



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

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**Committee on the Elimination of  
Discrimination against Women**  
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**List of issues and questions with regard to the consideration  
of periodic reports: Turkmenistan**

**Addendum**

**Replies of Turkmenistan to the list of issues to be taken up in  
connection with the consideration of its combined third and fourth  
periodic reports (CEDAW/C/TKM/3-4)\***

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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.

## **Replies to the questions raised in the list of issues (CEDAW/C/TKM/Q/3-4)**

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## A. Constitutional, legislative and institutional framework

### Replies to the questions raised in paragraph 1 of the list of issues (CEDAW/C/TKM/Q/3-4)

1. Government authorities and research institutions have devoted considerable attention to developing a cohesive constitutional, legislative and institutional framework for gender equality and the elimination of all forms of discrimination against women.
2. The country's current laws and pending legislation are monitored to ensure conformity with the provisions of the Convention. Domestic legislation is in conformity with the Convention and, in some areas such as the employment relationship, social security and pensions, women enjoy special protection under the law.
3. The Constitution of 26 September 2008 guarantees equality of civil-law rights for men and women in Turkmenistan, equality before the law and equality in family relations (arts. 19, 20 and 27) and the recognition by Turkmenistan of the universally accepted rules of international law (art. 6).
4. Since the adoption of the new version of the Constitution on 1 April 2012, 178 legislative acts have been passed, 9 of which have been codified, in order to bring domestic legislation into line with the Constitution and ensure that it embodies the universally accepted rules of international law.
5. The following legislative acts incorporating principles of gender equality and gender perspectives are particularly remarkable in the context of the Convention.
6. The relevant articles of the Labour Code of 18 April 2009 prohibit discrimination in the employment relationship, including on the basis of sex; specify the need for equal remuneration for work of equal value without any discrimination and timely and full payment of wages commensurate with one's profession and skills and the complexity, quantity and quality of the work done; recognize as unfair any refusal to hire women for reasons related to pregnancy or women with children under 3 years of age (or children with disabilities under the age of 16); and state that responsibility may be incurred for such a refusal or for including probationary periods in employment contracts with pregnant women and women with children under 3 years of age (or children with disabilities under the age of 16). The Code also has a special chapter on regulations governing the employment of women.
7. The Code of Criminal Procedure of 18 April 2009 lays down rules for certain preferential treatment for women in criminal court proceedings. For example, pregnant women are exempt from the list of persons subject to a warrant in default of appearance. Women remanded in custody may keep with them their children under 2 years of age. Pregnant women and women with children are granted extended periods of daily exercise. Unlike other individuals remanded in custody, women in the last six months of pregnancy and nursing women may spend large sums of money on food and personal necessities. Pregnant women and women with children may not be placed in punishment cells as a disciplinary measure. Firearms may not be used against women attempting to escape from custody. Women may not be physically examined without their clothes in the presence of male investigators.
8. The Criminal Code of 10 May 2010 also provides for certain preferential treatment of women in the form of a prohibition against punishment of pregnant women or women on maternity leave by unpaid labour or mandatory confinement to a specific place of residence. Pregnant women and women with small children may also be eligible for reprieves. Criminal liability is incurred for the abduction of a woman for the purpose of

entering into a de facto marriage, unfair refusal to hire or dismissal of a pregnant woman, forced marriage or obstruction of marriage, polygamy, sexual intercourse with the use of physical force, depraved conduct for the purpose of sexual gratification, sexual coercion, incitement to prostitution, establishing or keeping a brothel for purposes of debauchery or prostitution, pimping, pandering, sexual intercourse with a child under 16 years of age and the infringement of the equal rights of citizens. In addition, acts committed against a woman known by the perpetrator to be pregnant are an aggravating circumstance.

9. The Penal Enforcement Code of 2 March 2011 sets out the right of persons serving a sentence for a criminal offence to humane treatment and respect for the inherent dignity of a human being and prohibits discrimination against them, including on the basis of sex. Along with the other fundamental rights of convicted persons, separate provision has been made for the right of women to a State maternity allowance on the birth of a child and to State childcare benefits until the child reaches 3 years of age; working women are entitled to receive maternity benefits. Convicted women sentenced to deprivation of liberty are transferred under escort to detention facilities in compliance with the rules governing the separation of men and women. Prison transfers may not be used as disciplinary measures against women serving sentences of deprivation of liberty. In institutions where convicted women are detained, they are supervised only by women officers. Pregnant women prisoners or women with children staying in a correctional facility children's home may draw on their personal accounts to purchase food and personal necessities without restriction. Convicted women may be temporarily released from work during pregnancy and childbirth under the conditions prescribed by law and have the opportunity to live outside the correctional facility until the child reaches the age of 3 years. Convicted women may travel outside the correctional facility for specified short periods to make arrangements for their children to leave the correctional facility children's home in order to stay with relatives. The minimum size of living accommodation for women as well as juvenile offenders and convicted persons in medical facilities is greater than for convicted men in regular correctional facilities. Provision has also been made for improved living conditions for women.

10. Under the new Penal Enforcement Code, convicted women who are especially dangerous recidivists may not be assigned to a special-regime correctional labour colony. The Family Code of 10 January 2012 has a primary objective of building family relations on the basis of the voluntary marital union of men and women and equality of rights of the spouses in the family. Under the Code, marriages in Turkmenistan are recognized only if they are registered by a civil registry office. Religious marriage ceremonies have no legal effect. Men and women have the right to enter into marriage in order to found a family, irrespective of their race, ethnicity or religion. They have equal rights upon entering into marriage, during the marriage and during the dissolution thereof. The Courts Act of 15 August 2009 proclaims that everyone is equal before the law and the courts, and that that includes gender equality. The Procurator's Office Act of 15 August 2009 seeks to ensure protection of the human and civil rights and freedoms guaranteed by the State irrespective of any differences, including in gender. The Act on the Status and Social Protection of Armed Forces Personnel and Members of their Families of 30 August 2009 extends the rights and privileges provided for under the Turkmen laws on the protection of the family, mothers and children to female military personnel. The Bar and Advocacy Act of 10 May 2010 provides for free legal assistance in the form of personal consultations for special categories of women. The Military Service and Military Duty Act of 25 September 2010 establishes preferential treatment for women in the military in the form of a military service retirement age of 48 years, whereas the age for men is set at 52, 55 and 60 years depending on military rank. Women may be discharged from the military after 20 years of service and men after 25 years. Provision has been made for retired officer training programmes for women. Women may enlist in the compulsory military service and enrol in military

institutions of higher education without having performed prior military service or completed secondary or other military education. The Education Act of 15 August 2009 provides for the opportunity to receive an education irrespective of any differences, including in gender. The Research Worker Status Act of 15 August 2009 establishes the right to freely engage in scholarly activity for every citizen irrespective of any differences, including in gender. The State Guarantees of Women's Equality Act of 26 March 2011 introduced amendments that ensure that the State guarantees women's equal participation in the legislative, executive and judicial branches of Government through legal, organizational and other measures in accordance with domestic legislation. The Internal Affairs Authorities Act of 25 May 2011 lays down the basis for women's service in the internal affairs agencies on equal terms with men and sets a retirement age for female officers that is lower than for male personnel. Under the Act, as well as under the State Drug Control Service Act of 23 October 2008, the Weapons Act of 21 November 2009, the Migration Service Act of 21 November 2009 and the Customs Service Act of 12 March 2010, the use of firearms or restraining devices against women who are obviously pregnant is prohibited.

11. Work is continuing with the United Nations Population Fund (UNFPA) office in Turkmenistan to draft a national plan of action to incorporate a gender perspective in domestic legislation. This work had only just begun in 2010, when the periodic report was submitted.

12. In addition, the National Institute for Democracy and Human Rights in the Office of the President is drawing up a national plan of action to incorporate the principle of gender equality in all spheres of life. The national plan of action to integrate gender perspectives in domestic legislation is expected to become part of this document.

13. Workshops were held in 2011 to raise awareness of best practices for incorporating gender perspectives in domestic legislation among members of the Interdepartmental Commission on compliance with Turkmenistan's international obligations in the field of human rights and international humanitarian law and members of the working group attached to the Commission.

14. The UNFPA office in Turkmenistan and the Government, through the National Institute for Democracy and Human Rights, have made plans to hold an international conference, to be entitled "Models and experience of State regulation for gender equality", in June 2012.

15. The main practical purpose of the conference is to foster an exchange of experience on approaches to State regulation for gender equality. Another purpose of the Conference will be to promote dialogue between the participants on priorities and approaches to State regulation of gender equality.

## **B. National machinery for the advancement of women**

### **Replies to the questions raised in paragraph 2 of the list of issues**

16. The Turkmenistan Women's Union, one of the largest voluntary associations in the country, operates in accordance with the laws of Turkmenistan and the Union charter.

17. The Union's members are women of various occupational and age groups. Women's associations have been established in all five provinces (welayatlar) and in the city of Ashgabat. Women's grass-roots associations are continuing to be set up in businesses and organizations in Turkmenistan. The central authority of the Women's Union is the Central Council, which is made up of representatives of voluntary associations, ministries and departments throughout the country.

18. The Union 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.

19. The Central Council's main objectives include publicizing widely the domestic and foreign policy of the President of Turkmenistan, actively involving women in the social, political and economic life of the country, strengthening the family and protecting mothers and children. To achieve these objectives the Council holds meetings, gatherings, round tables, competitions, workshops and campaigns.

20. The Council has announced a "Woman of the Year" competition to explore the opportunities and potential of women for making a unique contribution to the development of the country. There will be seven competition categories and the results will be tallied to coincide with the celebration of International Women's Day in 2013.

21. With support from the United Nations Development Programme (UNDP), resource centres have been set up in the provinces to increase women's knowledge of the law, economy, environment and reproductive health and to step up their involvement in all spheres of public and political life in the country. The centres organize lecture series and workshops on gender and gender equality and the laws and codes of Turkmenistan for the protection of women's rights.

22. A large-scale programme of State support for small businesses is helping to increase the participation of women in small enterprises. The Central Council and its divisions in the provinces have held events to promote private enterprise among rural women and the tradition of women's handicrafts, including events called "Strides in Business and Marketing" and "Carpet-Weaving: The Silk Road in the Art of Turkmen Women", and products made by rural women homemakers have been exhibited and put on sale under the banner "Our potential".

23. The Council and the "Palace of Happiness" festivities centre (wedding palace) have held meetings, round tables and workshops with such titles as "Honour and Dignity of Turkmen Women" and "Turkmen Cultural Traditions" for young people and their elders, students from institutions of higher education and schoolchildren for the purpose of educating younger generations in the spirit of national traditions and strengthening the institutions of the family and marriage.

24. A year-long "Healthy Family" campaign is being conducted nationwide in the framework of a programme entitled "A United Family, A Strong State". The campaign is aimed at promoting healthy lifestyles in the family and includes family sporting events, competitions and meetings.

25. In conjunction with the Business School of the Union of Industrialists and Entrepreneurs of Turkmenistan, the Central Council has organized a workshop for women executives entitled "Organizational Capacity and Skills of Women Executives". The workshop was aimed at enhancing the organizational and personnel management skills and competencies of women.

## **C. Special measures and temporary special measures**

### **Replies to the questions raised in paragraph 3 of the list of issues**

26. National laws and law-enforcement practices are sufficient to show the lack of any need to enact temporary special or special measures. The issue of whether to incorporate temporary special or special measures into national law in order to achieve de facto equality between men and women has not been considered, as the laws of Turkmenistan contain

standing special measures, examples of which may be found in the following constitutional provisions.

27. Turkmenistan guarantees equal rights and freedoms to individuals and citizens and the equality of individuals and citizens before the law irrespective of ethnicity, race, sex, origin, property or official status, place of residence, language, attitude towards religion, political convictions, party affiliation or lack thereof (Constitution, art. 19).

28. Men and women in Turkmenistan have equal civil-law rights. The violation of equality of rights on grounds of gender is punishable by law (Constitution, art. 20).

29. Men and women on reaching marriageable age are entitled, by mutual consent, to enter into marriage and to found a family. Spouses have equal rights in family relations (Constitution, art. 27).

30. Another prime example is the State Guarantees of Women's Equality Act of 14 December 2007, designed to uphold the basic principles of the Government's human rights policy and ensure the full development and advancement of women. It establishes State guarantees for the realization of women's human rights and freedoms in the political, economic, social, cultural and other areas on an equal basis with men. The Act sets out the constitutional principle of women's equality in Turkmenistan, regardless of their ethnic background, race, origin, property, official position, marital status, place of residence, language, attitude to religion, political views or party affiliation. Women and men in Turkmenistan have equal rights and freedoms in the political, social, economic, cultural and other areas of activity. Article 4 of the Act sets out the basic lines of State policy towards women, providing for the following:

(a) Legislative guarantees of women's equal rights, the prohibition of gender-based discrimination and legal redress for women whose rights are violated;

(b) Drafting and implementation of targeted State programmes for the promotion of women's equal rights;

(c) Support and protection of mothers and children;

(d) Fostering of women's balanced physical, intellectual, spiritual, cultural and moral development;

(e) Protection of society from messages inciting gender-based discrimination or contributing to the spread of violence, cruelty, pornography, drug addiction or alcoholism;

(f) Support for and cooperation with voluntary associations, other bodies and international organizations that promote women's causes;

(g) Observance of the universally recognized principles and standards of international law and the international commitments undertaken by Turkmenistan in the area of women's rights and freedoms and guarantees of equal rights for women.

31. The Act gives a specific definition of the concept of discrimination against women and establishes State guarantees of women's equal rights with respect to life, identity, freedom of opinion, religious freedom, protection from infringement of honour, dignity and reputation, family, equitable family relations, participation in the affairs of the State and public service, equal participation in the electoral process, property, work, education and science, health and social security. It further provides State guarantees of protection against sexual harassment, abduction and human trafficking, including for women who are detained, remanded in custody or serving a sentence in places of deprivation of liberty, and outlines the way the State administers and regulates matters concerning women's equal rights by defining and establishing the terms of reference of the Cabinet of Ministers,

ministries, departments and local authorities, as well as the involvement of voluntary associations in this area.

32. The issue of gender-related development is reflected in every national social and economic development programme of Turkmenistan. For example, the 2012–2016 presidential social and economic development programme adopted in 2012 has a separate paragraph on gender-related development.

33. Gender-related development is also covered by the President's programme to improve social and living conditions in villages, communities, towns and district centres in the period up to 2020, the 2011–2030 national programme for social and economic development, the framework for the social and economic development of the provinces and Ashgabat in the period up to 2012 and other social programmes.

## **D. Stereotypes and harmful practices**

### **Replies to the questions raised in paragraphs 4 to 7 of the list of issues**

34. Among the measures taken to educate and encourage men to share family responsibilities with women are:

- Embodying in the Constitution the right of men and women of marriageable age to enter into marriage by mutual consent and the equal rights of spouses in family relations; establishing under the same article of the Constitution equal parental rights and obligations with respect to raising children, looking after their health, development, education and preparation for work and instilling in them a culture of respect for the law and historical and national traditions
- Establishing, under the Social Security Code of 17 March 2007, the equal rights of mothers and fathers to receive a lump sum State childbirth benefit (art. 76) and a childcare allowance for children up to the age of 3 years of age (art. 77)
- Providing State guarantees of social advancement, under the State Guarantees of Women's Equality Act, as follows: The State guarantees women who have reached the minimum age for marriage established in domestic legislation the right to enter into marriage and to found a family on an equal basis with men; spouses have equal rights in family relations (art. 8); and women have equality with men regarding participation in Government administration

35. The State guarantees women's equal participation in the legislative, executive and judicial branches of Government through legal, organizational and other measures in accordance with domestic legislation.

36. The State ensures that women have equal opportunities with men to enter the civil service on the basis of aptitude and professional qualifications. Women have equal rights, duties, responsibilities and opportunities with men upon joining the civil service and in pursuing a professional career therein.

37. The State guarantees women the opportunity on equal terms with men to fulfil the constitutional duty to defend the fatherland by volunteering for military service according to the procedure specified by law (art. 9).

38. The State guarantees women's electoral rights by ensuring that men and women have an equal right to vote and run for elective office in accordance with the law.

39. Any restrictions on such rights for women on the basis of ethnic background, origin, property, official position, place of residence, language, attitude to religion, political views or party affiliation are prohibited (art. 10).



40. The State guarantees women's equality with men regarding property rights.
41. It ensures women equal conditions of access to all forms of property, including with respect to land tenure, the acquisition or purchase of decent housing and private home construction.
42. The State guarantees women's right to inherit property in accordance with the law (art. 11).
43. In accordance with the constitutional principle that citizens enjoy equal rights, freedoms and opportunities in relation to employment, women are guaranteed the right to work on an equal basis with men. Women have equal rights in the free choice of occupation, type of employment and place of work.
44. Any gender-based restrictions in relation to work are prohibited. The State guarantees and ensures gender equality in respect of:
- The protection of work-related rights and legitimate interests
  - Wage work
  - Entrepreneurial activity
  - Access to vacant posts on the basis of aptitude and professional qualifications
  - Equal remuneration for work of equal value, entitlement to all work-related benefits, creation of equal working conditions for work of equal value and equality of treatment in the evaluation of the quality of work
  - Healthy and safe working conditions, particularly in the case of pregnant women and mothers
  - Career advancement, capacity-building and further training
  - Reconciliation of work with parental responsibilities
45. The State creates for women conditions equal to those of men regarding management of enterprises.
46. The principle of work-related equality also applies to household duties, which must not be a means of discrimination against women and can be shared equally by men and women alike (art. 12).
47. The State guarantees women's equality to men regarding conditions necessary for:
- (a) Receiving an education in accordance with the Constitution and the Education Act;
  - (b) Teaching and scholarly work;
  - (c) Access to information resources.
48. The State organizes awareness-raising activities among the population in order to promote compliance with the principles of gender equality (art. 13), including:
- (a) The provisions in the Labour Code of 18 April 2009 (art. 97) regarding the right of both mothers and fathers to a leave of absence to care for their children up to the age of 3 years;
  - (b) The provisions in the Family Code of 10 January 2012 regarding equal individual non-property and property rights and responsibilities of spouses in family relations; the right of spouses to settle jointly on an equal basis issues relating to parenthood, the upbringing of children and other family matters; the responsibility of spouses to build their relationship within the family on the basis of mutual respect and

support, contribute to family well-being and solidarity and care for the welfare and development of their children and the freedom of each spouse to choose an occupation, profession and place of residence (art. 50); the right, at the time of marriage registration, to assume a common surname or for each spouse to keep his or her premarital surname (art. 51); the right of spouses to joint ownership of common property of any kind (movable and immovable property, including money and securities) acquired during the marriage, regardless of which spouse obtained them or financed their purchase (art. 52); spouses' equal rights to the ownership, use and disposal of joint property, including in cases where one of them was occupied with maintaining the household, caring for children or for other valid reasons had no independent means (art. 53); the right of each spouse to private ownership of items for personal use even if acquired during the marriage from joint resources and of items acquired prior to entering into marriage (art. 53); the equal rights and responsibilities of parents towards their children, such rights and responsibilities being retained even in the event of divorce (art. 86); and the participation of the parents in the upbringing of children, even if the parents reside separately (art. 90).

49. Educational measures are being taken to address stereotypical attitudes about the roles and responsibilities of women and men in all age groups, starting at an early age and continuing throughout the entire educational process, during lessons on every subject, during curricular and extracurricular activities and in the development of study material, curricula, textbooks, posters, visual aids and charts.

50. When study material is put together, special attention is devoted to the illustrations and to the choice of texts in order to provide youngsters with an education free from stereotypical attitudes about the roles of men and women in society.

51. A course on life skills has been introduced into the secondary school curriculum. The sequence and choice of topics covered in this course depends on the level of maturity of the students. Through the issues raised in the life skills course, children learn to respect each and every member of the family and society, regardless of gender, based on the principle of equality of rights and responsibilities.

52. Gender perspectives are also applied when developing all teaching materials, textbooks, posters, visual aids and charts and in drawing up school curricula.

53. A range of visual aids and textbooks taking a gender-based approach was published or reissued in 2010 and 2011. These include:

- Biology charts for grades 5 to 10
- Russian language wall displays
- Russian language charts for grades 1 to 3
- Russian language charts for grades 7 to 10
- English language charts for grades 5 to 10
- English language posters for preschool children
- *Life Skills* for grades 1 to 10
- *Vocational Training* for grades 1 to 6
- *English* for grades 1 to 10
- *Russian Language* for grades 1 to 10
- *Anatomy* for grade 8
- *Biology* for grades 9 and 10

- *Turkmen Language* for grades 1 to 10
- *Turkmen Literature* for grades 1 to 10
- *Literature* for grades 1 to 10
- *Physical Education* for grades 1 to 10
- *Principles of the State and the Law* for grade 8
- *Social Sciences* for grades 9 and 10
- *The History of Turkmenistan* for grades 4, 7, 8 and 10

54. Under the Family Code, marriage is defined as a voluntary and equitable union between a man and a woman entered into, according to the procedure established by the law, for the purpose of founding a family, and giving rise to mutual rights and responsibilities on the part of the spouses (art. 1).

55. Articles 16 and 17 of the Code set the conditions and procedures for entering into marriage. Article 7 of the Code sets forth the State's legal regulations governing family relations, the recognition in Turkmenistan of marriages registered only by a civil registry office and the lack of legal effect of religious marriage ceremonies. Certain articles of the Code provide for the following:

- (a) State registration of marriages by civil registry offices and a minimum age for marriage of 18 years of age (art. 15);
- (b) The possibility of entering into marriage only by the free and mutual consent of persons desiring to marry on reaching marriageable age (art. 16);
- (c) Circumstances in which entering into marriage between persons is prohibited if either person is already in another registered marriage at the time of the application for a licence (art. 20).

56. Under the Criminal Code of 10 May 2010, it is a criminal offence to cohabit or set up a common household with two or more women, subject to prosecution and to the relevant criminal penalties, to which a separate article is devoted (art. 163).

## **E. Ill-treatment of women**

### **Replies to the questions raised in paragraphs 8 and 9 of the list of issues**

57. Domestic legislation does not have specific legislative acts on the ill-treatment of women, including domestic violence and marital rape. However, the Criminal Code defines as criminal offences specific acts involving ill-treatment of women, offences to their honour and dignity or violation of their rights, including abduction for the purpose of entering into a de facto marriage (art. 127); unfair refusal to hire or dismissal of a pregnant woman (art. 152); forced marriage or obstruction of marriage (art. 162); polygamy (art. 163); rape (art. 134), which entails any sexual intercourse with the use or threat of use of physical force or exploitation of the defenceless state of the victim, one of whom might be the perpetrator's spouse; depraved conduct for the purpose of sexual gratification (art. 136), also not excluding from the list of possible victims the perpetrator's spouse, and also characterized by the use or threat of use of physical force or exploitation of the defenceless state of the victim; and sexual coercion (art. 137), which criminalizes coercion of sexual intercourse or any other act of a sexual nature through blackmail, threats to destroy property or exploitation of a financial or other dependence, including of one's spouse. Articles 111, 112 and 113 of the Code establish criminal liability for intentionally causing minor impairment to health, battery or cruel treatment. Although there is no reference in the articles to spouses

as victims of a crime, neither are perpetrators' spouses explicitly excluded from the category of persons regarded as such.

58. It should be noted that the Code contains separate articles establishing criminal liability for intentional homicide (art. 101), intentionally causing serious impairment to health (art. 107) and intentionally causing moderate impairment to health (art. 108), with the commission of these acts against a woman known by the perpetrator to be pregnant specifically characterized as a factor of aggravating responsibility.

59. Article 106 of the Code establishes criminal liability for inciting or driving a person to suicide and regards as specific aggravating circumstances the commission of such acts through threats, slander, cruelty or systematic disparagement of the victim, including a spouse if such an act is committed against her.

60. Turkmenistan has given considerable attention to the dissemination of information about international and national human rights instruments, including those relating to women. A monthly women's magazine (*Women's Spirit*) covers the full spectrum of the life of Turkmen women.

61. 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 instruments on human rights and freedoms, including those relating to gender equality.

62. The texts of conventions and agreements 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.

63. The Ministry of Foreign Affairs, Ministry of Justice, Ministry of Culture, Ministry of Education, Academy of Sciences, State Statistics Committee, National Institute for Democracy and Human Rights in the Office of the President and higher educational institutions and voluntary associations of Turkmenistan, with support from United Nations agencies (the United Nations Children's Fund (UNICEF), UNDP, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNFPA), the Organization for Security and Cooperation in Europe (OSCE), the International Organization for Migration (IOM) and several other international organizations in Turkmenistan publish compilations of international instruments and national legislation on human rights and freedoms and regularly hold, in the capital and throughout the country, joint seminars, round tables, conferences and presentations on gender issues and the promotion of the Convention with the participation of representatives of local authorities and society.

64. The National Institute for Democracy and Human Rights regularly issues a magazine entitled *Democracy and the Law* in three languages (Turkmen, Russian and English). The Institute has also issued 19 compilations of international and national human rights instruments in cooperation with various ministries and government departments and with support from the offices of United Nations agencies in Turkmenistan. A compilation of international instruments and Turkmenistan's domestic laws on the rights of women is currently being prepared.

65. A joint project launched by the Government to strengthen the national capacity of Turkmenistan to protect and promote human rights is being carried out under the auspices of the National Institute for Democracy and Human Rights, in conjunction with the European Commission, OHCHR and UNDP, in order to enhance the constructive dialogue on human rights protection.

66. The Human Rights Information Centre attached to the Institute was inaugurated on 2 May 2011 as part of the project.

67. The Centre regularly hosts public discussions, meetings and round tables on current issues in public law and the realization of human rights and freedoms, including gender equality, with the participation of State officials and community leaders of the country and members of the academic community, international organizations and voluntary associations.

68. Preparations are currently under way to open information centres in all provinces of the country. The resource centres of the Turkmenistan Women's Union are working to increase women's knowledge of the law, economy, environment and reproductive health and step up their involvement in all spheres of public and political life, including in carrying out reforms from a gender-based perspective.

69. A joint project of the OSCE Centre in Ashgabat and the voluntary association Keik Okara to set up a support and assistance centre for victims of domestic violence was launched on 1 April 2012 and will be completed on 31 December 2012. The project aims to facilitate the operation of a support and assistance centre, or shelter, to provide victims of domestic violence with social, psychological, legal and medical assistance.

70. The objective of the project is to establish and run a shelter for women and children who are victims of domestic violence. The main purpose of creating the shelter is to offer social, psychological and medical assistance to victims of domestic violence in order to reintegrate them into society. All the activities of the centre and work with victims of domestic violence are strictly confidential.

71. Staff working at the shelter receive vocational education and special training for work with victims of domestic violence. The range of services provided to victims of domestic violence in the shelter varies depending on a number of factors, including the age, personal experiences and stage of recovery of the beneficiaries. At a minimum, and depending on the availability of resources, the shelter will facilitate psychological, medical and legal assistance and counselling and/or basic vocational training or work placement.

72. For the past three years, the NGO Keik Okara has been running a crisis counselling line for dealing with cases directly related to domestic violence. The counselling is exclusively psychological in nature, although where necessary, victims are referred to the appropriate medical institutions. Statistical data on the number and content of the calls are confidential.

73. A project to combat trafficking in persons in Turkmenistan through capacity-building of local NGOs and support for victims of trafficking has been running since December 2009. In the framework of the project, carried out under the auspices of the Ashgabat Ynam Club, a voluntary association, Turkmenistan has signed an agreement with IOM to offer telephone helpline services and conduct a nationwide awareness campaign for the prevention of human trafficking.

74. The main objective of the project is prevention of trafficking through the establishment of hotlines and shelters, the development and dissemination of information and the launching of awareness campaigns; protection, by means of various services, including legal, rehabilitation and reintegration assistance; and a series of training workshops for members of local NGOs.

## **F. Political participation and participation in public life**

### **Replies to the questions raised in paragraph 10 of the list of issues**

75. Women are involved in political and public life through their participation in representative bodies of government and administration.

76. Women account for 50.2 per cent of the population of Turkmenistan and have a decent level of representation in elected State and administrative authorities. Of the 125 deputies in the Mejlis, the legislature of Turkmenistan, 17 per cent are women. The Chairperson and Vice-Chairperson of the Mejlis are women. More than 25 women currently hold senior positions in the country, including as Deputy Prime Minister, ministers, deputy ministers, diplomatic officials, deputy heads of provincial, municipal and district authorities, media executives, heads of higher educational establishments and research institutions and heads of electoral commissions at the central and local levels. They are also represented in the legislative and executive branch at all levels, accounting for 13.5 per cent of elected local government officials and 15.5 per cent of the representative bodies of the provincial People's Council (Khalk Maslakhaty).

77. The high level of education and employment of women is reflected in the large share of women in all sectors of the economy, particularly in the educational system, culture and the arts, health care, physical education and social services. In 2010, the proportion of working women in the national economy was over 40.4 per cent. In specific areas such as health care, physical education and social services, women made up 69.9 per cent of the workforce. In education they accounted for 64 per cent, culture and the arts, 52 per cent, loan services, finance and insurance, 52.4 per cent, the sciences and academic support services, 48.5 per cent, industry, 48.5 per cent, communications, 44.6 per cent and trade and catering enterprises, 34.9 per cent.

78. Under article 32 of the Constitution, citizens have the right to vote and run for public office and the opportunity to enter public service on the basis of aptitude and professional qualifications.

79. The Selection of State Leaders and Civil Servants Act of 9 August 2002 establishes the right of all citizens to enter and pursue a career in public service on an equal basis according to their aptitude and professional qualifications.

80. The State Guarantees of Women's Equality Act establishes State guarantees of the same conditions for men and women in respect of company management.

81. Universal suffrage is guaranteed and any direct or indirect restriction on citizens' electoral rights on the basis of ethnic background, race, gender, origin, property status, official position, place of residence, language, attitude to religion, political views, party affiliation or lack thereof is prohibited under the Guarantees of Citizens' Electoral Rights Act of 22 April 1999, Majlis Elections Act of 10 October 2008, People's Council and Local Council Elections Act of 31 March 2012 and Presidential Elections Act of 21 May 2011.

82. The Voluntary Associations Act of 21 October 2003 guarantees the right of persons to create or join voluntary associations of their choice provided that they fulfil the conditions of the association's charter. Under the Political Parties Act of 10 January 2012, citizens have equal rights and opportunities in setting up political parties and are free to take part in their activities.

83. In accordance with article 5 of the Culture Act of 12 March 2010, 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 property located at State cultural organizations.

84. The principle of equal rights and opportunities for citizens in the creation, restoration, preservation, development, dissemination and use of cultural property, laid out in article 4, paragraph 5, of the Culture Act, guarantees the multiplicity of cultures and promotes knowledge of the cultural heritage of the different ethnic groups and the creation

of favourable conditions for the preservation, development and dissemination of their history, culture, language, traditions and customs.

## **G. Nationality**

### **Replies to the questions raised in paragraph 11 of the list of issues**

85. Turkmenistan pursues a policy of mutual understanding among peoples and prohibits any distinction, exclusion, restriction or preference based on national or ethnic origin.

86. The following complements the information provided in the periodic report of Turkmenistan (paras. 152–154). Under the Citizenship Act, Turkmen nationality may be acquired:

- (a) By birth;
- (b) Through the procedure for acquisition of Turkmen citizenship;
- (c) On other grounds specified by this Act (art. 11).

87. Under article 12 of the Act, a child whose parents are both Turkmen citizens at the time of birth is a Turkmen citizen whether born in Turkmenistan or abroad.

88. In the event that one parent has Turkmen citizenship at the time of a child's birth, the child is a Turkmen citizen:

- (a) If the child was born in Turkmenistan;
- (b) If the child was born abroad but both or one of the parents at that time had a permanent place of residence in the territory of Turkmenistan.

89. If the parents are citizens of different countries but one was a citizen of Turkmenistan at the time of the child's birth and both had a permanent place of residence abroad at that time, the child's citizenship is determined by written agreement between the parents.

90. If one of the child's parents was a Turkmen citizen at the time of the child's birth and the other was a stateless person or unknown, the child has Turkmen citizenship irrespective of the place of birth.

91. When the paternity of a child under the age of 14 whose mother is a stateless person and whose father is recognized as a Turkmen citizen can be determined, the child has Turkmen citizenship irrespective of the place of birth. If such a child permanently resides abroad, his/her citizenship is determined on the basis of a written statement by the parents (Act, art. 13).

92. Under the Family Code, from the time of their birth, children have the right to preserve their identity, including citizenship, ethnicity, first name, patronymic, surname and family ties (art. 82, para. 1). The Code specifies that a child's nationality is determined by the parents' nationality. If the parents have different nationalities, the child's nationality is determined by the preference expressed by the child for either the father's or mother's nationality when being issued a passport (art. 82, para. 8).

## H. Education

### Replies to the questions raised in paragraph 12 of the list of issues

93. No provision has been made in the State's statistical reporting system for data disaggregated by sex on drop-out rates at various educational levels. To date, data on drop-out rates at various educational levels have not been studied to find causes for the discontinuation of girls' and women's education in urban and rural areas, as no such problem has been observed.

94. Nor are data kept on access by rural women to education because no problem exists, as institutions of general secondary education are available in all rural areas and girls face no obstacles in gaining access to them. On the contrary, local authorities are responsible for taking every measure so that from the age of 7, all residents may receive a general secondary education. In addition, all citizens with a secondary education have full access to institutions for vocational training according to their aptitude and on a voluntary basis, regardless of the community to which they belong.

95. Under the new Family Code, which entered into force on 1 April 2012, the minimum age for marriage is set at 18 years. However, even before that provision was introduced, marriages were generally entered into by adults on completion of secondary school. Marriage before the completion of secondary school was rare, but even in such cases, young persons faced no obstacles to receiving mandatory general secondary education and vocational training thereafter. Every effort is made to ensure that all citizens of the country receive a general secondary education, regardless of sex or family status.

96. For example, the regulations governing general secondary education by distance learning, enacted by an order of the Ministry of Education of 17 January 2012 and registered on 3 February 2012 in the Ministry of Justice, provide that persons who for whatever reason have not received in due course a general secondary education are authorized to receive one by distance learning, which is yet another State guarantee of mandatory general secondary education for all citizens of Turkmenistan.

### Information about students and graduates of higher educational institutions

	2007	2008	2009	2010	2011
Number of higher educational institutions	17	18	19	21	23
Number of students, in thousands	17.0	20.7	22.1	23.7	25.6
Number of women	6.2	7.4	7.6	8.0	8.5
Number of students admitted to higher educational institutions, in thousands	4.6	5.2	5.2	5.4	6.1
Number of women	1.5	1.7	1.7	1.7	1.9
Number of specialists who have graduated from higher educational institutions, in thousands	3.9	1.3	3.7	3.5	3.9
Number of women	1.5	0.4	1.4	1.3	1.4

## I. Employment

### Replies to the questions raised in paragraphs 13 and 14 of the list of issues

97. Under the State Guarantees of Women's Equality Act, women enjoy the same rights and freedoms as men in political, social, economic, cultural and other areas of activity,



regardless of ethnic background, race, origin, property, official position, marital status, place of residence, language, attitude to religion, political views or party affiliation.

98. Under article 9 of the Act, the State guarantees men and women equal opportunities to enter public service according to their aptitude and professional qualifications.

99. Article 12 of the Act, which establishes State guarantees of women's equal rights in employment, affirms the guaranteed right of women to work on an equal basis with men and prohibits any gender-based restrictions in relation to work. The State guarantees and ensures gender equality in respect of:

- The protection of work-related rights and legitimate interests
- Wage work
- Entrepreneurial activity
- Access to vacant posts on the basis of aptitude and professional qualifications
- Equal remuneration for work of equal value, entitlement to all work-related benefits, creation of equal working conditions for work of equal value and equality of treatment in the evaluation of the quality of work
- Healthy and safe working conditions, particularly in the case of pregnant women and mothers
- Career advancement, capacity-building and further training
- Reconciliation of work with parental responsibilities

100. Article 12 of the Act provides that the principle of work-related equality also applies to household duties, which must not be a means of discrimination against women and can be shared equally by men and women alike.

101. The employment relationship in Turkmenistan is governed by the Labour Code, which entered into force on 1 July 2009.

102. Public and private sector wages and salaries are governed by the Labour Code and the Business Act.

103. Under article 113 of the Code, remuneration varies according to an employee's qualifications, the complexity and stress of the work involved, working conditions and the quantity and quality of labour performed.

104. Under the Code, the wages and salaries of civil servants are set in relation to a base salary and in accordance with the employee's post and qualifications.

105. Wages and salaries paid to workers consist in remuneration for work (base salary), compensation and incentive pay in the amount and according to the procedures and time frame established by labour law, collective agreements, employment contracts and local regulations governing such payments.

106. The measures carried out in 2011 to reform the remuneration system in ministries, departments and other authorities made it possible to bring wage differentials into line with the qualifications and quality of work of employees.

107. A minimum wage was set under the Code in order to institute statutory regulation of wages and salaries and applies solely to the regulation of remuneration at enterprises, organizations and institutions, regardless of form of ownership or legal form of organization.

108. The minimum wage is set in the amount of 400 manat under a presidential decree of 1 January 2012.

109. According to article 23 of the State Guarantees of Women's Equality Act, State statistics reports must include indicators showing the situation of women in the country. The State Statistics Committee is responsible for the collection of information on gender equality issues in all areas of State and public activity.

110. As part of the transition of the Turkmen statistics system to international standards after 2011, statistics will be provided by enterprises, organizations and institutions on a State statistical reporting form, with a breakdown of workers according to yearly earnings, which will be used to obtain gender-disaggregated data on average wages and salaries.

## **J. Sexual harassment in the workplace**

### **Replies to the questions raised in paragraph 15 of the list of issues**

111. Sexual harassment in the workplace is a criminal offence under the Criminal Code. In particular, the coercion of sexual intercourse or any other act of a sexual nature through blackmail, threats to destroy property or exploitation of a financial or other dependence is punishable by punitive work for up to two years or deprivation of liberty for up to two years (Code, art. 137).

112. Under articles 224 and 243 of the Code of Criminal Procedure, the procuratorial authorities have jurisdiction for the investigation of such criminal cases. Information about initial inquiries and pretrial investigations is privileged. Offences in this category may be heard in camera to prevent details of the private lives of participants in the proceedings from being divulged.

113. Incidents of sexual harassment in the workplace are not registered. It must be noted that in all institutions and organizations there are voluntary associations such as trade unions, women's councils and youth organizations to which women may have recourse if their rights are violated, including in the form of sexual harassment in the workplace.

## **K. Health**

### **Replies to the questions raised in paragraphs 16 to 19 of the list of issues**

114. Maternal and child health care is a Government priority. Considerable attention is paid to women's right to health care, in keeping with a major thrust of the President's policy.

115. An assessment of the status of implementation of the National Safe Motherhood Programme, 2007–2011, was conducted with the support of UNFPA, UNICEF, the World Health Organization (WHO) and the United States Agency for International Development (USAID), in accordance with the principles of evidence-based medicine and strategic planning methods for the implementation of national programmes in 2011.

116. The assessment was aimed at identifying the major achievements of the Programme and the areas in which work should be continued and which should be included as priorities in a new programme based on the information brought to light through the assessment.

117. The assessment was carried out by a multidisciplinary team of national specialists with an international expert to coordinate and assist in the work.

118. The main achievements of the Programme are as follows: improvements in infrastructure and hygiene in the majority of health-care institutions (see HRI/CORE/TKM/2009 for more detailed statistical information); uninterrupted supply of basic medicines; successful introduction of the technology for intranatal and neonatal care,

as recommended by WHO, which has resulted in a higher survival rate of newborn babies weighing 500 to 1,500 grams, from 15.5 per cent in 2005 (before the country had introduced the criteria for recording live births and stillbirths recommended by WHO) to 58 per cent in 2011; extensive training of medical staff, including, in 2011 alone, the instruction of 100 primary health-care specialists in antenatal care, of 75 obstetrical specialists in effective perinatal technologies and of 200 such specialists in the prevention of mother-to-child transmission of HIV; introduction of clinical guidelines on obstetrics and neonatology; facilitation of the presence of male partners during the delivery; and review, in the light of the Programme, of the order on epidemiological work in maternity homes or wards.

119. The first results of extensive use of effective perinatal technologies are beginning to be visible. Antenatal and postnatal haemorrhages decreased from 1.3 per cent in 2005 to 0.7 per cent in 2011. Late pregnancy disorders such as eclampsia and pre-eclampsia dropped from 6.8 per cent in 2005 to 3.7 per cent in 2011. The proportion of caesarean sections used as a method of emergency obstetric care to save the life of the mother or child increased from 3.3 per cent in 2005 to 5.9 per cent in 2011 (WHO indicator: 15 per cent). This was a factor in lowering maternal mortality and has helped to stabilize and start to reduce child, perinatal and early neonatal mortality. In many institutions, there has been a drop in the mortality rate of children treated in resuscitation and intensive care units. Instances of major obstetric surgery and use of blood products have been reduced. Expenditure on medicines has decreased.

120. The maternal mortality rate fell from 11.5 in 2009 to 5.9 in 2011. The infant mortality rate was 15.3 in 2009 and 15.1 in 2011. The perinatal mortality rate fell from 16.1 in 2010 to 14.9 in 2011. Preparations for the National Safe Motherhood Programme, 2012–2016, are currently under way.

121. There is a National Reproductive Health Policy for 2011–2015 with the objective of promoting safe motherhood and family planning, reducing complications during pregnancy and preventing non-gynaecological morbidity among women of reproductive age.

122. A gender-sensitive system of reproductive health services has been set up in the country for the purpose of achieving universal access to reproductive health in accordance with Millennium Development Goal target 5.B. The system operates separate reproductive health centres for women, men and adolescents throughout the country. A women's reproductive health service is provided in the maternal and child health centres set up in every province, a total of 12 provincial reproductive health-care centres. Moreover, with active UNFPA support, 64 well-equipped reproductive health units operate in each district, and there are 402 women's clinics (obstetrical and gynaecological units). These services are all coordinated by the National Reproductive Health Centre at the Maternal and Child Health Care Clinical Research Centre.

123. The Reproductive Health Care Service provides communities with all family planning services, including free consultation on sexual and reproductive health and free distribution of contraceptives.

124. The centres for reproductive health aim at promoting women's reproductive rights, particularly the right to choose the type or method of contraception, the time frame for becoming pregnant and the maternity home in which to give birth.

125. Specialists from the Reproductive Health Care Service conduct various campaigns, training sessions and workshops to promote women's reproductive rights and to heighten awareness about existing reproductive health services.

126. Family planning services are accessible to all, through convenient opening hours and the inclusion of family doctors and paramedical workers from remote rural health facilities in the work of the Reproductive Health Care Service.

127. In rural areas, contraception is provided at reproductive health offices in district hospitals and through trained family doctors in remote rural health facilities. Furthermore, 10 brands of contraceptives are included in the list of essential medicines.

128. The Channel computerized management programme was introduced in 2009 with the support of UNFPA in order to modernize the system of accounting, statistical reporting, distribution and adequate supply of contraceptives.

129. This has made it possible to closely monitor the use of types and methods of contraception and to meet the need for sufficient supplies thereof.

<i>Indicator</i>	<i>Reporting period</i>						
	2005	2006	2007	2008	2009	2010	2011
Number of women who use intrauterine devices per 100 women	18.7	18.0	18.5	19.6	16.1	15.6	20.2
Number of women who use hormonal contraceptives per 100 women	1.0	0.9	1.0	1.0	0.9	1.2	2.0

130. The effective work of the Reproductive Health Care Service has resulted in an increase in the use of at least three modern methods of contraception, from 27.3 per cent in 2005 to 33 per cent in 2011.

131. Moreover, the effectiveness of the Service's work is shown by the fact that the number of abortions has been halved since 2005, the average birth interval has increased to 2.5 years and gynaecological morbidity has dropped among women of childbearing age.

		<i>Unit of measurement</i>	<i>Reporting period</i>						
			2005	2006	2007	2008	2009	2010	2011
<b>Total number of abortions</b>	<b>Thousands</b>		<b>4 513</b>	<b>4 069</b>	<b>3 278</b>	<b>2 816</b>	<b>2 046</b>	<b>2 697</b>	<b>2 602</b>
Before 15 years of age	Thousands		-	1	-	-	-	1	-
15–19 years	Thousands		267	255	178	225	139	148	156
20–34 years	Thousands		3 439	2 838	2 370	1 984	1 366	1 917	1 771
35 years and older	Thousands		807	975	730	607	541	631	675

132. The Red Crescent Society of Turkmenistan plays an active role in raising awareness about reproductive health among the population. Awareness campaigns reached more than 71,000 girls and women of childbearing age between 2007 and 2011. Some 73,000 copies of information materials were distributed. Community training sessions were led by 324 trained volunteer instructors.

133. The main legal provision is the Act on the Prevention of Illnesses caused by the Human Immunodeficiency Virus (HIV) of 2001.

134. A new national programme for the prevention of HIV/AIDS and sexually transmitted diseases for the period 2012–2016 is under discussion by the Cabinet of Ministers.

135. Two youth centres providing peer-to-peer training have been launched with UNFPA support to raise young people's awareness about HIV/AIDS prevention.

136. AIDS prevention centres are required to distribute free of charge the means of protection against the disease in medical facilities, anonymous testing centres and places where there is a high concentration of young people.

137. A course on the fundamentals of health and safety was introduced in the school curriculum in 2008. In this course, schoolchildren and adolescents learn about HIV/AIDS prevention, reproductive health and healthy living.

138. The Health Information Centre is carrying out additional activities as part of a partnership between the Ministry of Health and the Medical Industry and the Ministry of Education. In 2010–2011, with UNFPA support, nationwide peer-to-peer HIV prevention seminars were conducted, involving 10,150 adolescents, including 8,770 adolescents who spent their summer holidays in health-oriented centres. Discussion groups were organized for 6,259 students in higher educational institutions, with the participation of specialists from student health centres. Twenty volunteers received peer training from senior students on HIV/AIDS prevention. Seminars were held for 115 individuals on fixed-term military service. With the support of the United Nations Office on Drugs and Crime, 36 family facilitators were trained under the Families and School Together (FAST) programme, and they instructed 91 families in HIV/AIDS prevention.

139. In 2009, the Health Information Centre set up a telephone helpline staffed by a psychologist and a gynaecologist who provide confidential counselling and social and psychological assistance, including on questions of reproductive health, to adolescents and young adults. The helpline network has since been expanded with UNFPA support, and three telephone helplines are now operating in the city of Ashgabat and the provinces of Dashoguz and Mary.

140. The following work is being carried out in cooperation with United Nations agencies such as WHO, UNICEF and UNDP:

- A team of 11 is working with vulnerable groups to reduce high-risk behaviour
- National capacity in HIV prevention among young people is being built up through the training of peer-to-peer instructors among young men in military units
- Specialists in HIV centres in the provinces who have received training from international experts trained 124 instructors in 6 pilot military units in 2011 and provided them with modules developed for those purposes
- In 2011, with a view to reducing at-risk behaviour among vulnerable population groups, safe behaviour training was given to 649 women, and 368 were treated by consulting physicians
- A walk-in clinic for vulnerable groups has been opened at the HIV prevention centre in Ahal province to lower high-risk behaviour and increase access to medical services
- Condoms have been purchased and distributed to HIV prevention and family planning centres throughout the country to ensure that young persons, especially at-risk groups, have access to such protection
- With the assistance of international experts, national guidelines on clinical protocols for HIV are being developed in order to build the capacity of medical specialists in the area of communicable diseases and to enhance the quality of medical training

- As part of a situation analysis to guide the development of a national HIV prevention programme for 2012–2016, a study was conducted on the level of awareness and behaviour of vulnerable population groups

141. The study showed that 92 per cent of the respondents were aware of the major modes of HIV transmission; 88 per cent understood the need for condom use; 77 per cent knew where they could receive specialized medical care; and 69 per cent said that they knew where they could be tested for HIV.

142. A study of healthy behaviour among adolescents and a multi-indicator cluster survey (MICS) conducted in 2012 included questions to identify the level of awareness among adolescents and men and women about HIV/AIDS and HIV/AIDS prevention. The findings of the study are being processed and a report on them is under preparation.

143. The Red Crescent Society of Turkmenistan is making efforts to raise awareness among adolescent girls about HIV/AIDS and HIV/AIDS prevention. Awareness campaigns reached some 55,000 adolescent girls from 2007 to 2011. Some 66,000 copies of information materials on HIV/AIDS prevention were distributed. Community training sessions were led by 500 trained volunteer peer instructors.

144. Under article 35 of the Constitution, citizens have the right to health protection, including the use, free of charge, of the State network of health-care institutions. Discrimination against persons with disabilities is prohibited and subject to prosecution.

145. Under article 20 of the Health Protection Act, persons with disabilities have the right to medical care, free of charge, in State health-care facilities, and those requiring nursing care or suffering from a chronic mental illness have the right to stay in specialized institutions.

146. Under the Social Security Code, social assistance is provided to persons with disabilities in the form of payment in cash, entitlements, medicines, wheelchairs, prosthetic, orthopaedic and other such appliances, large-print publications, sound amplification equipment and signal indicators and through the delivery of medical, social and vocational rehabilitation and consumer services.

147. Publicly funded medicines and medical supplies are provided free of charge or on preferential terms according to the procedures established by the Cabinet of Ministers.

148. Under the Psychiatric Care Act of 10 December 1993, as amended and supplemented on 18 April 2009, psychiatric assistance to persons suffering from mental disorders is guaranteed by the State and provided on the basis of the principles of legality, humanity and respect for human rights (art. 1).

149. Psychiatric assistance is provided upon the voluntary request of or with the consent of the individual, except in cases provided for under this Act. Such assistance is provided to minors under 15 years of age or persons declared as lacking legal capacity under the procedures established by law on request or with the consent of their legal guardians according to the procedure established by this Act (art. 4).

150. All persons with mental disorders are entitled to all the rights and freedoms of citizens set out in the Constitution and national legislation. Restrictions of the rights and freedoms of citizens as a result of a mental disorder are admissible only in the cases specified in article 5 of the Act.

151. All persons suffering from mental disorders have, with regard to the psychiatric care that they receive, the right to:

- Respect and humane treatment, excluding any diminution of dignity

- Information on their rights, the nature of their mental disorders and the methods used to treat them, to be provided in a form that they can understand in view of their mental condition
- Mental health care with minimum restrictive conditions, including residential care if possible
- Admission to a psychiatric hospital only for such a period as is required for examinations and treatment
- All types of medical treatment (including at a health resort) as are medically indicated
- Mental health care under conditions that meet appropriate health and hygiene requirements
- Prior consent or refusal, at any stage, to be used for the testing of drugs or medical procedures, scientific research or training or for photographs, video recordings or films
- The invitation, at their request, of a specialist involved in their psychiatric treatment to be part of a medical board dealing with issues governed by the Act if the specialist so desires
- Prior consent to treatment, or the consent of a legal guardian in the case of minors under the age of 15 and of persons declared to lack legal capacity according to the procedure established by law, and refusal to be treated except in cases involving coercive measures of a medical nature or court-ordered involuntary committal to a mental health facility or emergency hospitalization
- Appeal against any wrongful acts by health administration staff or other officials who infringe their rights or legitimate interests
- Legal counsel or assistance from a legal guardian or other person according to procedures established by law

152. Any restriction of the rights and freedoms of persons with mental disorders merely on the basis of a psychiatric diagnosis is prohibited. Information that a person has been placed under clinical observation or in a psychiatric hospital or neuropsychological institution for social protection or special education is confidential.

153. While they are receiving psychiatric treatment, the rights and legitimate interests of minors up to the age of 15 years and of persons declared to lack legal capacity according to the procedures established by law are protected by their legal representatives (parents, adoptive parents or legal guardians) or, in the absence of such persons, by the administrators of the psychiatric hospital or the social welfare or special educational neuropsychological institution (art. 7).

154. Requests for certification on the state of their mental health or treatment by their psychiatrist may be made by citizens, in the exercise of their rights and freedoms, only in cases established by law (art. 8).

155. Information about the existence of a mental disorder or the fact that a person has sought psychiatric care or has been treated in a psychiatric institution and any other information about his or her mental health is protected under the law as being confidential (art. 9).

156. Mental disorders are diagnosed in accordance with universally accepted international standards and may not be based solely on a citizen's divergence from the

moral, cultural, political or religious values accepted by society or on any other reason not directly related to the state of his or her mental health.

157. Persons with mental disorders are to be examined and treated using the medicines and medical procedures permitted in accordance with the law.

158. Medicines and medical procedures are to be used only for therapeutic purposes based on the nature of the illness and must not be used to punish a person with a mental disorder or in the interests of other persons (art. 10).

159. Persons with mental disorders may be treated only after they give their consent, except in cases specified by article 10, paragraph 4, of the Psychiatric Care Act.

160. Doctors are required to provide persons with mental disorders information on the nature of the disorder, the objectives and expected results, the methods, including alternative methods, and duration of the recommended treatment and any pain, potential risks or side effects that may be involved. The fact that consent to treatment has been given is entered in the medical records.

161. Consent to the treatment of a minor under 15 years of age or of a person declared to lack legal capacity according to the procedures established by law is given by the legal representative after the information specified in article 10, paragraph 2, has been provided.

162. A person with a mental disorder may be treated without his or her consent or that of a legal representative only if court-ordered coercive measures of a medical nature are being applied or in the event of involuntary committal to a mental institution on grounds provided for under article 28 of the Psychiatric Care Act. In all such cases, excepting emergency situations, treatment is provided by decision of a mental health review board.

163. The use of surgical or other irreversible techniques and the testing of medicines or medical procedures in the treatment for mental disorder of the persons specified in article 11, paragraph 4, is prohibited.

164. Court-ordered coercive measures of a medical nature may be used, on the grounds and according to the procedures established by law (art. 13), against persons with mental disorders who have committed acts that pose a danger to the community.

165. Under article 29 of the Act, inpatient mental health care is provided with minimum restrictive conditions, while ensuring the safety of the patient and others, and with strict observance by the medical staff of the patient's rights and legitimate interests.

166. The use of isolation or physical restraint against a person who has been committed or admitted to a psychiatric hospital is permissible only in such cases and for such periods as the psychiatrist considers necessary because the safety of the patient and other persons cannot be ensured by other methods. These measures are carried out with the constant monitoring of the patient by the medical staff. The forms and periods of physical restraint or isolation are entered in the relevant medical record. The police have an obligation to assist medical workers with the committal and to ensure safe conditions for approaching and examining the patient committed. When it is necessary to prevent life- and health-threatening acts by a person who has been committed or to locate and detain a person to be committed, the members of the police force must act according to the procedure established by the law.

167. The psychiatrist takes his or her decisions independently when making the diagnosis and fulfilling the obligation to treat mental patients and to prevent them from possibly committing acts dangerous to the community, and is guided solely by medical considerations, medical duty and the law (art. 19).



168. Save for the above cases, placement in a psychiatric hospital occurs voluntarily, namely at the patient's request or with his or her consent, and is based on the existence of a mental disorder, the psychiatrist's decision to examine or treat the patient in a hospital setting, a court decision, or the need to conduct a psychiatric examination in cases and according to procedures specified by the law (art. 27).

169. Under article 28 of the Psychiatric Care Act, a mental patient may be hospitalized in a psychiatric establishment without his or her consent or the consent of his or her statutory representative by court order, if observation or treatment is possible only on an inpatient basis, and if the mental disorder is serious and causes:

- (a) Direct danger to the patient or other persons;
- (b) The patient's helplessness, namely his or her inability to meet basic vital needs;
- (c) A substantial deterioration of the patient's health, in the absence of psychiatric attention.

170. Under article 37 of the Act, the administration and medical staff of psychiatric hospitals must take action to create conditions favourable for the realization of the rights of the patients, including the following steps:

- Ensuring that all types of medical assistance are available to the patients
- Making accessible the text of the Psychiatric Care Act, the regulations of the psychiatric hospital and the addresses and telephone numbers of the Government, public and other bodies, organizations and officials to be contacted in case of violation of the patient's rights
- Facilitating the transmission of patients' correspondence, complaints and statements to legislative and executive organs, public procurators' offices, courts and the patient's counsel
- In the event of non-voluntary hospitalization, notifying the patient's relatives or legal guardians residing with the patient or another person indicated by the patient within 24 hours of his or her arrival
- Informing the patient's relatives, legal guardian or, in their absence, another person indicated by the patient of any changes in the patient's health condition or any noteworthy incidents affecting it
- Ensuring the security of patients in the hospital and inspection of packages and parcels
- Establishing and explaining to practising believers the rules which, out of deference to other patients, should be observed in the performance of religious rites or in calling in a minister of religion and contributing to the exercise of the right to freedom of thought for believers and atheists
- Discharging any other duties provided for in the Psychiatric Care Act

171. The operations of establishments, organizations and individuals providing psychiatric assistance are supervised by the local authorities. The State health, social-security and education agencies and government ministries or departments are responsible for supervising the work of the psychiatric or neuropsychological units under their authority. The Procurator-General and subordinate public procurators monitor compliance with the Psychiatric Care Act. They are empowered to restore any violated rights, protect the legitimate interests of persons with mental disorders and bring charges against offenders.

172. The Act on Measures to Treat Persons Suffering from Alcoholism, Drug Addition or Dependence on Psychoactive Substances of 31 March 2012 provides for the medical treatment of persons suffering from alcoholism, drug addiction or dependence on psychoactive substances in the State health system's Special Rehabilitation Centre in order to restore such persons to a healthy way of living in society. The Act prohibits the committal of pregnant women, women with children under 3 and women older than 57 years of age to the Centre for treatment.

173. A main objective of the new Family Code, which entered into force on 1 April 2012, is to lay down and build up the legal foundations for a State policy aimed at the protection and welfare of the family, mothers, children and fathers, care for the family by ensuring the proper conditions for the economic self-reliance and enhanced well-being of all family members, payment of benefits to families, provision of health care, creation of an environment in which parents may strike a balance between work and family responsibilities and development of consumer infrastructure.

174. Marriage and family relations are regulated by the State. Marriages in Turkmenistan are recognized only if they are registered by a civil registry office. A religious marriage ceremony, like other religious ceremonies, has no legal effect.

175. Under article 14 of the Family Code, men and women of marriageable age are entitled to enter into marriage to set up a family regardless of race, ethnicity or faith. They enjoy equal rights on entering into marriage, during the marriage and in the event of divorce.

176. The age for marriage is set at 16 years. In exceptional cases, when there are compelling reasons, the tutelage or guardianship authorities may reduce the age for marriage by no more than one year at the request of the persons wishing to marry.

177. In such cases, the persons concerned acquire full legal capacity from the moment they enter into marriage. In addition, they continue to have full legal capacity even in the event of dissolution of the marriage.

178. The Code includes a separate chapter on marriage contracts, chapter VII, the relevant articles of which are cited below:

*"Article 43 Marriage contract (agreement)*

1. A marriage contract (agreement) (hereinafter referred to as a marriage contract) is an agreement voluntarily concluded by persons wishing to enter into marriage, or by spouses to specify their property rights and obligations in a marriage and/or in the event of the dissolution thereof.

2. The form of the marriage contract is approved by the Cabinet of Ministers.

*Article 44. Conclusion of a marriage contract*

1. A marriage contract is concluded in writing and is subject to notarization.

2. A marriage contract may be concluded before the marriage is officially registered or at any time during the marriage.

A marriage contract concluded before the marriage has been officially registered enters into force on the date of the official registration of the marriage.

3. A marriage contract that is not concluded according to established procedure is considered invalid.

*Article 45. Content of a marriage contract*

1. On the basis of a marriage contract, spouses may change the treatment of their common assets in accordance with the law or establish joint, partial or separate ownership of assets acquired during marriage, of particular types of assets or of the assets of each of the spouses.

The marriage contract may be concluded in respect of the existing or future assets of the spouses.

2. Spouses are entitled to specify in the marriage contract their rights and obligations concerning spousal support, the ways in which income and household expenses are to be shared and the division of property in the event of divorce and to include any other provisions concerning their property relations that are not at variance with the law.

3. Rights and responsibilities under marriage contracts may be limited to specific periods or made subject to the fulfilment of certain conditions.

4. Marriage contracts may not restrict the spouses' legal capacity or dispositive capacity, the right to appeal to the courts to defend their rights, the right to organize their personal non-property and property relations, individual rights and obligations concerning children or the right of a spouse who has lost his/her capacity for employment to spousal support or contain other conditions that put one of the spouses in an extremely adverse situation or contravene the general principles and meaning of domestic family law.

*Article 46. Amendment or dissolution of a marriage contract*

1. A marriage contract may be amended or terminated at any time by agreement between the spouses. Agreement on amending or terminating a marriage contract is reached in the same form and according to the same procedure as the marriage contract itself.

No party may unilaterally refuse to fulfil or amend a marriage contract.

2. At the request of one of the spouses, a marriage contract may be amended or terminated on the basis of a court decision on the grounds and according to the procedures established by the present Code and the law.

3. A marriage contract ceases to have effect from the moment the marriage is terminated in accordance with article 28 of the present Code.

*Article 47. Invalidation of a marriage contract*

1. A marriage contract may be declared by a court to be fully or partly invalid on the grounds specified by the legislation for invalid contracts.

2. A marriage contract may also be declared by the courts to be fully or partly invalid upon complaint by either spouse of a violation of the requirements of article 45, paragraph 4, of the present Code; if the terms of the marriage contract place one of the spouses in an extremely adverse position; or upon complaint by a creditor of a violation of the requirements set out in article 48 of the present Code.

*Article 48. Guarantees of the rights of creditors when a marriage contract is concluded or terminated*

Both spouses must notify their creditors of any conclusion, amendment or termination of a marriage contract. If this responsibility is not fulfilled, the debtor's spouse is liable for the debt, regardless of the contents of the marriage contract."

179. With respect to inheritance rights, it must be noted that under article 5 of the Family Code, the non-property and property relations between family members that are not regulated by family legislation are governed by civil legislation, provided that it is not at variance with the essence of family relationships.

180. Pursuant to article 1096 of the Civil Code, spouses are included in the list of primary beneficiaries, with the right to a share of the inheritance equal to that of children and parents.

181. Articles 1099 to 1101 set out specific cases in which a spouse may not be an heir to the deceased spouse, namely: termination of the marriage during the testator's lifetime (art. 1099); if there is a court decision depriving the spouse of the right of inheritance by law; if it is confirmed that three years or more before the opening of the succession, the marriage with the testator was terminated de facto and the spouses resided separately (art. 1100); or if the testator had filed for the marriage to be declared invalid and there are grounds for declaring it as such (art. 1101).

182. In accordance with article 27 of the Constitution, upon reaching marriageable age, men and women have the right to marry by mutual consent and to found a family.

183. Under article 1 of the Family Code, marriage is defined as a voluntary and equitable union between a man and a woman entered into according to the procedure established by the law for the purpose of founding a family, and giving rise to mutual rights and responsibilities on the part of the spouses.

184. The main objectives of family law in Turkmenistan are as follows:

(a) Building family relations on the basis of the voluntary marital union of men and women and equality of the spouses in the family, mutual love, respect, understanding and support and responsibility to the family of all its members;

(b) Prohibiting interference of any kind in family matters (art. 3, para. 2).

185. Under article 14 of the Code, men and women of marriageable age have the right to marry and to found a family regardless of race, ethnicity or faith. They enjoy equal rights on entering marriage, during the marriage and in the event of divorce.

186. Pursuant to article 16 of the Code, a marriage may be entered into only with the free and mutual consent of the persons wishing to marry and upon reaching marriageable age. Under article 86 of the Code, parents have equal rights and responsibilities towards their children. This article also provides for equal rights and responsibilities of the parents towards their children following the dissolution of a marriage and the termination of parental rights when the children obtain legal capacity.

187. Article 88 of the Code states that parents are responsible for the protection of the rights and legitimate interests of their children.

188. Under article 89 of the Code, all matters involving the upbringing and education of children are decided by the parents by mutual consent and with the best interests and views of the child taken into account. In the event of a dispute between parents, either parent may appeal to a tutelage or guardianship authority or to a court to resolve the dispute.

189. In the event that parents reside separately, the child's place of residence is determined by agreement of the parents. In the absence of agreement, the dispute between the parents is settled by a court, taking into account the best interests and views of the child. In reaching a decision the court must take account of the child's attachment to each parent and to any siblings, the relationship between each parent and the child and his or her potential to provide for the child's education and development (the parent's occupation, work schedule, financial circumstances, family situation and other factors).

190. Under article 90 of the Code, a parent residing separately from his or her child has the right and responsibility to be involved in the child's upbringing and education and has the right to contact with the child. The article also specifies that the parent with whom the child is residing does not have the right to prevent the other parent from contacting the child and participating in the child's upbringing. If the parents are unable to reach an agreement regarding the participation of the parent living separately in a child's education, the issue is settled by a tutelage or guardianship authority with the parents' involvement and the child's best interests taken into account. The tutelage or guardianship authority may deprive a parent residing separately from the child of the right to contact the child for a fixed period of time if such contact would harm the child's physical or mental health or moral development. Article 90 also states that in cases in which the parents fail to comply with a decision of the tutelage or guardianship authority, the latter and both parents are entitled to appeal to the courts. Measures provided for under the law obtain if a parent fails to abide by the order of the court. In the event that a parent is culpable of persistent failure to comply with the order of the court, in the best interests of the child, the parent residing separately may sue for custody.

191. Article 79 of the Family Code specifies that the dissolution of marriage between parents, the annulment of a marriage or the separate residence of parents must not affect the rights of the child. If the parents reside separately, including in different States, the child has the right to contact with both parents.

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