

*(Adopted by the Parliament Session, on 5 July 2002)*

## **LAW OF TURKMENISTAN ON THE GUARANTEES OF THE RIGHTS OF THE CHILD**

The present Law is aimed at implementing main principles of the policy of President of Turkmenistan Saparmurat Turkmenbashi in the sphere of human rights and identifying legal status of the child as independent subject, regulates guarantees of the child rights and legal interests as well as provides for physical and spiritual development of the child, forming his/her citizenship awareness on the basis of the national and universal values common to all mankind.

### **Chapter I. General Provisions**

#### **Article 1. Child**

A child means every human being below the age of 18 years unless the Law of Turkmenistan establishes other.

#### **Article 2. Legislature of Turkmenistan on the rights of the child**

Legislature of Turkmenistan on the rights of the child is based on the Constitution of Turkmenistan, the present Law, other legal norms and acts of Turkmenistan, international agreements of Turkmenistan and relevant norms of international law.

#### **Article 3. Parity of rights**

1. All children living on the territory of Turkmenistan have equal rights, irrespective of the child's or his or her parent's or legal guardian's nationality, race, sex, language, religion, social origin, property or other status, education and place of living, birth, disability or other status.
2. The child has the right to enjoy all entitled rights and freedoms. Implementation of the rights and freedoms shall not be harmful for the life, health, education and entire development of the child.
3. Laws and other legal norms and acts of Turkmenistan, as well as universally recognised principles and norms of international law shall ensure equal rights for the child.

#### **Article 4. State policy for the interests of the child**

1. State policy of Turkmenistan for the interests of the child provides for:
  - legal support of rights and legal interests of the child, prohibition of discrimination and restoration of rights in case of their violation;
  - development and implementation of state target programmes aimed at ensuring the rights and legal interests of the child and motherhood and childhood support;
  - development of state social norms for living standards of the child;

- promotion of physical, intellectual, spiritual and moral upbringing and development of the child;
- support and co-operation with public and other organisations involved into the activities for the interests of the children;
- observance of international commitments of Turkmenistan on the issues of the child's rights and legal interests protection.

2. While implementing actions for the state policy for the interests of the children there shall be a possibility to form state order for the production of the items and services for children.

#### **Article 5. Financial support of the State policy for the interests of the child**

Financial support of the State policy for the interests of the child regarding protection of the child's rights and legal interests and motherhood and childhood support shall be implemented at the expense of the State Budget of Turkmenistan and non-budget sources attracted for the above mentioned purposes in accordance with the legislature of Turkmenistan.

### **Chapter II. Main rights and freedoms of the child**

#### **Article 6. Right to life and development**

1. Every child has the inherent right to life and adequate conditions for his or her physical, mental and spiritual development.

2. The State and relevant entities shall take legal, economic, social and other measures to ensure adequate conditions for the life and development of the child, healthy and safe environment for his or her living.

#### **Article 7. Right to identity and its preservation**

1. From the moment of the birth the child has the right to preserve his or her identity, including citizenship, nationality, name, family name and family relations.

2. The fact of the child's birth shall be registered in accordance with the procedure by the Civil Status Record and Registration body.

#### **Article 8. Right to essential living standard**

1. No child shall be left without minimum means for survival as well as without guardianship.

2. The right of the child to essential living standard shall be ensured by the parents (legal representatives), authorities and state administration bodies.

#### **Article 9. Right to live in the family**

1. Every child has the right to live in the family together with his or her parents (legal representatives) and shall not be separated from them against his or her will, except cases stipulated by the legislature of Turkmenistan.

2. A child living separately from his or her parents (legal representatives) has the right to maintain personal relations with them (him or her), get information about

them, unless it would be detrimental for the child, and privacy of adoption.

3. The State and its relevant bodies shall make for the reunion of the family.

**Article 10. Right to private life**

The right of the child to private life shall not be violated by forceful or illegal interference offending his or her honour, dignity, affections and good name of the child.

**Article 11. Right to freedom of expression, worship and religion**

1. Every child has the right to freedom of worship, religion and expression of his or her own views and ideas freely.

2. Views and wishes of the child regarding decision of all matters affecting the child shall be given due weight in accordance with the age and maturity of the child.

**Article 12. Right to healthcare**

Every child has the right to get essential medical assistance, healthcare and health strengthening.

**Article 13. Right to education**

Every child has the right to education that shall promote his or her cultural and intellectual development, abilities, form his or her convictions, moral and social commitments.

**Article 14. Right to dwelling area**

1. No child shall be left without dwelling.

2. The child -a member of the family of the dwelling tenant -has the right to live in and use dwelling area equally to other members of the family. The child -a member of the family of the dwelling owner- has the right to live in, use and inherit dwelling area equally to other members of the family.

In case of the parents' deaths or other circumstances the dwelling area shall be assigned to the child in accordance with the legal procedure.

**Article 15. Right to rest and leisure**

Every child has the right to rest and leisure appropriate to his or her age and health.

**Article 16. Right to know cultural values**

1. Every child has the right to know history, traditions, and spiritual values of his or her nation and world culture, to freedom of artistic, scientific and technical creativity, participation in cultural life of the society, to develop his or her abilities and interests.

2. The child living in Turkmenistan has the right to his or her native language, to follow cultural and folk traditions and customs.

**Article 17. Right to honour and dignity protection**

The child has the right to honour and dignity protection.

**Article 18. Right to freedom of association into children and youth organisations**  
Children have the right to unite into children and youth association in accordance with the legislature of Turkmenistan.

**Article 19. Right to labour**

1. The child has the right to labour appropriate to his age, health, education and professional training.
2. The right to labour activities shall arise for the child being over 16 years old. Labour contract with the child shall be concluded if the child is over 16 years old. The child shall be able to start working at the age of 15 years with the consent of one of the parents (a legal representative).
3. Conditions and procedure of the child employment, as well as advantages are established by the legislature of Turkmenistan.

**Article 20. Right to inheritance**

The child has the right to inheritance in cases and according to the procedure stipulated by the legislature of Turkmenistan.

**Article 21. Right to state allowance**

The child has the right to state allowance in cases and according to the procedure stipulated by the legislature of Turkmenistan.

**Article 22. Rights of the child who is not a citizen of Turkmenistan**

The child not being the citizen of Turkmenistan but being legally on the territory of Turkmenistan shall have the rights and responsibilities equally with the children who are citizens of Turkmenistan unless other is stipulated by the legislature of Turkmenistan and international agreements of Turkmenistan.

**Chapter III. Guarantees and protection of the child's rights and legal interests**

**Article 23. State guarantees of the child's rights**

1. The State shall protect the rights and legal interests of the child provided for the Constitution of Turkmenistan, the present Law, other legal norms and acts of Turkmenistan, international agreements of Turkmenistan and relevant norms of international law.
2. The rights and legal interests of the child shall be protected in the family by his or her parents (legal representatives), in pre-school, school and other educational institution or specialised health rehabilitation institution by administration, as well as by authorities and state local bodies and relevant public organisations.

**Article 24. Protection of the child's right to appropriate upbringing**

1. Upbringing of the child in the family is the priority from ensuring the rights and legal interests of the child in the best way and maybe stopped only on the basis provided for the legislature of Turkmenistan.

2. Parents (legal representatives) shall be responsible for taking care of the child, creating conditions for his or her growth, development and improvement, they have to upbringing the child in the spirit of humanism, eternal spiritual values expressed in the holy book Rukhnama, to treat him or her as a personality in accordance to his or her individuality, age and sex.

Parents (legal representatives) shall promote the child's independent activities, consistent with his or her age and capability, aimed at implementation and protection of his or her rights and legal interests.

3. Humiliation of the child's dignity, intimidation, corporal punishment or other physical abuse harmful for the child's mental and physical health is inadmissible. Both parents bear equal responsibility for the life, health and appropriate upbringing of the child.

4. The State shall ensure family form of upbringing to the child deprived of his or her parents' care: adoption, guardianship or placement in suitable institutions for care of children.

5. The State shall ensure protection of the child from all forms of unworthy treatment by his or her parents (legal representatives) or other persons responsible for his or her upbringing and care and provide appropriate supervision over adequate conditions of guardianship.

#### **Article 25. Protection of the child's right to education**

1. The State shall create necessary conditions for the education of the child in accordance with the Constitution of Turkmenistan and the Law of Turkmenistan on Education.

2. Education of the child shall provide development of his or her mental and physical abilities, personality, creative abilities and talent, aesthetic and cultural development. For these purposes the State shall encourage publication of educational, methodological literature, books, magazines and newspapers for children production of films, video films and TV programmes aimed at addressing these issues and ensure their accessibility. The child should be ready for the independent life, educated in the spirit of respect to parents, fellow-countrymen, other people, state language, national culture and customs, languages and cultures of other countries, care for nature as well as to learn how to follow rules of behaviour in the family and society.

3. Institutions of general education shall ensure professional training of the children starting from the 7th form of the secondary school.

#### **Article 26. Protection of the child right's to healthcare**

1. The State shall ensure children a possibility to get free medical care in the range stipulated by the legislature of Turkmenistan.

2. The State shall ensure conditions for upbringing, education and care of the children adequate to sanitary and epidemiological norms and regulations.

3. The State shall support financially establishment of wide net of children's facilities, clubs and other objects stimulating strengthening of the children's health.

#### **Article 27 Protection of the child from exploitation at work**

1. The State shall protect the child from all forms of exploitation at work by legal, economic, social, medical and educational means.

2. Use of the children shall not be allowed in performing works that are likely to be hazardous or harmful to the child's health or physical, mental, spiritual, moral or social development. Children are prohibited to perform works related to production and sale of tobacco and alcohol products.

3. Recruiting schoolchildren during the academic year to agriculture and other works not related to learning process shall not be allowed.

#### **Article 28. Protection of the child from illicit use of narcotic drugs and psychotropic substances**

1. The State shall take all appropriate measures to advocate healthy way of living and protect the child from illicit use of narcotic drugs and psychotropic substances and shall oppose illicit narcotic drugs and psychotropic substances circulation.

2. The State shall ensure the drug-abused with medical assistance.

3. Engagement of children into production, circulation, distribution and use of narcotic drugs and psychotropic substances shall be considered as criminal in accordance with the legislature of Turkmenistan.

#### **Article 29. Protection of the child from obscenities**

1. Production and distribution of pornographic publications, films and other materials are prohibited in Turkmenistan.

2. The State shall protect children from any form of sexual abuse.

#### **Article 30. Protection of the child from information and materials harmful for his or her spiritual and moral development**

1. The State shall promote the child to have access to information and materials from various sources.

2. Demonstration, release, sale, presenting and copying toys, films, audio and video recordings, literature, magazines, newspapers and other printing materials that directly encourage and propagandise war, cruel treatment, violence, and all forms of discrimination including racial, religious, sex and age discrimination and are harmful for spiritual and moral development of the child, are prohibited.

3. Expertise of all means and materials that are likely to be harmful to the spiritual

and moral development of the child shall be performed in accordance with the procedure defined by the Cabinet of Ministers of Turkmenistan to ensure security to life and protect health and moral nature of the child from negative influences.

#### **Article 31. Protection of the disabled child rights**

1. Disabled children shall have the right to enjoy a full and decent life and active participation in the community.
2. The State promotes social support and adaptation of the disabled children through the educational, medical and rehabilitation institutions that the disabled children have access to education, professional training and upbringing adequate to their health. Employment of the children having professional limitations due to their health shall be performed by the state employment services.
3. The parents (legal representatives) upbringing the disabled child shall have advantages envisaged by the legislature of Turkmenistan.

#### **Article 32. Protection of the child's rights in case of his or her infringement of the law**

1. The arrest, detention or imprisonment of the child is permissible only in cases and according to the procedure stipulated by the legislature of Turkmenistan, with immediate notification of his or her parents on this act.
2. Procedure and conditions of serving sentence in the form of his or her liberty deprivation shall be in accordance with the legislature of Turkmenistan.

#### **Article 33. Protection of the child's rights in special institutions**

1. Sending the child to special institution shall be performed in accordance with the court decision.
2. Rehabilitation of the children aimed at the child's return to normal way of life is a compulsory condition of their custody in a special institution.  
The child who is kept in a special institution shall have the right to human treatment, healthcare, general and professional education, to contacts with his or her family, relatives and other people through visits and correspondence.

#### **Article 34. Protection of the child from abduction, sale and traffic**

The State shall take all appropriate measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

### **Chapter IV. Duties and limits of the child's rights**

#### **Article 35. Duties of the child**

1. The child has the following duties:
  - to respect and follow the Constitution of Turkmenistan, legal norms and acts of Turkmenistan;
  - to respect and take care of national traditions, cultural and historical values and nature;

- to be educated in the spirit of fulfilment duties and be personally responsible for his or her behaviour;
- to get general secondary education in accordance with the Law of Turkmenistan on Education;
- to get knowledge and prepare himself or herself to working activities;
- to respect parents (legal representatives) and other members of the family, take care of them when they get old, sick or other circumstances related to health, to help them and other members of the family when necessary;
- to follow behaviour norms and rules in the family and society;
- to take care of own health;
- to fulfil other duties stipulated by the legislature of Turkmenistan.

2. While exercising his or her rights the child shall not violate the rights and legal interests of other people.

3. The child who has violated the law shall be personally responsible for his or her actions unless the law stipulates the other.

**Article 36. Limits of the child's rights**

The rights of the child shall be limited only on the basis envisaged by the legislature of Turkmenistan.

**Chapter V. Final provisions**

**Article 37. International co-operation**

Turkmenistan takes part in the international co-operation in the sphere of the child's rights and legal interests protection, motherhood and childhood protection and ensures implementation of its international commitments in these issues.

**Article 38. International Agreements of Turkmenistan**

In case the international agreements of Turkmenistan contain other provisions than the present Law, the international norms shall be prevailing.

**Article 39. Responsibility for violation of the child's rights and legal interests**

Responsibility for violation of the child's rights and legal interests is regulated by the legislature of Turkmenistan.

**President of Turkmenistan**

**Saparmurat Turkmenbashi**

Ashgabat

\_\_\_July 2002

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