a non-custodial penalty and also whether to release the minor from punishment in connection with the circumstances provided for by the Criminal Code.

94. Under the Code of Criminal Procedure, the court is to inform the relevant specialized State body of cases of suspended sentences, non-custodial penalties, placement in a community or special community home for juvenile offenders or youth rehabilitation orders and to vest it with the duty to oversee the conduct of the convicted person. If the court concludes from judicial proceedings that a juvenile offender under the age of 18 who has committed a first-time minor offence may be rehabilitated without imposing a penalty for the offence, the criminal case is to be dropped according to the procedure established by the Code, and the minor may be subject to youth rehabilitation orders.

95. If as a result of judicial proceedings the court concludes that a juvenile offender who has committed a first-time minor or less serious offence may be rehabilitated without imposing a penalty for the offence, taking into account the nature of the act, its consequences, personal data and other facts of the case, the court is to waive punishment by a decision and take special youth rehabilitation orders or send the minor to a community or special community home.

96. Courts at the minor's place of residence may lift youth rehabilitation orders at the request of community homes, voluntary organizations, workers' associations or persons to whom the offenders have been released on bail or under their supervision (Code, art. 521).

97. Under article 28 of the Code, parties with no command of the language in which legal proceedings are conducted have the right to make statements, give testimony and evidence, make applications, file complaints, acquaint themselves with the case file, express themselves during hearings in their native language or a language in which they are proficient and make use of an interpreter. The State ensures that victims, including minors, have access to justice and compensation for harm suffered in the cases and according to the procedure prescribed by law.

98. In accordance with article 14, paragraph 3, of the Code of Criminal Procedure, where there are sufficient grounds to indicate that the victim, witness or other parties to proceedings or members of their families or next of kin are threatened with murder, violence, destruction of or damage to property or any other dangerous unlawful actions, the body conducting the criminal proceedings must take steps within the scope of its competence to protect the lives, health, honour, dignity and property of such persons.

99. The court or judge may hand down a reasoned ruling or decision to try a case involving an offence by a minor, a sexual offence or other matters in camera in order to prevent the public disclosure of information about the private life of a party to the proceedings. Cases heard in camera are to comply with all the rules of judicial proceedings (Code, art. 27, para. 2). The court is entitled to order, at the request of a lawyer or legal representative or on its own initiative, a juvenile defendant's removal from the courtroom during the investigation of facts that could adversely affect him while duly informing the defendant about the substance of the investigation in his absence and affording him the opportunity to put questions to the persons questioned without his participation (Code, art. 519).

100. Under article 86, paragraph 4, of the Code, persons recognized as victims of a crime are entitled to testify in their mother tongue or in a language that they know and make use of an interpreter; be informed about the accusation against the accused person; have access to the records of the investigation conducted with their participation and make commentaries on it; present evidence; make applications; consult all the materials relating to the case as soon as the preliminary inquiry is completed; participate in the judicial proceedings; raise challenges; demand compensation for harm done to them; be represented and revoke a representative's power; consult the records of the court proceedings and submit commentaries on them; appeal against the actions and decisions of the person conducting the initial inquiry, the investigator, the procurator, the judge and the court; and appeal against a judgement, ruling or decision of the judge or court.

101. Next of kin, legal representatives, lawyers, members of voluntary associations and other persons may take part in the proceedings if a judge, court or investigator so decides.

102. Under article 4 of the Bar and Advocacy Act of 10 May 2010 the State is to ensure that everyone, including children, is provided with the necessary professional legal assistance. The State must ensure the equal rights of all individuals and legal entities in Turkmenistan to receive legal assistance and information on its nature and the procedure for obtaining it. The State must ensure the provision of free legal assistance to individuals to defend their rights in cases provided for by law.

103. In accordance with article 394 of the Code of Criminal Procedure, the questioning of victims or witnesses under the age of 14 must be done in the presence of a teaching professional; at the discretion of the court, the questioning of victims or witnesses between the ages of 14 and 16 is also to be done in the presence of a teaching professional and, whenever necessary, the parents or legal representatives are to be called to appear. This person may ask the victim or witness questions with the judge's or presiding officer's permission.

104. Before the questioning begins, the judge or presiding officer is to explain to the victim or witness under the age of 16 why truthful and full testimony is important to the case. These persons are not to be warned about liability for refusing to give testimony or knowingly providing false testimony and a signed statement is not to be taken from them.

105. Victims and witnesses under the age of 18 are to be removed from the courtroom after they have been questioned unless the court deems it necessary to keep them.

106. There are currently 35 sports and 7 youth organizations.

107. The Ministry of Education, the National Institute for Democracy and Human Rights in the Office of the President and the Magtymguly Youth Union organized and led a children's forum, together with the UNICEF office in Turkmenistan, on the rights of children and their participation in decision-making on children's issues. Among the participants were members of parliament, representatives of the Ministry of Justice and the

Women's Union and also senior pupils from Ashgabat, including 22 pupils on 21 September 2005, 65 on 21 and 22 June 2006, 150 on 1 June 2007 and 150 on 1 June 2008.

108. A third international forum on the rights of the child in Central Asia, organized by the parliament together with voluntary associations belonging to the Galkynysh National Movement, the Ministry of Education and the UNICEF office in Turkmenistan, was held on 31 May and 1 June 2011. Children's rights issues and priority areas for further work in this field were discussed at the forum.

109. International Children's Day is celebrated every year on 1 June. Morning performances, concerts and plays are put on in parks, educational establishments, schools and specialized institutions for children such as the Children's Home, residential schools and the Palace of Dovletliler named after United Arab Emirates President Zayed bin Sultan Al Nahyan.

110. Arts competitions and photo exhibitions on the rights of the child are held in order to heighten children's awareness about the provisions of the Convention on the Rights of the Child. A wide-ranging project on the reproductive health of young people is being carried out with the support of the UNFPA to advocate for the reproductive health and rights of young people. Arts competitions and thematic workshops to encourage healthy lifestyles among young people are held to raise children's awareness about the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography. Youth recreational/information centres have been set up in Ashgabat and Mary to help young people to fulfil their potential, protect them from exposure to negative outside influences and maintain their moral and physical health. The youth centres pursue the objective of promoting a healthy way of life and preventing drug addiction by involving adolescents and young adults in socially active and creative activities and running various educational and interactive training sessions and sports classes. The centres offer free computer literacy courses, English lessons and essential consultations with psychologists and other medical professionals. The centres run various creative workshops, including needlework, acting and folk and modern dance. They have also built up libraries which hold specialized books, including in electronic format. Such UNFPA-sponsored youth centres and youth organizations continue to be set up in other regions throughout the country.

111. Since the adoption on 24 February 2010 of a presidential decision on the establishment of regional, district and municipal central libraries and their branches, the number of libraries has increased from 89 to 230. They include a National Library, a Central State Children's Library, a library for the visually and hearing impaired, 9 provincial libraries (5 for adults, 4 for children), 15 municipal central libraries, 36 municipal library branches, 50 district central libraries and 117 district library branches in villages.

112. National television and radio play a great role in the social, spiritual and moral well-being and also physical and psychological development of children. The Youth television channel is the main channel which broadcasts programmes for children and young people. Television shows such as *Inspired Youth*, *Fun Friends*, *Pride of the Motherland*, *Childhood Dreams*, *My Family*, *Pearls of Independence*, *Children: A Life's Joy*, *Travelling the Country*, *Education*, *In the World of Fairy Tales*, *The New Generation* and others give broad coverage to issues of children's education, societal and family role, rights and freedoms.

113. The national press regularly covers children's issues and matters relating to the rise in social activity among the young. In particular, these issues are addressed in two publications aimed specifically at children and young people: the newspaper *Nesil* (Generation) and the magazine *Gunesh* (Sun). In addition, the women's magazine *Gurbansoltan eje* (Woman's Soul) has a regular column that deals with children.

114. The National Institute for Democracy and Human Rights in the Office of the President and the UNICEF office in Turkmenistan published a compendium on the rights of citizens of Turkmenistan to an education in 2010.

115. Turkmenistan has taken no steps to denounce the Protocol.

116. Turkmenistan has not proposed any amendments to the Protocol.
