



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2011**

**Turkmenistan\***

[19 September 2011]

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

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## **I. Introduction**

1. This report is submitted pursuant to article 35, paragraph 1 of the Convention on the Rights of Persons with Disabilities and has been prepared in accordance with the treaty-specific guidelines (CRPD/C/2/3) elaborated by the Committee on the Rights of Persons with Disabilities, which take into account the harmonized guidelines on reporting under international human rights treaties (HRI/GEN/2/Rev.5).
2. Turkmenistan ratified the Convention on the Rights of Persons with Disabilities (hereinafter, “the Convention”) on 4 September 2008 and the Optional Protocol thereto on 25 September 2010.
3. This report is the first submitted by Turkmenistan on measures taken to implement the Convention.
4. The report contains information on key legislative, judicial, administrative, practical and other measures adopted during the reporting period that are directly related to the provisions of the Convention.
5. Representatives of the country’s associations of persons with disabilities were consulted during the preparation of this report.

## **II. Implementation of articles 1–33 of the Convention**

### **Article 1**

#### **Purpose**

6. In order to improve social support for all sections of society, including persons with disabilities and special needs, and to enhance the well-being of the entire population, the President of Turkmenistan has initiated substantive reforms in all areas of State and public life. In Turkmenistan, the human being is the paramount value of society and the State. The State is accountable to every citizen, ensures conditions permitting the free development of the individual and protects the life, honour, dignity, liberty, personal security and natural and inalienable rights of citizens (article 3 of the Constitution). Under the Constitution, everyone is guaranteed the right to life and the freedom to lead his/her life (art. 22), the right to work (art. 33), to rest (art. 34), to health (art. 35), to education (art. 38), to social security (art. 37), to participate in cultural life, to freedom of movement (art. 26), to freedom of speech and beliefs and to access information (art. 28). These rights are protected by the State.
7. Pursuant to article 6 of the Constitution, Turkmenistan, as a full-fledged member of the international community, recognizes the pre-eminence of universally accepted norms of international law. Where an international treaty to which Turkmenistan has acceded provides otherwise than domestic law, the provisions of the treaty take precedence.
8. Since becoming a full member of the United Nations, Turkmenistan has acceded to more than 120 core conventions and international legal instruments, some 40 of which relate to human rights. In compliance with its obligations, the country has incorporated their basic principles and provisions into national legislation and strictly enforces them. State and society pay unswerving attention to human rights. A practical demonstration of State policy geared towards implementing international human rights obligations to ensure full protection of the rights of persons with disabilities was the country’s accession to the Convention (4 September 2008) and the Optional Protocol thereto (25 September 2010).

Persons with disabilities and special needs in Turkmenistan enjoy the full spectrum of the socio-economic, political, individual rights and freedoms enshrined in the Constitution and other domestic legislative instruments.

9. In addition to the rights shared by all citizens, such as the right to life, to be raised in a family environment, to free health care, to education and the right not to be subjected to cruel or degrading treatment, persons with disabilities enjoy fundamental rights guaranteed by domestic law, including the right to rehabilitation, sanatorium and spa treatment, to be provided with special mobility aids and to barrier-free access to residential properties, educational and health-care institutions, sports buildings, recreational areas and cultural facilities.

10. National legislation expressly aimed at persons with disabilities is underpinned by an ideological concept of social protection that constitutes a special mechanism for exercising social rights. In this regard, social rights are viewed as an important element in upholding fundamental (natural) human rights, namely the right to life, the right to liberty and the right to human dignity. In order to ensure social protection for persons with disabilities, Turkmenistan provides the conditions necessary for their personal development, enabling them to realize their creative and professional potential. This is achieved by taking into account their needs and rendering the social assistance stipulated in domestic laws with a view to eliminating the obstacles preventing such persons from exercising their rights to health, work, education and vocational training, as well as by addressing their housing and other socio-economic rights.

## **Article 2**

### **Definitions**

11. The definitions set out in article 2 of the Convention are reflected in national legislation regulating particular disability-related issues. Specifically, under article 81 of the Social Security Code of 17 March 2007, a person with a disability is an individual with limited ability to perform daily living activities due to a physical or mental impairment, where “limited ability” is understood as the total or partial loss of the individual’s capacity or fitness to work, perform self-care tasks, move about independently, take decisions, interact socially or exercise self-control.

12. Individuals officially recognized as disabled are subdivided into the following categories:

- children with disabilities up to the age of 16;
- persons disabled since childhood;
- persons with disabilities caused by systemic disease (including due to a non-occupational accident), occupational accident (injury) or occupational disease;
- military veterans with service-connected disabilities:
  - (a) members of the armed forces, officers and other ranks of the internal affairs agencies disabled as a result of:
    - (i) a wound, contusion or injury (trauma) sustained while defending the State or performing other military (official) duties;
    - (ii) a disease contracted while serving in the theatre of operations, including in foreign territory;
    - (iii) a disease contracted while engaged in operations to contain radiation accidents and disasters;

(b) members of the armed forces, officers and other ranks of the internal affairs agencies disabled as a result of:

(i) an injury (trauma) sustained as a result of an accident unrelated to the performance of military (official) duties;

(ii) a disease unrelated to service in the theatre of operations, including in foreign territory (article 82 of the Code).

13. Turkmenistan recognizes sign language as a means of interpersonal communication (article 161 of the Code).

14. Disability assessment is carried out by medical assessment panels, which establish the time of onset, cause, category and duration of the disability, examine children under 16 for symptoms, determine citizens' incapacity status and make recommendations regarding their employment. These recommendations are binding upon the administrators of companies, institutions and organizations, irrespective of their form of ownership (article 48 of the Public Health Act).

15. A medical assessment panel's decision to accord a person disability status, as well as the disability category and group specified, may be re-examined by expert commissions set up by the Central Commission responsible for considering applications from citizens in need of State support (article 82 of the Social Security Code).

16. The number of persons declared disabled at first assessment (based on Ministry of Health and the Medical Industry classification).

	<i>Total number</i>	<i>Number of persons declared disabled at first assessment</i>		
		<i>Of working age</i>	<i>In urban settlements</i>	<i>In rural settlements</i>
<b>2007</b>				
Number of persons declared disabled at first assessment	<b>6 327</b>	6 327	2 050	4 277
Of total number:				
Category I	<b>481</b>	481	183	298
Category II	<b>4 326</b>	4 326	1 336	2 990
Category III	<b>1 520</b>	1 520	531	989
Of total number:				
persons disabled by systemic disease	<b>5 692</b>	5 692	1 861	3 831
persons disabled by occupational injury or occupational disease	<b>50</b>	50	26	24
persons disabled since childhood	<b>503</b>	503	138	365
persons disabled during military service	<b>82</b>	82	25	57
Persons declared permanently disabled	<b>11</b>	11	10	1
<b>2008</b>				
Number of persons declared disabled at first assessment	<b>6 246</b>	6 246	1 959	4 287
Of total number:				
Category I	<b>470</b>	470	175	295

Category II	<b>4 322</b>	4 322	1 301	3 021
Category III	<b>1 454</b>	1 454	483	971
Of total number:				
persons disabled by systemic disease	<b>5 666</b>	5 666	1 778	3 888
persons disabled by occupational injury or occupational disease	<b>57</b>	57	30	27
persons disabled since childhood	<b>473</b>	473	134	339
persons disabled during military service	<b>50</b>	50	17	33
Persons declared permanently disabled	<b>11</b>	11	10	1

**2009**

Number of persons declared disabled at first assessment	<b>7 133</b>	7 133	2 162	4 971
Of total number:				
Category I	<b>512</b>	512	162	350
Category II	<b>4 964</b>	4 964	1 485	3 479
Category III	<b>1 657</b>	1 657	515	1 142
Of total number:				
persons disabled by systemic disease	<b>6 549</b>	6 549	1 999	4 550
persons disabled by occupational injury or occupational disease	<b>57</b>	57	24	33
persons disabled since childhood	<b>471</b>	471	122	349
persons disabled during military service	<b>56</b>	56	17	39
Persons declared permanently disabled	<b>8</b>	8	8	–

**2010**

Number of persons declared disabled at first assessment	<b>7 004</b>	7 004	2 132	4 872
Of total number:				
Category I	<b>493</b>	493	164	329
Category II	<b>4 916</b>	4 916	1 503	3 413
Category III	<b>1 595</b>	1 595	465	1 130
Of total number:				
persons disabled by systemic disease	<b>6 456</b>	6 456	1 976	4 480
persons disabled by occupational injury or occupational disease	<b>42</b>	42	20	22
persons disabled since childhood	<b>463</b>	463	120	343
persons disabled during military service	<b>43</b>	43	16	27
Persons declared permanently disabled	<b>36</b>	36	30	6

17. The rights, freedoms and lawful interests of persons with disabilities are protected by the State in the manner prescribed by law. Citizens are entitled to contest a decision taken by an authorized State body granting or denying them disability status in accordance with the legally established procedure.

### **Article 3**

#### **General principles**

18. The general principles set forth in article 3 of the Convention are made explicit in the Constitution and national legislation and serve as guidelines in the work of State executive and administrative bodies, local authorities, companies, organizations, institutions and voluntary associations. Details regarding the practical application of these principles are provided below.

### **Article 4**

#### **General obligations**

19. Turkmenistan is working progressively towards implementing policies designed to ensure that all persons with disabilities fully enjoy all human rights and fundamental freedoms without discrimination of any kind on the basis of disability. Turkmenistan maintains a strong focus on social responsibility and all its strategies and programmes attach due emphasis to protecting and promoting human rights, including those of people with disabilities. Domestic policies are designed to provide the people with a decent standard of living, security, rights and liberties, strengthen democracy and develop the legal system. The State's social policies relating to persons with disabilities aim to ensure that they are able, on an equal basis with others, to exercise their rights and freedoms. They aim also to eliminate restrictions on their day-to-day activities, to allow persons with disabilities to participate fully in all aspects of life, including active involvement in the economic, social and political life of society, and to perform their civic duties. With a view to accomplishing these objectives, State bodies, voluntary associations and private entities are tasked with implementing measures that seek not only to protect public health and prevent disability, but also to rehabilitate persons with disabilities, enabling them to integrate or reintegrate into society and enter employment.

20. The country is moving ahead with the 2011–2030 national socio-economic development programme, the presidential national programme to improve social and living conditions in villages, settlements, towns and district centres in the period up to 2020 and the policy blueprint for the social and economic development of the provinces and Ashgabat until 2012. These initiatives reflect the social orientation of budget policy, as well as efforts to build an innovative economy and improve economic sectors and industries. The presidential programme is geared towards creating a social infrastructure in villages, settlements and small towns, regulating employment and labour market processes and raising their socio-economic and cultural level to that of municipalities. As such, the programme is one of a number of policy documents affording rural communities opportunities to improve their quality of life by giving everyone extensive access to all the benefits of civilization. Overall investment in the programme is estimated at around US\$ 4 billion. The decision of the People's Council of Turkmenistan of 25 October 2006 to continue allowing the public to use gas, electricity, drinking water and salt free of charge until 2030 will also be instrumental in attaining these goals. Token charges have been set for public services, use of telephone lines and public transport.

21. A priority area of the on-going reforms initiated by the Head of State is social development. Thus, pursuant to the State Budget Act for 2011 adopted on 27 November 2010, more than 70 per cent of government expenditure is to be committed to funding public and social services, including 37.1 per cent to education, 12.2 per cent to health care, 4.2 per cent to culture, 36.2 per cent to social security and 10.1 per cent to housing and utilities. The public health-care system will receive 20.7 per cent more funding



then in 2010 and considerable resources will be allocated to further raising State pensions, allowances and student grants.

22. Consistent with human rights goals and principles, including those set forth in the Convention, Turkmenistan undertakes legal, economic, social and other measures to protect, promote and enforce human rights and the universally recognized rights of persons with disabilities, prohibiting discrimination against them. The legal framework with regard to disability and for protecting the rights of persons with disabilities is implemented by means of the following primary legislative instruments: the Turkmen Constitution (as amended on 26 September 2008), the Declaration on the International Obligations of Neutral Turkmenistan in the Field of Human Rights of 27 December 1997, the Marriage and Family Code of 25 December 1969 (as amended and supplemented), the Housing Code of 28 June 1997 (as amended and supplemented), the Civil Code of 17 July 1998, the Tax Code of 25 October 2005, the Social Security Code of 17 March 2007, the Labour Code of 18 April 2009, the Sanitary Code of 21 November 2009, the Code of Civil Procedure of 18 April 2009, the Criminal Code of 10 May 2010, the Criminal Correctional Code of 25 March 2011, the Citizenship Act of 30 September 1992 (as amended and supplemented), the Psychiatric Care Act of 1 October 1993, the Physical Education and Sports Act of July 7, 2001, the Act on the Prevention of Illnesses caused by the Human Immunodeficiency Virus (HIV) of July 7, 2001, the Act on Narcotic Drugs, Psychotropic Substances and Precursors and Measures to Counter Their Illegal Trafficking of 9 October 2004, the Young People's Right to Work Guarantees Act of 1 February 2005, the Public Health Act of 25 October 2005 (as amended on 18 April 2009), the State Guarantees of Women's Equality Act of 14 December 2007, the Human Trafficking Act of 14 December 2007, the Foodstuffs Quality and Safety Act (as amended on 18 April 2009) the Act on the Protection and Promotion of Breastfeeding and Baby Food Requirements of 18 April 2009, the Education Act of 15 August 2009, the Courts Act of 15 August 2009, the Procurator's Office Act of 15 August 2009, the Culture Act of 13 March 2010, the Bar and Advocacy Act of 10 May 2010, the Local Authorities Act of 10 May 2010, the Khalk Maslakhaty and Gengesh Elections Act of 25 September 2010, the Legal Status of Foreign Nationals Act of 26 March 2011, the Conscription and Military Service Act of 25 September 2010, the Internal Affairs Authorities Act of 21 May 2011, and others.

23. At government level, administrative measures to protect persons with disabilities are implemented by the Ministry of Labour and Social Protection, the Ministry of Health and the Medical Industry, local authorities and administrations.

24. Under article 18 of the Constitution, human rights and freedoms are inviolable and inalienable. No one may deprive a person of any rights or freedoms or restrict them except as provided in the Constitution or by law. The human rights and freedoms enumerated in the Constitution and the law may not be used to deny or diminish other rights and freedoms. Thus, in accordance with the Constitution and applicable legislation, there may be no restriction upon or derogation from any human rights and fundamental freedoms, including those pertaining to persons with disabilities. When formulating and carrying into effect strategies, programmes and legislation, taking decisions for the purpose of implementing the Convention or addressing other issues concerning persons with disabilities, State bodies consult such persons, including children with disabilities, through their representative organizations. The provisions of the Convention incorporated into current legislation extend to the entire territory of Turkmenistan without any limitations or exceptions.

## **Article 5**

### **Equality and non-discrimination**

25. The Constitution guarantees all citizens of Turkmenistan, including persons with disabilities, legal protection, including in court, against any manifestation of discrimination. Article 19 of the Constitution ensures equal human and civil rights and freedoms and equality before the law, irrespective of ethnic background, race, sex, property or employment status, place of residence, language, views on religion, political convictions, party affiliation or lack thereof. The rights and freedoms, as well as the rights and obligations stipulated in the Constitution with regard to Turkmen citizens extend equally to foreign nationals and stateless persons in Turkmenistan, except for the special rights directly associated with Turkmen citizenship.

26. Article 265 of the Labour Code states that persons with disabilities enjoy all the social, economic, political and individual rights and freedoms enshrined in the Constitution, the Code and other domestic laws and regulations. Discrimination based on disability is prohibited and persons practising discrimination are held accountable in accordance with the law.

27. Pursuant to article 146 of the Social Security Code, discrimination based on disability is prohibited and punishable by law. Discrimination means any distinction, exclusion or preference that restricts or nullifies the exercise by persons with disabilities of their human and civil rights and freedoms in the political, economic, social, cultural or any other field on an equal basis with others. The State guarantees persons with disabilities equal and effective legal protection against discrimination on any grounds. This notwithstanding, the admission of persons with disabilities to higher and intermediate vocational training institutions without requiring them to sit an examination is not considered discrimination provided that children with disabilities and persons with category I or category II disabilities pass entrance tests and a medical assessment panel finds no contraindication to their studying at the institution in question (article 14 of the Education Act). Similarly, with regard to employment the distinctions specified in legislation (article 7 of the Labour Code) are not deemed discriminatory if they are conditional upon the requirements of a specific job or are prompted by the State's special concern for persons in need of greater social and legal protection (women, minors, and persons with disabilities).

28. Article 5 of the State Guarantees of Women's Equality Act specifies that the following do not constitute discrimination against women:

- protection of the functions of motherhood;
- performance of universal military service exclusively by men in cases stipulated by law;
- prohibition on the employment of women to perform the types of work enumerated in national legislation.

Persons explicitly or implicitly discriminating against women are held accountable in accordance with the law.

## **Article 6**

### **Women with disabilities**

29. Persons with disabilities, including women and girls with disabilities, enjoy, without discrimination, all rights and medical benefits and receive the allowances specified in the applicable legislation. Details are provided in the respective articles of this report.

30. On 14 December 2007, the Majlis (parliament) of Turkmenistan adopted the State Guarantees of Women's Equality Act, which, in accordance with the national traditions of the Turkmen people and universal human values, is designed to implement the basic principles of domestic policy in the area of human rights, ensure the full development and advancement of women and establish State guarantees for the realization of women's human rights and freedoms in political, economic, social, cultural and other areas on an equal basis with men.

31. State policies for women are aimed at:

- guaranteeing by law equal rights for women, prohibiting gender-based discrimination and redressing rights which have been violated;
- formulating and implementing targeted State programmes promoting equal rights for women;
- promoting maternal and child welfare;
- encouraging women's balanced physical, intellectual, spiritual, cultural and moral development;
- protecting society from messages inciting gender-based discrimination or contributing to the spread of violence, cruelty, pornography, drug addiction or alcoholism, etc.;
- supporting and cooperating with voluntary associations, other bodies and international organizations promoting the interests of women;
- ensuring compliance with the universally recognized principles and standards of international law and with the international obligations of Turkmenistan in regard to protecting women's rights and freedoms and promoting equal rights.

32. In accordance with the Constitution, domestic laws and other legal instruments, and in compliance with the universally recognized principles and norms of international law, the State guarantees in practice equal rights for women in political, socio-economic, cultural and other areas by means of legal, economic, organizational, social, informational and other measures. The State ensures that men and women have equal access to social security and benefits, including those pertaining to maternal and child welfare, and social protection in old age in the event of illness, disability, loss of breadwinner and in other circumstances prescribed by law (article 15 of the Act).

33. As of 1 January 2011, there were 46,833 women receiving a disability allowance, 4,076 of whom were girls with disabilities aged under 16. The average monthly allowance for women with disabilities was 128.65 manat, and 133.10 manat for girls under 16.

## **Article 7**

### **Children with disabilities**

34. Turkmen law stipulates support for mentally and physically impaired children, including those with disabilities. Children with disabilities enjoy all the social, economic, political and individual rights and freedoms enshrined in the Constitution, the Social Security Code, the Rights of the Child Act of 5 July 2002 and other legislative instruments.

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

36. Pursuant to the Rights of the Child Act, children with disabilities are entitled to participate fully and with dignity in the life of society. As part of measures to provide support for these children and help them integrate into society, the State maintains educational, medical and rehabilitation facilities where they can receive instruction, vocational training and education appropriate to their state of health. Finding employment for children whose health disqualifies them from certain professions is the responsibility of the Department of Employment. Parents or legal guardians caring for children with disabilities are allocated the benefits specified by law (article 31 of the Act).

37. Persons under 16 years old are categorized as “children with disabilities”, depending on how severely body function and the ability to perform daily activities are impaired. Where children are concerned, disability is defined as the state of durable social maladjustment caused by the limited ability to perform daily living activities due to the malfunctioning of body organs and systems. Unlike adults, disability in children is neither ascribed a cause nor scaled in terms of disability category. Children are accorded disability status for a specific period (ranging from 6 months to 2 years, for 2 years, 5 years or up until the age of 16). The timeframe depends on the reversibility of the functional abnormalities caused by the disorder or injury and the prospects for social adjustment, i.e. on the clinical and pedagogical prognosis and the rehabilitation potential. When they reach the age of 16, children with disabilities are reassessed by medical rehabilitation boards, which assign them a disability category and establish the cause of the disability.

38. Children with disabilities are rendered social assistance in the form of cash payments and entitlements specified in the Social Security Code, as well as through the provision of medical, social, vocational and everyday services. Since 1 July 2009, allowances for persons disabled since childhood have increased 50 per cent and, since 1 January 2011, average monthly disability allowances for children with disabilities 10 per cent. There are 10,000 children receiving disability benefit, which averages 133.10 manat a month. Drugs and medicines, wheelchairs for disabled persons, and prosthetic, orthopaedic and other such appliances are available free of charge or on preferential terms, as stipulated by the Cabinet of Ministers. Pursuant to the Presidential Decision of 30 October 2009, children with disabilities under 16 years old are provided with medicines, dental prosthetic, treatment, orthopaedic and other such appliances, patient-care equipment and wheelchairs free of charge.

39. Turkmenistan continues to develop and improve services designed to prevent childhood disability, including prenatal and genetic diagnosis. A standard procedure has been approved for utilizing methods of prenatal diagnosis during critical periods of pregnancy and techniques established for obstetrician-gynaecologists and medical geneticists depending on the type of abnormality identified in the foetus, thus ensuring better results in the early detection and prevention of genetic and congenital disorders. Maternity homes have been fitted with ultrasound equipment. If a congenital anomaly is detected, the parents are told that the child will be born with an abnormality and that he/she could later be disabled. The pregnancy is either terminated with the parents’ written consent or continues. After delivery, the child is placed under medical observation.

40. Once they reach the age of majority, children with disabilities at residential care facilities who are orphans or deprived of parental care become eligible for priority access to housing and help with initial home improvement costs if their individual rehabilitation programme provides that they are able to perform self-care tasks and live independently.

41. The State guarantees persons with disabilities proper access to education and vocational training. Education and health authorities are required to organize preschool and out-of-school education for children with disabilities, as well as general secondary education for persons with disabilities, including encouraging them to undergo vocational training appropriate to their individual rehabilitation programme. Education and health

authorities must also ensure that children with disabilities of preschool age are suitably provided for and receive essential rehabilitation care at the general preschool establishments they attend. Special preschool institutions are provided for children whose disabilities prevent them from attending general preschool facilities.

42. Persons with disabilities pursue general secondary, intermediate vocational and higher education at general educational institutions or, if appropriate, at special education facilities. During the study period they receive full State allowances and grants and, upon its completion, are provided with employment specific to their qualifications, with due regard for the working conditions. Education and other State authorities ensure that everything is done to provide children with disabilities access to out-of-school education. Specifically, education authorities organize training events for those who have undergone a course of treatment in hospitals, health-care facilities or rehabilitation centres.

43. Local authorities and administrations are required to ensure that persons with disabilities have free access to and use of arts and entertainment centres and sports facilities so that they can take part in physical exercise and sport, and also to provide them with special sports equipment. Children with disabilities under 16 years of age may use these services free of charge.

44. Families caring for children with disabilities are entitled to make home improvements appropriate to an individual's rehabilitation requirements and his/her specific programme. Living accommodation provided to and occupied by persons with disabilities or families including a person with a disability must be equipped with special devices and appliances, as well as telephone communications. Once they reach the age of majority, children with disabilities at residential care facilities, who are orphans or deprived of parental care become eligible for priority access to housing and help with initial home improvement costs if their individual rehabilitation programme provides that they are able to perform self-care tasks and live independently.

45. In compliance with article 4, paragraph 5 of the Education Act, the State ensures that citizens with special needs, i.e. persons with physical and/or mental impairments, are able to pursue education, to receive treatment for developmental defects and be helped to adjust to society with the use of special teaching methods.

46. Pursuant to article 24, paragraph 2 of the Act, special educational institutions are provided for children requiring lengthy treatment or who have physical or mental developmental defects. In accordance with article 33, paragraph 9, education management authorities provide special (remedial) education centres, classes, and groups focused on the treatment, education, training, social adjustment and integration of children with special needs.

47. The categories of day and residential pupils assigned to these centres, as well as those fully provided for by the State, are specified by the Cabinet of Ministers.

48. In accordance with the Labour Code, parents, tutors and guardians caring for children with disabilities under 16 years old also receive a range of benefits:

- privileges when concluding a contract of employment (articles 24 and 28);
- temporary transfer to lighter, non-hazardous work for health reasons, while retaining the average wage paid for previous work (art. 35);
- a shorter working day or week if requested by a parent, tutor or guardian and supported by a medical report (art. 63).

## **Article 8**

### **Awareness-raising**

49. Turkmenistan accords particular emphasis to disseminating information on international instruments relating to human rights and freedoms, including the Convention and its Optional Protocol. Working together with the offices of international organizations and foreign embassies accredited to Turkmenistan, the country is moving ahead with long-term humanitarian programmes designed to heighten public awareness of seminal international human rights documents. The texts of conventions and agreements are widely published in Turkmen and Russian and their substance regularly spelt out in the mass media, including special radio and television programmes, newspaper and magazine articles and summaries.

50. On 2 May 2011, the National Institute of Democracy and Human Rights in the Office of the President opened the Human Rights Information Centre, whose purpose is to promote human rights in Turkmenistan by improving public officials', academics', postgraduates' and young students' knowledge of international human rights norms and standards, including those pertaining to persons with disabilities. The Information Centre's activities include creating and maintaining a human rights database providing visitors with the information they require and organizing public briefings and round tables on human rights issues. With this in mind, a library has been assembled for visitors that incorporates titles published by the Office of the United Nations High Commissioner for Human Rights (OHCHR), international conventions and treaties, national human rights instruments, including those focusing on persons with disabilities, and theory-based literature, teaching and reference materials. Visitors may also use human-rights-related Internet resources and all, including persons with disabilities, enjoy full access to the library.

51. With a view to raising awareness of international and national human rights legislation, including that concerning persons with disabilities, seminars are held in provinces and districts in partnership with the offices of international organizations and foreign embassies accredited to Turkmenistan. The seminars are attended by representatives of local government, health, education, culture and sports authorities and voluntary associations.

## **Article 9**

### **Accessibility**

52. The principle of accessibility is a matter of public policy. Measures are taken to ensure to persons with disabilities access to residential buildings and public facilities. Thus, article 162 of the Social Security Code obliges State administrative bodies, local authorities, companies, organizations and institutions, irrespective of their form of ownership, to provide persons with disabilities with proper access to residential, public and industrial buildings, facilities and premises, and to facilitate their use of public transport, communications and information systems. The planning, designing and construction of neighbourhoods, the creation of residential districts, the formulation of design solutions and the construction and reconstruction of buildings, facilities, social infrastructure, communications and information systems all take into account that persons with disabilities must be able to access and use them (article 163 of the Code). Accommodation provided to persons with disabilities or to families with and caring for such persons must be fitted with special devices, appliances and telephone communications. Installing these fixtures is the responsibility of local authorities and administrations, companies, organizations and institutions exercising control over housing stock. Individual residential properties inhabited by persons with disabilities are equipped by the companies, organizations and

institutions through whose fault such persons were rendered disabled or, in other cases, by the appropriate State authorities in collaboration with associations of persons with disabilities. The procedures for funding these activities are specified in national legislation (article 164 of the Code).

53. Companies and organizations manufacturing prosthetic and orthopaedic appliances and special mobility aids for persons with disabilities, and organizations engaged in the their rehabilitation and providing related care and rehabilitation services are granted concessions in accordance with the procedures established by law (article 168 of the Code). Furthermore, the Code stipulates the housing rights of persons with disabilities, namely that they are to be accorded community services on a priority basis, provided with means for storing mobility aids and that they are entitled to home care and to accommodation in residential facilities caring for persons with disabilities. The Code also specifies the rights of persons with disabilities living in care homes and other residential social care facilities (articles 170–174 of the Code). Article 45 of the Housing Code provides that living accommodation is allocated with regard for citizens' interests and persons with disabilities are, in this connection, provided with housing that accords with their wishes either at ground level or in houses with lifts. Pursuant to the country's construction regulations, the design of public buildings, facilities and housing must incorporate fixtures and amenities that take into account the needs of persons with disabilities and physically challenged people in order to facilitate their access to and use of premises. On urban streets and roads provision is made for pedestrian paths suitable for motorized wheelchairs.

54. As part of a joint project operated by OHCHR, the European Commission and the United Nations Development Programme (UNDP) geared towards building Turkmenistan's national capacity to promote and protect human rights in the period 2009–2012, on 11–12 November 2011 a seminar was held on international standards and best practices in the provision of access to public buildings, infrastructure and transport. Organized for representatives of parliament, ministries, departments and voluntary associations, including those for persons with disabilities, the seminar was given by international experts Mohammed Al-Tarawneh, member of the Committee on the Rights of Persons with Disabilities, and Yana Chicherina, manager of the UNDP "Inclusive Employment and Social Partnership" project in Uzbekistan.

## **Article 10**

### **Right to life**

55. Pursuant to Article 22 of the Constitution, every person has the right to life and the freedom to lead his/her life. No one may be deprived of the right to life. The right of every person to life is protected by the State under law. The death penalty has been abolished in Turkmenistan. With a view to moving forward with the on-going democratization of the State and public life, guided by the principle that human life is the supreme social value and by the ideals of decency, justice and humanity, and in order to realize in practice the natural and inalienable right to life, Turkmenistan adopted the Act of 6 January 1999 declaring a moratorium on the imposition of the death penalty as a means of punishment. The death penalty was subsequently abolished by the Presidential Decree of 28 December 1999.

56. The right to life is guaranteed by a range of legal instruments, enshrined both in the Constitution and in sector-specific legislation, that are directly or indirectly aimed at supporting and guaranteeing the life of the individual: constitutional guarantees enabling the individual to enjoy a decent quality of life and freely pursue personal development; State support for economically disadvantaged citizens; other social safeguards such as the right not to be subjected to torture or other cruel treatment or punishment, as well as to medical, scientific or other experiments; the right of private ownership; the right to a

healthy and safe work environment for remuneration no lower than the minimum wage prescribed by law; the right to rest; the right to social security; the right to health and medical assistance; the right to a favourable environment.

57. Turkmen law imposes limits on the use of drugs, implements, mechanisms and physical force that are hazardous to people's life and health. The use of firearms is prohibited under the Weapons Act of 21 November 2009. Article 23, paragraph 2 of the Act bans the use of firearms against women, persons with manifest signs of disabilities or minors whose age is apparent or has been established, with the exception of cases in which such persons are armed or are part of a group assault.

58. Pursuant to national legislation, endangering the life and health of an individual during a crime scene reconstruction is forbidden and actions constituting a danger to human life and health or which expose an individual to such danger are subject to criminal prosecution. In this regard, the Criminal Code establishes liability for murder, manslaughter, incitement to suicide, death threats, failing to assist a person in danger, intentionally causing grievous bodily harm leading to the death of the victim by negligence, abduction and illegal detention leading to the death of the victim by negligence, and rape leading to the death of the victim by negligence.

59. Turkmen law makes no provision for euthanasia.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

60. After Turkmenistan obtained independence and the status of permanent neutrality the People's Council adopted the Declaration on international obligations in the field of human rights and freedoms (27 December 1995) and the Declaration on the foreign policy direction of Turkmenistan in the twenty-first century based on permanent neutrality and the principles of peaceableness, good-neighbourliness and democracy (27 December 1999), and thereby set its course towards resolving humanitarian issues.

61. Besides international human rights instruments, Turkmenistan has also acceded to the basic four Geneva Conventions of 1949 for the protection of war victims and to their two Additional Protocols of 1977. Subsequently, Turkmenistan acceded to a range of human rights conventions, protocols and treaties such as, inter alia, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and two protocols thereto, namely Protocol I on Non-Detectable Fragments and Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices; the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

62. Being a peace-loving State, Turkmenistan condemns wars, international terrorism and the arms race. This was clearly demonstrated when, on 24 October 2005, Turkmenistan acceded to the Joint Declaration to support initiatives on the part of international organizations to combat the proliferation of weapons of mass destruction and ratified the Agreement between Turkmenistan and the International Atomic Energy Agency on safeguards relating to the Treaty on the Non-Proliferation of Nuclear Weapons and the Additional Protocol thereto. Turkmenistan is also party to the International Convention for the Suppression of Terrorist Bombings of 1997 (18 February 1999), the International Convention against the Taking of Hostages of 1979 (30 April 1999), the International



Convention for the Suppression of the Financing of Terrorism of 1999 (7 January 2005) and the International Convention for the Suppression of Acts of Nuclear Terrorism of 1999 (16 March 2008).

63. Key factors in the implementation of international obligations in the field of humanitarian law are the legislative and institutional measures adopted by the Government and parliament. In accordance with the obligations it has assumed in the field of international humanitarian law, Turkmenistan has adopted various laws, namely, the Act on the Legal Regime at Times of National Emergency (23 August 1990), the Act on Mobilization and Preparation for Mobilization in Turkmenistan (10 December 1998), the Act on the Use and Protection of the Symbols of the Red Crescent and the Red Cross (7 July 2001) and the Civil Defence Act (29 November 2003).

64. Since gaining independence, Turkmenistan has not been party to an armed conflict. That having been said, refugees and refugee children with disabilities who have been involved in armed conflicts in their country of residence and are living in Turkmenistan by force of circumstances are provided with essential social and psychological support by local authorities and administrations.

65. The Criminal Code contains a special section, Chapter 21, which provides liability for crimes against the peace and security of humanity, including the crimes of war propaganda (art. 167), genocide (art. 168), mercenary activity (art. 169) and assault on internationally protected persons (art. 170).

66. An important role in implementing the provisions and principles of humanitarian law is performed by one of the country's oldest humanitarian voluntary organizations, the National Red Crescent Society, founded in 1926. In 1995, the National Society joined the International Federation of Red Cross and Red Crescent Societies. In terms of its structure, the National Red Crescent Society encompasses the entire country and has more than 150,000 active members and volunteers.

67. The priority tasks of the National Society are to disseminate information about international humanitarian law and the core principles of the International Red Cross and Red Crescent Movement; to trace family ties and reunite families; to teach the public how to act in emergency situations and during natural disasters and to administer first aid in various situations; to assist State agencies in protecting the health and well-being of citizens by raising awareness about hygiene and health and rendering social support to the most vulnerable sections of the population; to help prevent various diseases, including tuberculosis, drug addiction and HIV/AIDS.

68. The important humanitarian work performed by the National Red Crescent Society also concerns life-and-death issues such as helping people, including persons with disabilities, in emergency situations, and teaching them how to act during natural disasters. Cooperating closely with the State Commission for Emergency Situations, the Department of Civil Defence and Rescue Operations, various ministries, departments and local authorities, the National Society is engaged in implementing a comprehensive range of initiatives. Of these, particularly notable are projects geared towards responding to and mitigating the risk of natural disasters, supplying water to villages, combatting mudflows and high levels of subsoil water, as well as salinization and desertification in the country's provinces.

## **Article 12**

### **Equal recognition before the law**

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

70. A natural person who, by reason of mental disorder (mental illness or dementia), cannot understand the meaning of or control his/her actions may be declared incompetent by a court. Such a person is placed under tutorship, the tutor being responsible for managing the affairs on his/her behalf. If the grounds for declaring a natural person are deemed no longer valid, a court adjudges him/her to be competent and, in accordance with the court's decision, the tutorship is terminated (article 26 of the Civil Code). Tutorship and guardianship are also established in order to protect the personal and property rights and interests of minors who, for health reasons, are unable to exercise their rights independently and perform their duties.

71. Pursuant to article 37 of the Code, the income of a ward, including income due from the management of his/her assets, other than income that he/she is entitled to dispose of independently, is spent by the tutor or guardian solely in the interests of the ward and with prior permission from the tutorship and guardianship authorities. Without such permission the tutor or guardian is entitled to incur expenses as are necessary for supporting the ward using the funds due to the latter by way of income. However, without prior permission from the tutorship and guardianship authorities the tutor is not entitled (and the guardian not allowed in this respect to give his/her consent) to alienate the ward's property, including its exchange or transfer as a gift; to lease (let) it, free of charge or for the purpose of security; to perform transactions resulting in the renunciation of the ward's rights; to divide or apportion his/her property or to execute any other transactions diminishing the ward's property. The procedures for managing a ward's property are defined by law. A tutor, guardian, their spouses and close relatives are not entitled to perform transactions with the ward, other than transferring property to the ward in the form of a gift or free of charge, or to represent the ward in transactions or in a legal dispute between the ward and the tutor's or guardian's spouse and their close relatives.

72. Under article 41 of the Code, a competent adult who, for health reasons, is unable to exercise and assert his/her rights and perform duties independently, may ask to be appointed a guardian in the form of a wardship. With the person's consent, a guardian (assistant) may be appointed by a tutorship and guardianship authority. Management of the competent adult's property is made the responsibility of the guardian (assistant) by means of an agency or trust agreement concluded with the ward, who consents to the guardian (assistant) conducting day-to-day transactions for the purpose of maintaining the ward and meeting his/her everyday needs. A wardship established for a competent adult under article 41, paragraph 1 of the Code ceases at the ward's request. The guardian (assistant) is released from his/her duties in the cases stipulated in article 39 of the Civil Code.

73. Within the limits of the law, persons, including those with disabilities, are free to conclude contracts and specify their contents. It is prohibited to use coercion to conclude a contract, except in cases in which an obligation to conclude a contract is provided for in the Civil Code or legislation, or is undertaken freely (article 333 of the Civil Code).

74. Article 3 of the Criminal Code states that criminal legislation in Turkmenistan is underpinned by the principles of legality, the equality of citizens before the law, criminal accountability, justice and humanity.

75. Article 11 of the Code of Criminal Procedure provides for the judicial protection of the rights and freedoms of all persons. As specified in article 24 of the Code, suspects, accused persons, defendants, convicted offenders and acquitted persons have a right of defence, which they may exercise on their own behalf or with the help of a lawyer or legal representative in the manner prescribed by the Code. Under article 26 of the Code, which regulates legal assistance, everyone has the right to legal counsel in criminal proceedings, pursuant to the Code's provisions. Article 7 of the Bar and Advocacy Act of 10 May 2010 states that persons with category I or category II disabilities may request free legal assistance in the form of personal consultations not relating to entrepreneurial activities.

76. The Courts Act established the court system and specified procedures for conferring powers on judges and for ensuring that the judiciary enjoys independence and autonomy vis-à-vis the legislature and the executive. It established the inviolability of judges, the equality of all before the law and in court, the transparency of court hearings and the participation of citizens in the administration of justice as lay judges, also stipulating that court decisions are binding on all State and non-State bodies, officials, voluntary associations, natural and legal persons, without exception.

77. Legislation does not contain any obstacles preventing persons with disabilities from engaging, on an equal basis with others, in work activities, becoming lawyers or judges, testifying as witnesses or engaging in any other activity not prohibited by law.

### **Article 13** **Access to justice**

78. Article 43 of the Constitution guarantees citizens judicial protection of their honour and dignity and of their personal and political, human and civil rights and freedoms as stipulated by the Constitution and the law. Citizens have the right to file complaints in court regarding the decisions and actions of State bodies, voluntary associations or officials.

79. In accordance with article 6 of the Courts Act, citizens are entitled to judicial protection against unlawful acts by State bodies, voluntary associations and officials, and against any attacks on their honour or dignity, life and health, personal and political, human and civil rights and freedoms, as specified in the Constitution. Other procedures for protecting citizens' rights and legitimate interests may be established only by law.

80. Criminal procedure law establishes extensive guarantees for persons with disabilities that must be respected at all times. Article 82 of the Code of Criminal Procedure stipulates that participation by a defence counsel is mandatory during initial inquiries, pretrial investigations and court proceedings in cases that involve mute, deaf, blind and other persons who, owing to their physical or mental disabilities, are unable to exercise their right to a defence.

81. Pursuant to article 5 of the Psychiatric Care Act, all persons with mental disabilities have, with regard to the psychiatric care they receive, the right to legal counsel and to be assisted by a legal representative or any other person in accordance with the procedures prescribed by law.

82. Mental impairment suffered by persons with disabilities falls under a specific category of criminal procedure and, depending on its severity, is considered grounds for exempting a person from criminal responsibility or as a mitigating circumstance to be taken into account by a court of law.

83. In accordance with article 22 of the Code of Criminal Procedure, justice is administered on the basis of the principle of adversarial proceedings and the equality of the parties. The parties to criminal proceedings are deemed to be equal. The Constitution and

the Code of Criminal Procedure provide them with equal opportunities to state their case. The court bases its decision solely on the evidence examined in a procedure in which the parties have participated on an equal footing.

84. Article 24 of the Code of Criminal Procedure specifies that suspects, accused persons, defendants, convicted offenders and acquitted persons have a right of defence. They may exercise this right on their own behalf or with the help of a defence counsel or legal representative as prescribed by the Code. The person conducting the initial inquiry, the investigator, the procurator and the court must ensure that suspects, accused persons, defendants, convicted offenders and acquitted persons have an opportunity to defend themselves using the means and procedures established by law and that their personal and property rights are protected. During initial inquiries, pretrial investigations and court proceedings, in cases that involve mute, deaf, blind and other persons who, owing to their physical or mental disabilities, are unable to exercise their right to a defence, participation by a defence counsel is mandatory as of the time when charges are brought (article 82, (1) (3) of the Code).

85. If a suspect, accused person, victim, witness or other person participating in a trial is unable to read or sign an investigation report owing to physical or mental disability, his/her defence counsel, representative or other designee may read it aloud and sign it, this being noted in the report.

86. Evidence is deemed inadmissible which has been obtained by depriving participants in a trial of their legally guaranteed rights, by restricting those rights or otherwise infringing the rules of criminal procedure during an investigation or a court hearing, or which has affected or could have affected, the credibility of the investigative findings, such as evidence obtained using force, threats or deception.

87. A witness, victim, suspect or accused person who is mute or deaf must be interviewed in the presence of somebody who understands his/her gestures and is able to communicate with him/her using sign language. This person's participation in the interview is indicated in the respective report.

88. Where doubts arise as to a person's mental capacity or ability to defend his/her rights and lawful interests in criminal proceedings, an expert appraisal must be carried out in order to determine the mental or physical condition of a suspect or accused person. Expert evaluation is also mandatory with regard to victims or witnesses if there are doubts concerning their ability to perceive correctly the circumstances relevant to the case and to give evidence (article 288 of the Code).

89. Under article 436 of the Code of Criminal Procedure, a convicted offender or an acquitted person, their counsels or legal representatives, a victim and his/her representative may appeal a judgement handed down by the court. A civil plaintiff, a civil defendant or their representatives may contest a judgement relating to a civil claim. A person acquitted by the court is entitled to request a cassation review of a judgement of acquittal with regard to the reasons and grounds for the acquittal. Similarly, a judgement may be appealed against in a higher court in accordance with supervisory procedures.

90. On 25 March 2011, a new Penal Enforcement Code was adopted, which takes into account the international standards of the United Nations and the Organization for Security and Cooperation in Europe with regard to the serving of sentences, the treatment of convicted offenders, as well as their rehabilitation and reintegration, paying due regard to their social needs. Practical application of penal enforcement legislation is based on the generally recognized rules and principles of international law as they relate to the serving of sentences and the treatment of convicted offenders, including strict compliance with the guarantees of protection against torture, violence and other cruel or degrading treatment of convicted offenders (article 1 of the Penal Enforcement Code).

91. Article 3 of the Code specifies the principles underpinning the country's penal enforcement legislation: the rule of law; humanity, democracy; the equality of convicted offenders before the law; the imposition of differentiated and individualized sentences and other crime-control activities; the rational application of coercive measures and the means used to correct convicted offenders and to encourage their respect for law and order; combining punishment with remediation. Persons serving custodial sentences, including persons with disabilities, are entitled to humane treatment and respect for their inherent dignity as human beings.

92. Discrimination against convicted offenders serving sentences is prohibited on grounds of ethnic background, race, sex, origin, property or employment status, place of residence, language, views on religion, political convictions and affiliation to a political party or lack thereof. In accordance with article 8, paragraph 12 of the Code, convicted persons with disabilities with long-term physical, mental, intellectual or sensory impairments have the same rights as other categories of convicted offenders.

93. Pursuant to article 9 of the Code, convicted persons have the right to security of person. Article 59, paragraph 5 stipulates that persons with category I or category II disabilities may draw on their personal accounts to purchase food and basic necessities without restriction. In accordance with article 61, paragraph 2 persons with category I or category II disabilities may receive parcels, printed matter and hand-delivered packages in the quantity and variety specified by their respective medical reports. Pursuant to article 69, paragraph 5 of the Code, convicted persons with mental disorders who are mentally competent, and convicted persons with category I or category II disabilities requiring nursing care are permitted to travel outside the correctional facility if accompanied by a relative or minder. Under Article 71, paragraph 5, a higher standard of accommodation and a more nutritious diet are to be provided for persons in the aforementioned disability categories (art. 25, para. 4). In accordance with article 72, paragraph 7 of the Code, they receive food, clothing, basic amenities and personal hygiene items free of charge.

94. Male convicts over 62 years of age and women over 57, as well as persons with category I or category II disabilities, may work if they wish to (article 76, paragraph 3 of the Code). At least 50 per cent of the wages, pension, State allowance or other income due to persons with category I or category II disabilities serving time in a correctional facility is transferred to their personal accounts, irrespective of any deductions.

95. Pursuant to article 81, paragraph 81 of the Penal Enforcement Code, male convicts over 62, women over 57 and persons with category I or category II disabilities may, if they wish, receive appropriate vocational training.

96. Convicted offenders under the age of 30 in correctional facilities are required to acquire a general secondary education and are given the opportunity to continue their studies at a higher level. Convicts over 30 and persons with category I and category II disabilities may obtain a general secondary education if they wish. The administrators of a correctional facility and the relevant local authorities ensure that anyone who wishes to continue studying in order to acquire a general secondary education is provided with the necessary resources (article 85, paragraphs 1–2 of the Code).

97. In compliance with article 90, paragraph 6 of the Penal Enforcement Code, which deals with procedures for imposing disciplinary measures on convicted offenders, persons with category I and category II disabilities are not confined in punishment or special cells.

98. Pursuant to article 112, paragraph 4 of the Code, concerning types of prison regimes, men aged 62 and over, women aged 57 and over and persons with category I and category II disabilities may not be placed on a strict regime.

99. Convicted persons with category I or category II disabilities may, at their own request and on the joint recommendation of the correctional facility and supervisory commission, be sent to a residential care home by social security agencies (article 177, paragraph 3 of the Code).

100. Corrections officers are responsible for monitoring the conditions in which prisoners are held and for maintaining order in different units, understand that prisoners with disabilities require special treatment and recognize and endeavour to meet their particular needs. Convicted offenders with disabilities are cared for and looked after by prisoners in the same unit on the road to reform who, by demonstrating their humanity, set an example to other prisoners. Persons with disabilities are not required to work, although those with category I or category II disabilities may be given light tasks to perform if they so wish.

101. Convicted persons with disabilities are monitored by medical personnel and a health-care professional is required to provide a person with a disability with all possible assistance as and when necessary. Pursuant to a regulation regarding the medical labour commission in correctional facilities approved by Ministry of Internal Affairs Order of 16 July 2002, once a year persons with disabilities serving custodial sentences are sent to the Central Hospital of the Ministry of Internal Affairs for assessment with a view to confirming their present disability status, transferring them from one disability category to another or declaring them to be no longer disabled. Prisoners with disabilities have special needs that should be recognized and catered to. With this in mind, correctional facilities in Turkmenistan have special units for the elderly and for persons with disabilities served by specially trained personnel. In order to upgrade the professional skills of officers working for internal affairs agencies, all departments of the Ministry of Internal Affairs, including the Department of Corrections, hold special service training classes that feature lectures explaining the provisions of international human rights instruments, including the Convention.

102. The President of Turkmenistan periodically signs decrees pardoning offenders and permitting their early release from correctional facilities. Pardons are granted primarily to women, persons with category I and category II disabilities, people with active tuberculosis and those suffering from cancer at stages II, III and IV.

## **Article 14**

### **Liberty and security of the person**

103. Pursuant to article 23 of the Turkmen Constitution, a citizen may be arrested by court order or with a procurator's approval only on grounds clearly prescribed by law. In circumstances that admit of no delay, as specifically prescribed by law, duly empowered State bodies are entitled to detain citizens on a temporary basis. Article 25 of the Constitution provides that every citizen is entitled to protection against arbitrary interference in his/her private life and against attacks on his/her honour and reputation.

104. In accordance with article 16, paragraph 2 (10) of the Internal Affairs Authorities Act, internal affairs agencies have, under law, the right to detain, conduct to and hold at a specially designated facility persons constituting a real danger to society and to themselves due to visible symptoms of mental disorder for the purpose of placing them in a health-care institution for a maximum period of 24 hours.

105. Article 13 of the Psychiatric Care Act of 10 December 1993 stipulates that persons suffering from mental disorders who have committed acts endangering the community are to receive compulsory medical treatment by court order in accordance with the grounds and procedures established by law. Persons exempt from criminal liability or punishment in connection with mental disorders and committed to a residential psychiatric treatment

facility by a court order prescribing compulsory medical measures are deemed unable to work and entitled to State social security benefit or to a standard pension while at the facility. For the duration of their stay, such persons enjoy all the rights set out in article 36 of the Act.

106. Pursuant to article 32, the question of whether a person should be involuntarily committed to a residential psychiatric treatment facility on the grounds stipulated in article 28 of the Act is decided by a court of law in the area where the facility is located. An application for involuntary commitment is submitted to the court by a member of staff of the psychiatric facility at which the person is staying. The application, which must indicate the legal grounds for involuntary commitment to a residential facility, must be supported by the reasoned opinion of a panel of psychiatrists stating why the person should remain at the facility. On receiving the application, the judge immediately authorizes the person to be kept at the facility until the application is considered by the court.

107. The judge considers the application for involuntary commitment to a residential psychiatric treatment facility within five days of receiving it at the court or at the facility itself. The person in question must be permitted to participate personally in the court proceedings regarding his/her hospitalization. If the report submitted by the representative of the facility specifies that the person's mental state precludes his/her personal attendance in court, the judge considers the application at the facility. In accordance with article 33 of the Act, a procurator, a representative of the psychiatric facility requesting commitment and a representative of the person under discussion must be present when the application is considered.

108. Pursuant to article 34 of the Act, having considered the application on its merits, the judge either approves or rejects it. The judge's decision to approve the application serves as the basis for committing the person to the residential psychiatric treatment facility. The decision may be contested within ten days of its adoption by the person placed in the facility, his/her representative, the director of the facility, as well as by an organization which is under law or its charter (regulation) entitled to protect citizens' rights, or by a procurator in accordance with the procedures stipulated in the Code of Civil Procedure.

109. Involuntary confinement at a residential treatment facility continues only as long as the grounds for commitment remain valid. During the first six months, a person involuntarily committed to such a facility is examined at least once a month by a panel of the facility's psychiatrists in order to determine whether to extend the period of confinement. In cases where confinement continues for more than half a year, psychiatric assessment is conducted not less than once every six months. Six months after a person's involuntary committal, the facility's administration submits a report by the panel of psychiatrists to the court, stating the need for residential treatment to continue. In accordance with the procedures established in articles 32–34 of the Psychiatric Care Act, a judge may rule that the commitment period be extended. Henceforth, commitment is extended annually. Procedures for prolonging involuntary commitment also apply to persons who have been prescribed compulsory medical treatment by court order. Psychiatric assessments of such persons in order to ascertain whether to alter or discontinue treatment, or to discharge them, are conducted on the recommendation of the attending physician at any time, although not less than once every six months (article 25 of the Act).

**Article 15****Freedom from torture or cruel, inhuman or degrading treatment or punishment**

110. Article 23 of the Constitution stipulates that no one may have their rights restricted or be deprived of their rights, sentenced or punished except in strict accordance with the law. No one may be subjected to torture, cruel, inhuman or degrading treatment or punishment, or to medical treatment (with drugs or by a physician) or other experiments against their will.

111. Pursuant to article 5 of the Psychiatric Care Act, all persons suffering from mental disorders have, with regard to the psychiatric care that they receive, the right to 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 recording or films.

112. No one may be forced to give evidence or testimony against themselves or their close relatives. Evidence obtained by psychological or physical coercion or other unlawful methods has no legal force.

113. Article 197 of the Criminal Code provides that any procurator, investigator or person conducting an inquiry who uses threats, blackmail or other illegal acts to coerce a suspect, accused person, victim or witness into giving evidence or an expert into giving an opinion shall be held criminally liable.

114. Citizens have the right to claim damages in a court of law for material or moral injury inflicted on them by the illegal actions of State bodies, other organizations, their officials or private individuals.

115. Under article 114 of the Criminal Code, the ill treatment of persons in a position of dependence or a helpless state due to illness, disability or advanced age is punishable by corrective labour for up to two years. The same act, if it results, through negligence, in a person's death has or other serious consequences, is punishable by deprivation of liberty for up to four years.

**Article 16****Freedom from exploitation, violence and abuse**

116. Turkmen legislation establishes State guarantees protecting and defending persons with disabilities from encroachment on their rights, freedoms and lawful interests, as well as from all forms of violence, including, inter alia: the Social Security Code, the Marriage and Family Code, the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedure, the Penal Enforcement Code, the Rights of the Child Act, the Human Trafficking Act, the Courts Act, the Procurator's Office Act, the State Guarantees of Women's Equality Act, the Young People's Right to Work Guarantees Act, the Psychiatric Care Act and the Bar and Advocacy Act.

117. Under article 16 of the State Guarantees of Women's Equality Act, the State ensures the protection of women, in the same way as men, from all offences of a sexual nature, abduction or trafficking of any form and to any end.

118. Article 34 of the Rights of the Child Act states that in order to protect children the State shall take all measures necessary to prevent the abduction, trafficking and smuggling of children in any form and to any end.

119. In 2005, Turkmenistan acceded to the United Nations Convention against Transnational Organized Crime and the Additional Protocol to Prevent, Suppress and



Punish Trafficking in Persons, especially Women and Children and the Additional Protocol against the Smuggling of Migrants by Land, Sea and Air

120. On 14 December 2007, the Turkmen parliament adopted the Human Trafficking Act, which contains a clear definition of illegal actions which constitute exploitation of trafficking victims:

- physical coercion with the use of violence and/or narcotic or psychotropic substances, alcohol or other potent substances;
- economic coercion in the form of debt bondage or other financial dependence, including slavery or slavery-like conditions;
- psychological coercion by means of blackmail, deceit, deception or threat of the use of violence;
- legal dependence as a result of adoption, guardianship or marriage not for the purpose of starting a family;

Exploitation of trafficking victims may take the following forms:

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

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

121. Current criminal legislation prescribes the penalty of imprisonment for a term of up to ten years for abduction. Abduction carried out with the use or threat of violence endangering life or health, in connection with the illegal removal of the abductee beyond the State borders or the illegal return of that person from outside the State borders, for the purpose of extracting organs or tissue from the abductee for transplantation, etc., is punishable by deprivation of liberty for up to 25 years. The same act committed against a minor is punishable by deprivation of liberty for up to 25 years. The substitution of a child for mercenary or other motives is punishable by deprivation of liberty for up to two years (articles 126, 128 of the Criminal Code).

122. A new article, 129<sup>1</sup>, on trafficking in persons, has been incorporated into the Criminal Code that defines trafficking in persons in order to exploit them as the buying and selling of a human being or his/her recruitment, transportation, harbouring or transfer to another party for the purpose of exploitation. Exploitation is construed as the use of a person by others for the purpose of prostitution or other forms of sexual exploitation, slave labour and services, and servitude. If this crime is committed against a minor, the offender is deprived of his/her liberty for a term of 8–15 years.

123. The Criminal Code establishes criminal liability for related offences, including abduction (art. 126), abduction of a woman for the purpose of entering into a de facto marriage (art. 127), unlawful deprivation of liberty (art. 129), rape (art. 134), sodomy (art. 135), gratification of depraved sexual urges (art. 136), compelling a person to engage in sexual relations (art. 137), engaging in prostitution (art. 138), recruitment for prostitution (art. 139), establishing and operating facilities for engaging in prostitution (art. 140),

procuring (art. 141), trafficking in prostitutes (art. 142), sexual relations with a person under the age of 16 (art. 143) and unlawful crossing of the State border (art. 214).

124. The trafficking, smuggling and abduction of children is not characteristic of Turkmenistan and very rarely occurs.

125. Article 14 of the Human Trafficking Act stipulates that child victims of trafficking must be rendered assistance in compliance with national legislation and the relevant norms of international treaties to which Turkmenistan is a party.

## **Article 17**

### **Protecting the integrity of the person**

126. In accordance with the Constitution and applicable legislation, every person with a disability has a right to respect for his/her physical and mental integrity on an equal basis with others.

127. Article 5 of the Psychiatric Care Act states that all persons suffering from mental disorders have, with regard to the psychiatric care they receive, the right to:

- respectful 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 and 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 standards;
- 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 panel 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.

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. Officials found guilty of such violations are held liable in accordance with the law.

128. Persons suffering from mental disorders may be committed to a psychiatric hospital without their consent or the consent of their legal representatives prior to the issuance of a judge's decision if their cases can be investigated or treated only in an institutional setting and the psychiatric disorders are serious and present:

- (a) a direct danger to themselves or the people surrounding them, or
- (b) a state of helplessness, i.e., an inability to meet their basic vital needs on their own, or
- (c) the possibility of significant harm to their health as a consequence of a worsening psychiatric state if they are left without psychiatric care (article 28 of the Act).

129. Persons with mental disorders may be treated only after they give their consent, except in cases specified by article 28, paragraph 4 of the Psychiatric Care Act. Doctors are required to provide persons with mental disorders with 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. Consent to the treatment of a minor under 15 years of age or of a person declared legally incompetent according to the procedures established by law is given by the legal representative after the information specified in article 28, paragraph 2 has been provided. A person with a mental disorder may be treated without his/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 psychiatric hospital on grounds provided for under article 28 of the Psychiatric Care Act. In all such cases, excepting emergency situations, treatment is carried out pursuant to the decision of a panel of psychiatrists. The use of surgical or other irreversible techniques and the testing of medicines or medical procedures to treat the mental disorders of the persons specified in article 11, paragraph 4 of the Act are prohibited.

130. The reproductive health of persons with mental disorders is safeguarded by informing people, in a form they can understand and with regard for their mental condition, about contraceptive methods, pregnancy risks, safe maternity, reducing the possibility of pregnancy complications, and extragenital diseases. Termination of pregnancy and sterilization as a method of contraception, including in the case of persons with mental disorders, may be performed at a person's written request or due to medical necessity with the patient's written consent or that of his/her legal representative. Medical sterilization performed illegally is punishable by law (article 33 of the Public Health Act).

131. Pursuant to article 4 of the Bar and Advocacy Act, the State ensures that everyone is provided with the necessary professional legal assistance and guarantees the equal rights of all natural and legal persons in Turkmenistan to receive legal assistance and information regarding its nature and the procedures for obtaining it. The State also ensures the provision of free legal assistance to individuals for the purpose of defending their rights in cases provided for by law.

132. Article 7 of the Act specifies that natural persons may request free legal assistance in the following cases:

“... ”

- (a) personal consultations and writing documents pertaining to the payment of maintenance to claimants, compensation for injuries causing the death of a breadwinner, occupational accident or other work-related health injuries;
- (b) personal consultations (unrelated to entrepreneurial activities), for persons awarded the title Hero of Turkmenistan, classified as veterans, conscripts, persons with category I or II disabilities, pensioners, mothers with the honorary title “Ene mähri” (“mother’s love”) and children with disabilities;
- (c) drafting pension or benefit applications;
- (d) other cases provided for by law.

2. The procedures by which natural persons may obtain free legal assistance are defined by legislation.

3. The principal public advocacy office, its president, the agency conducting initial inquiries and pretrial investigations, the procurator, or the judge or court considering the case in question are entitled to exempt certain persons from payment of legal fees, depending on their financial situation, as well as in other circumstances indicated in article 7, paragraph 1.”

In the event that an individual is exempted from paying for legal assistance by the principal public advocacy office or its president, lawyers are remunerated for their services using funds disbursed from the solicitors’ association. If exemption has been granted by the agency conducting initial inquiries and pretrial investigations, or by a procurator, judge or court, lawyers are remunerated by the State.“

## **Article 18**

### **Liberty of movement and nationality**

133. Under article 26 of the Constitution, every citizen has the right to freedom of movement and choice of place of residence within the borders of Turkmenistan. Entry into or movement within specific areas may be restricted only by law.

134. Turkmenistan has its own citizenship, which is acquired, maintained or forfeited as provided by law. No one may be deprived of their citizenship or of the right to change it. A citizen of Turkmenistan may not be turned over to another Government, driven out of Turkmenistan or limited in his/her right to return to his/her homeland.

135. Being intrinsic to the State sovereignty of Turkmenistan, Turkmen citizenship emphasizes the affiliation of the individual to the State, the strong legal bond between them and the concurrence of their mutual rights and responsibilities.

136. Pursuant to the Turkmen Citizenship Act, a child born to parents who are both citizens of Turkmenistan is a Turkmen citizen, whether born in Turkmenistan or abroad. In the event that one parent has Turkmen citizenship at the time of a child’s birth, the child is a Turkmen citizen at the time of birth if:

- (a) he/she is born in Turkmenistan;
- (b) he/she is born outside Turkmenistan but both or one of the parents has a permanent place of residence in Turkmenistan.

137. 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. 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.

138. 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.

139. A child born in Turkmenistan to stateless person with permanent residence there is a Turkmen citizen. A child living in Turkmen territory whose both parents are unknown is considered a person born in, and a citizen of, Turkmenistan. If at least one parent, tutor or guardian is found, the child's citizenship may be changed in accordance with the Turkmen Citizenship Act.

140. When parents change their citizenship, resulting in their both becoming Turkmen citizens, or when both renounce Turkmen citizenship, the citizenship of their children, if under 14 years of age, changes accordingly. If a parent changes his/her citizenship and the identity of the other parent is unknown, the citizenship of any children under 14 also changes accordingly. Should both parents, or one of them if the other is unknown, so wish, a child under 16 may retain Turkmen citizenship. The citizenship of children may not be changed in cases where parents deprived of their parental rights change their citizenship.

141. If one parent acquires Turkmen citizenship and the other remains a citizen of another country, their child is entitled to acquire Turkmen citizenship at the parents' joint request. Where one parent acquires Turkmen nationality and the other remains a stateless person, their child, if resident in Turkmenistan, becomes a Turkmen citizen.

142. In the event that one parent renounces or forfeits Turkmen citizenship and the other remains a Turkmen citizen, the child retains citizenship of Turkmenistan. At the request of both parents, the child may be permitted to renounce Turkmen citizenship.

143. A child who is the citizen of another country or a stateless person adopted by a Turkmen citizen acquires Turkmen citizenship. A child who is a citizen of another country becomes a Turkmen citizen as of the time he/she is adopted by a married couple if one is a Turkmen citizen and the other a stateless person. A stateless child acquires Turkmen citizenship when adopted by a married couple, one of whom is a Turkmen citizen. In cases where one of a child's adoptive parents is a Turkmen citizen and the other a foreign national, a child who is a citizen of another country acquires Turkmen citizenship with their written consent.

144. If both or one of the parents of a child under 14 years living in Turkmenistan renounces or forfeits Turkmen citizenship and in so doing is deprived of their parental rights, their child, if resident in Turkmenistan, retains Turkmen citizenship at the request of a tutor. A child who is a citizen of Turkmenistan and adopted by citizens of another country retains Turkmen citizenship if he/she is resident in Turkmenistan. A child who is a citizen of Turkmenistan and is adopted by a married couple, one of whom is a Turkmen citizen and the other a foreign national retains Turkmen citizenship. At the request of the adoptive parents, such a child may, in the aforementioned circumstances, be permitted to renounce Turkmen citizenship.

145. A child who is a Turkmen citizen and adopted by stateless persons or a married couple, one of whom is a Turkmen citizen and the other a stateless person, retains Turkmen citizenship. In cases where parents change their citizenship, any change to the citizenship of

children aged 14–18 or their adoption requires the written consent of the children concerned.

146. Under current legislation, births are registered at the State civil registration office closest to a child's place of birth or the place of residence of one or both parents. All live-born infants weighing 500 grams or more and with a gestational age of at least 22 weeks must be registered. Registration entails the completion of a medical certificate of birth (form No. 103/h), approved by the Ministry of Health and the Medical Industry, which is issued in all cases of live birth when the mother is discharged from hospital by all the health-care institutions involved in the child's delivery, regardless of whether or not they are equipped with obstetric tables. In the case of home births, the certificate is issued by the institution whose health-care provider has delivered the child. A birth notification form must be completed by the parents no later than one month of the child's birth.

147. On 14 September 2011, the Turkmen parliament adopted a decision to accede to the Convention relating to the Status of Stateless Persons. Guided by the principles of humanity and humanism, affirming the country's commitment to the universally recognized international standards for the protection of human rights and freedoms, and with due regard for the right freely to choose one's citizenship, the President signed naturalization papers for people permanently resident in Turkmenistan without citizenship: 1,590 people on 8 July 2011 and 1,700 on 25 October 2011. Efforts are continuing to grant Turkmen citizenship in accordance with the law.

148. The Migration Act specifies the procedures for Turkmen citizens, foreign nationals and stateless persons entering or leaving Turkmenistan. It also establishes the legal relations pertaining to migration in Turkmenistan, as well as the powers of State bodies responsible for its regulation.

149. Every Turkmen citizen is entitled to leave or enter Turkmenistan and may not be deprived of that right. The right to leave the country is subject to temporary restriction under article 32 of the Act. Turkmen citizens leaving the country pass through checkpoints at the State border open to international traffic using valid documents entitling them to travel outside of Turkmenistan and containing a visa issued by the destination country, unless otherwise provided by law or international treaties to which Turkmenistan is a party (article 26 of the Act).

150. Pursuant to article 27 of the Act, Turkmen citizens who leave the country are guaranteed the protection and support of Turkmenistan in accordance with the law. Article 29 provides that persons judged incompetent by a court are permitted to leave Turkmenistan subject to a power of attorney signed by their legal representatives and certified by a State notary office, or a court decision.

151. The right of Turkmen citizens to leave the country may be temporarily restricted if:

- (a) they hold information constituting a State secret, until the time limit stipulated by law expires;
- (b) criminal proceedings have been initiated against them, until the conclusion of such proceedings;
- (c) they have been convicted of a crime, until their sentence has been served or their early release;
- (d) they fail to meet court-imposed obligations, until such obligations are met;
- (e) they are liable for military service, until completing or being released from their duties, unless they are soon to leave the country to take up permanent residence abroad;

- (f) if they are the respondent in a civil lawsuit, until the proceedings are concluded;
- (g) they have been convicted by a court for the repeated commission of an especially dangerous crime or are on parole, until the conviction is spent, cancelled or the parole terminated;
- (h) there are concerns that they could fall victim to human trafficking or slavery while abroad;
- (i) they have broken the law of a country visited during an earlier stay abroad;
- (j) their departure is incompatible with the national security interests of Turkmenistan.

In accordance with Article 32 of the Act, if the safety of Turkmen citizens cannot be ensured due to an emergency situation in a foreign State, the Government may impose a temporary restriction on travel to that State.

152. Citizens may challenge the decisions, actions or omissions of State executive and administrative bodies, public servants and other legal entities or individuals that affect citizens' rights to freedom of movement and to choose a place of residence or stay in Turkmenistan, by appealing to a higher authority, official or court.

153. Under article 42 of the Act, every citizen has the right to be protected against forcible displacement from his/her place of residence or stay and, in the manner prescribed by law, to request a court to uphold that right. A citizen may be forcibly displaced from his/her place of residence or stay by court order.

154. Article 43 of the Migration Act states that in the interests of national security, law enforcement or protecting the nation's health, the Cabinet of Ministers may impose restrictions on freedom of movement, choice of a place of residence or stay in the following locations:

- border areas;
- closed military garrison towns;
- environmental disaster areas or areas subject to natural or man-made disasters due to a risk of extensive propagation of infectious diseases or intoxication;
- state of emergency areas.

155. All citizens enjoy the rights and freedoms guaranteed by the Constitution and legislation throughout the entire country, irrespective of whether they have a permanent or temporary residence permit. Non-possession of a permanent or temporary residence permit may not be invoked as grounds for restricting citizens' rights and freedoms (article 46 of the Act).

156. Pursuant to the Act on the Prevention of Illnesses caused by the Human Immunodeficiency Virus (HIV), Turkmen citizens with HIV/AIDS are entitled to enter and leave Turkmenistan, enjoy freedom of movement and the right to choose a place of residence.

## **Article 19**

### **Living independently and being included in the community**

157. In accordance with the Constitution and applicable legislation, persons with disabilities have the right to live where and with whom they please on an equal basis with

others and are not obliged to live in a particular living arrangement. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs. Local authorities and administrations take steps to ensure that persons with disabilities have access to a range of at-home services, including personal assistance necessary to facilitate their living and inclusion in the community. Pursuant to article 7, paragraph 9 of the Local Authorities Act of 10 May 2010, the general powers of the governor (häkim) of a province (welaýat), district (etrap) or municipality include implementing measures aimed at social protection and improving the housing and living conditions of persons with disabilities. Under article 8, paragraph 7 of the Act, the governor of a province takes measures within the scope of his/her competence to strengthen social protection and, using funds from the provincial budget, is entitled to allocate persons with disabilities additional benefits to those prescribed under Turkmen law. Similarly, article 9, paragraph 7 specifies that the governor of a district or municipality takes measures within the scope of his/her competence to strengthen social protection and, using funds from the district or municipal budget, is entitled to allocate persons with disabilities additional benefits to those prescribed by law.

158. Social care centres run by the Ministry of Labour and Social Protection for elderly persons living alone and persons with disabilities render social, medical and other long- and short-term services to citizens requiring the forms of social care guaranteed by the State. At present, six such centres are in operation, providing care, meals, social, medical, and community integration services to elderly persons living alone, persons with disabilities and other incapacitated citizens. As of 1 January 2011, the centres were catering for 1,881 persons, 250 of whom have disabilities.

159. The centres have home-care units, which also provide basic nursing, day-care units delivering partial inpatient care during the day time and residential facilities delivering inpatient care around the clock. The home-care sections cater for citizens who have partially lost the ability to look after themselves and need additional care and help with household chores. Home care involves the provision of community-care, advisory and other socially-oriented services that are determinate upon a citizen's state of health, as stated in his/her medical report, as well as personal needs. All home-care unit staff make home visits at least twice a week. Services most commonly rendered include cleaning, cooking, washing laundry, buying groceries and non-food items, accompanying their charges to the clinic and visiting them, as the case may be, in hospital. The day-care unit is designed to assist citizens who are still mobile and able to look after themselves with their everyday needs, provide them with medical services, organize their meals and leisure, involve them in work tasks commensurate with their ability and encourage them to maintain an active lifestyle.

## **Article 20**

### **Personal mobility**

160. In order to ensure the social protection of persons with disabilities, Turkmenistan affords them opportunities for personal development and to realize their creative potential. This has been achieved by taking into consideration their needs, by implementing State programmes and by providing the forms of social assistance specified by law, thereby eliminating any obstacles preventing persons with disabilities from exercising their rights to health, work, education and vocational training, as well as housing and other socio-economic rights.

161. State bodies, local authorities and administrations, companies, institutions and organizations are, irrespective of their form of ownership, required to ensure that persons with disabilities, including those using wheelchairs and guide dogs, are provided with



suitable access to residential, public and industrial buildings, facilities and premises, are given unimpeded use of public transport and transportation routes, communications and information systems, and are able to manoeuvre and move about freely.

162. Accommodation allocated to persons with disabilities or families with and caring for such a person must be fitted with special devices, appliances and telephone communications appropriate to his/her specific rehabilitation programme. These provisions are set out in detail in paragraphs 47–48 of this report.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

163. Under Article 28 of the Constitution, citizens enjoy the right of freedom of opinion and expression, and the right to obtain information, provided it is not a State or other legally protected secret.

164. Pursuant to article 1 of the Print and Other Media Act of 10 January 1991, print and other media are free. Guaranteed under the Constitution, freedom of speech and the freedom of the press signify the right to express opinions and beliefs, as well as to seek, choose, receive and impart information and ideas in any form, including print and other forms of mass communication.

165. In accordance with Article 24 of the Print and Other Media Act, citizens are entitled to access mass media in order to obtain reliable information on the activities of State bodies, voluntary associations and officials. The freedom to seek, receive and impart information carries with it special duties and responsibilities, thus entailing certain restrictions. The media may not, therefore, abuse freedom of speech: use of the media to divulge information classified as a State or other secret specially protected by law is prohibited, as is calling for the violent overthrow of or change in the existing State and social system, advocating war, violence and cruelty, racial, ethnic or religious exclusivity or intolerance, and disseminating pornography, with a view to committing other criminal acts.

166. Under article 5 of the Act, using the media to interfere in the private life of citizens and to offend their honour and dignity is prohibited and punishable by law.

167. By court order, emotional distress (non-pecuniary damages) inflicted on a citizen as a result of information disseminated in the media with no basis in fact, degrading his/her honour and dignity or inflicting other non-pecuniary damages, is to be compensated for by the media outlet concerned, as well as by the officials and citizens held responsible. Pursuant to article 29 of the Act, the amount of financial compensation paid for emotional distress (non-pecuniary damages) is fixed by the court.

168. Article 132 of the Criminal Code stipulates criminal liability for conveying false information or committing libel in a public statement or publicly displayed works in the media.

## **Article 22**

### **Respect for privacy**

169. Turkmenistan ensures that the privacy of personal, health and rehabilitation information of persons with disabilities is strictly maintained and protected. Under article 25 of the Constitution, every person has the right to be protected against arbitrary interference in his/her private life and against violations of the confidentiality of correspondence, telephone conversations and other forms of communication, and against attacks on his/her honour and reputation. The Civil Code establishes important guarantees

regarding the protection of personal non-property rights. A person is entitled to petition the courts for a retraction of information denigrating his/her honour, dignity or business reputation if the disseminator of the information fails to provide evidence showing it to be true. Interested parties may ask for a person's honour and dignity to be protected even after his/her death. Information disseminated in the mass media denigrating a person's honour, dignity or business reputation must be refuted in the same mass media. No one is entitled to publicize and disseminate publicly available images of any individual without his/her consent.

170. Pursuant to articles 15–18 of the Civil Code, every person is entitled to the protection of his/her private life regarding, inter alia, the privacy of correspondence, diaries, notes, records, intimate life, birth and adoption, as well as with respect to doctor-patient confidentiality, attorney-client privilege and the confidentiality of deposits.

171. Under articles 1027–1043 of the Civil Code, a person that has been caused physical or moral suffering as a result of attacks on his/her personal rights and freedoms is entitled to demand compensation, including by bringing the case to court. The Code also establishes liability for harm (inter alia, that affecting the protected incorporeal interests of the person) occasioned by the unlawful actions of preliminary investigation agencies, the procurator's office and the court (article 1040, paragraph 4 of the Code).

172. In a criminal investigation, where there is reason to suspect that a criminal instrument, a wanted person, a corpse or artefacts and valuables that could have bearing on the case are kept at a person's home, the investigating officer or State agency conducts a search to find and seize them. A personal search may also be carried out for the same reason.

173. A personal search is conducted by somebody of the same sex as the person being searched and in the presence of witnesses, also of the same sex, in accordance with the rules stipulated in article 272, paragraph 1 of the Code of Criminal Procedure.

174. Correspondence may be seized and confiscated at post and telegraph offices solely in connection with a specific criminal investigation and only if authorized by a procurator or court.

175. Pursuant to article 81 of the Code of Criminal Procedure, confiscated correspondence or mail is examined, removed and copied by either an officer conducting an initial inquiry or a pretrial investigator at the respective post or telegraph office in the presence of a witness.

176. As prescribed by law, the procurator's office ensures that there are legal and reasonable grounds for conducting searches and seizing correspondence. This is done by undertaking various checks prior to granting or refusing authorization, when overseeing preliminary investigations, confirming an indictment, considering and upholding citizens' complaints and requests, as well as when performing other supervisory functions. The legality and appropriateness of interfering in somebody's private life may be reviewed by a court while criminal cases are under investigation and citizens' petitions being considered that relate to the matter concerned. Additionally, the activities of the law enforcement agencies involved are subject to internal scrutiny.

## **Article 23**

### **Respect for home and the family**

177. Article 27 of the Constitution stipulates that a woman and a man who have reached marriageable age are entitled, by mutual consent, to marry and found a family. Spouses enjoy equal rights in family relations. It is the right and duty of parents or persons acting in

their stead to raise their children, attend to their health, development and education, to prepare them for the world of work and to instill in them respect for the law and for historical and national traditions. It is the duty of adult offspring to care for and assist their parents. These provisions apply equally to persons with disabilities.

178. In accordance with the Constitution, the family is protected by the State, which has manifested its concern for the family by setting up and developing an extensive network of maternity homes, crèches, kindergartens, boarding schools and other children's institutions and organizations, by paying childbirth benefit, providing allowances and entitlements for single mothers and large families, and by making available various other family benefits and services.

179. The basic rules governing family relations are set out in the Marriage and Family Code. Family law deals with building family relations based on the voluntary marital union of women and men, feelings of mutual love devoid of mercenary considerations, on feelings of friendship and respect for all family members and maximum commitment to protecting the interests of the mother and children.

180. Pursuant to article 8 of the State Guarantees of Women's Equality Act, the State guarantees women who have reached the minimum age for marriage established in national legislation the right to enter into marriage and to found a family on an equal basis with men, with whom they enjoy equal rights in family relations.

181. All citizens enjoy equal rights in family relations. It not permitted to directly or indirectly restrict rights, to confer direct or indirect privileges upon entry into marriage and family relations based on, inter alia, origin, social and property status, race or ethnic background, sex, education, language, views on religion, type and nature of occupation, place of residence or other characteristics.

182. Marital and family relations are regulated solely by the State. Only marriages concluded in a State civil registration office are recognized. A religious marriage ceremony and other religious ceremonies have no legal value.

183. Marriages are concluded in civil registration offices. They are registered both in the State and the public interest and to protect the personal and property rights and interests of spouses and children. The rights and obligations of spouses arise only from a marriage concluded in a civil registration office. Marriage requires the mutual consent of the intending spouses and their having reached the minimum age for marriage.

184. In addition to the conditions stipulated in the Marriage and Family Code, to marry a Turkmen citizen, a foreign national or stateless person must have resided in Turkmenistan for at least one year.

185. A marriage that is concluded under compulsion or by deceit may be invalidated at the request of the injured party or a procurator.

186. Marriage is prohibited between persons, one of whom is already married, between ascendants and descendants, full and half siblings, adoptive parents and adoptees, and persons, one of whom is declared by a court to be incompetent due to mental illness or dementia.

187. Questions relating to the education of children and other family matters are settled jointly by the spouses. Both are free to choose an occupation, profession or place of residence.

188. Property acquired by the spouses during a marriage is jointly owned. Spouses enjoy equal rights of ownership, use and disposal of the property and have equal right to property even if one of them was occupied with managing the household or caring for children or, for other valid reasons, did not have an independent income.

189. Parents have the right and an obligation to nurture their children, attend to their health, physical, spiritual and moral development and schooling, and to prepare them for socially meaningful employment. The exercise of parental rights must not be detrimental to the interests of the child. Where one or both of the parents fail to perform their child-rearing duties properly or abuse their parental rights, children may ask tutorship or guardianship authorities to protect their rights and interests.

190. Father and mother have equal rights and responsibilities in matters relating to their children, including in the event of divorce. All questions concerning children's upbringing are settled by both parents by mutual agreement. If no agreement can be reached, contentious issues are resolved by tutorship and guardianship authorities with the involvement of the parents.

191. A parent living apart from his/her children is required to take part in their upbringing and is entitled to have contact with them. A parent living with his/her children is not permitted to prevent the other parent's access to the children and involvement in their upbringing. If parents are unable to reach an agreement regarding the involvement of the parent living separately in the children's upbringing, the issue is settled by tutorship and guardianship authorities, taking the child's best interests into account.

192. A tutor or guardian is appointed to care for minors who, in connection with the death of their parents, the withdrawal of their parents' parental rights, their parent's illness, or who for other reasons are left without parental care, as well as to protect the personal and property rights and interests of these children. A tutor is appointed for children under the age of 15 and for persons declared by a court to be incompetent due to mental illness or dementia.

193. The following may not be appointed as tutors or guardians: persons under the age of 18, persons declared legally incompetent or of limited legal capacity in accordance with the procedure established by law, persons who have been deprived of parent rights, former adoptive parents if the adoption was annulled because they failed to perform their duties properly and tutors or guardians suspended from their duties for improper performance of their assigned duties.

194. Every child has the right to live and be brought up in a family, to know his/her parents, be live with and be cared for by them, other than in cases that are detrimental to the child's interests. Under article 69 of the Marriage and Family Act, parents are entitled to demand that their children be returned by any person keeping them illegally or without court authorization.

195. Article 70 of the Marriage and Family Code specifies that one or both of the parents may be deprived of their parental rights if it is shown that they are failing to perform their child-rearing duties, are abusing their parental rights, are treating their children cruelly, are chronic alcoholics or drug addicts or, due to their immoral, antisocial behaviour, are exerting a harmful influence on their children. Parental rights may be withdrawn by a court of law at the request of one of the parents (persons acting in their stead), a procurator or at the behest of the authorities or institutions tasked with protecting the rights of minors. Cases involving the withdrawal of parental rights are considered in collaboration with a procurator and tutorship and guardianship authorities (article 71 of the Code).

196. In cases where the rights of one parent are withdrawn or curtailed, the child is transferred to the care of the other parent. Should this not be possible or both parents have had their rights withdrawn or curtailed, the child is placed in the care of the tutorship and guardianship authorities. If leaving the child with his/her parents would expose him/her to danger, a court, in response to an action brought by tutorship and guardianship authorities, State or voluntary organizations, one of the parents or the procurator, may order that the child be removed and placed in the care of tutorship and guardianship authorities without

termination of parental rights. If the reasons for removing the children no longer apply, the court may, at the request of the parents or procurator, rule that it is in the best interests of the child that he/she be returned to the parents (articles 74, 76, and 77 of the Code).

197. In cases where the parents live apart, the child's place of residence is determined by the voluntary 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 wishes of the child (article 66 of the Code). The court's decision must take into consideration the child's attachment to each parent and any siblings, the child's age, the moral and other qualities of the parents, the relationship between each parent and the child, and his/her ability to provide for the child's education and development.

198. If the parents live apart or in different countries, the child is entitled to maintain contact with both of them. A parent not living with his/her child has the right to be involved in the child's upbringing and to have a say in the child's education. Tutorship and guardianship authorities may, for a specified period, deprive such a parent of his/her right to have contact with the child if it disrupts the everyday life of the child to such an extent that it should harm his/her physical or mental well-being and moral development.

199. Pursuant to article 68 of the Code, tutors and guardians are not entitled to prevent a child's contact with his/her parents or other close relatives other than when such contact is not in the child's best interests.

200. A child who does not live with his/her parents or legal representatives has the right to maintain direct contact with them and to receive information about them, provided that this does not harm the child or infringe the confidentiality of a closed adoption. In compliance with the Presidential Decision of 3 October 1994 on family-type children's homes, care workers at such homes are not permitted to prevent children from maintaining contact with their parents, from being reunited with parents who have regained their parental rights or been released from prison, or in any other cases that are not detrimental to the child's interests.

201. Under article 30 of the Rights of the Child Act, the State takes steps to ensure that children receive information and communications from various sources, primarily with regard to their parents, their whereabouts, and so forth.

202. The benefits and entitlements accorded to women in connection with motherhood are also extended to fathers raising children without a mother (if she has died, been deprived of paternal rights or is undergoing long-term treatment at a health-care facility, and in other cases where maternal care is absent), as well as to tutors and guardians caring for minors.

203. The Marriage and Family Code stipulates that parents must support their minor children and incapacitated adult children requiring care. The Code also specifies the amount of maintenance payable towards the child's upkeep. In addition, maintenance payments or the minimum amount may be reduced by a court if the parent required to pay maintenance is a person with a category I or II disability.

## **Article 24**

### **Education**

204. Pursuant to the Education Act, citizens are ensured access to education, irrespective of their sex, race, ethnic background, language, origin, place of residence, views on religion, beliefs, age, state of health, social, property or employment status.

205. The State ensures the right of citizens to education by providing an educational system and socio-economic conditions conducive to gaining an education. The State guarantees citizens universal free preschool and general secondary education at State schools, as well as, on a competitive basis, universal free vocational training at State educational institutions, provided that the student is receiving such education for the first time, in accordance with the procedures specified in the Act.

206. In order to realize the right to education, the State covers the expenditure of citizens in need of social support while they are studying. Eligibility, the attendant procedures and rates are established by law.

207. The State provides persons with special needs, i.e. who have physical and/or mental impairments, with opportunities to pursue education and receive treatment for developmental disabilities, as well as with help to adjust to society using special teaching methods.

208. Article 10 of the Education Act states that curricula may be followed in educational institutions, through self-learning, in the form of external studies or using distance learning technologies, depending on the needs and capacities of the students. Educational institutions offer full-time, blended (evening) and distance learning models.

209. All forms of education provided in designated general or vocational education programmes are governed by unified State educational standards.

210. In accordance with article 11 of the Education Act, special educational institutions operate for day and residential pupils with special needs, orphan children and children not cared for by their parents (persons acting in their stead).

211. Pursuant to article 24 of the Act, special educational facilities are provided for orphan children and children without parental care, who are looked after entirely at the expense of the State. The State supports and makes a notable contribution to the establishment and activities of family-type children's homes. The country has two special schools catering for orphan children and children without parental care: one in the city of Ashgabat, the Palace of Dovletliler, named after President of the United Arab Emirates, Zayed bin Sultan Al Nahyan, and another, the House of Childhood, in Balkanabat. Children at both schools are fully provided for by the State and receive general secondary education. Those of them who go on to study at vocational training schools are maintained by the State for the duration of their course and, on passing the entrance tests, are admitted to the school without having to sit an examination and are awarded a grant.

212. Children with physical or mental developmental disabilities requiring long-term care have access to special educational institutions. Learners at these facilities are entitled to an education commensurate with the State educational standards, to additional educational services (including those available for a fee), as well as the opportunity to use textbooks and study guides at State educational institutions free of charge.

213. Day and residential pupils at State educational institutions are given grants and allocated places at hostels and residential facilities in accordance with the procedures established by law, and receive other forms of social support.

214. Turkmen citizens are entitled to free general secondary education and, at the relevant level, to vocational education at State educational institutions on a competitive basis.

215. Children with special needs may attend special (remedial) schools, classes or groups where they are given therapy, cared for, and taught and helped to integrate into society. The following types of special (remedial) preschool institutions (groups) are in operation:

- preschool institutions (groups) for children with speech disorders (speech therapy facilities);

- preschool institutions (groups) for children with mental disorders (mentally retarded);
- preschool institutions (groups) for children with movement disorders;
- preschool institutions (groups) for children with eyesight disorders;
- preschool institutions (groups) for children with hearing disorders;
- preschool institutions treating children with early tuberculosis symptoms.

Preschool children with special needs are cared for and taught at both special and general preschool institutions. In the latter case, this takes place in separate groups designated for special needs children, other than those with early tuberculosis symptoms. Schools catering for children with special needs include:

- a residential school for children with movement disorders;
- a residential school for blind and visually impaired children;
- a residential school for deaf and aurally impaired children;
- a residential school for mentally retarded children;
- a special school for children with early tuberculosis symptoms;
- a residential school in a woodland setting treating children in contact with tuberculosis patients.

In addition, special syllabuses are used to teach children with special needs at their homes. These are designed primarily for children with disabilities preventing them from attending school.

216. Under article 34 of the Act, each educational institution must provide facilities protecting the lives and enhancing the health of day and residential pupils. The curricular and extra-curricular activities, as well as the lesson timetable, of day and residential pupils are fixed by a designated body of the State education department and in accordance with the statute of the educational institution, with due regard to the recommendations of the health authorities. Children requiring long-term care have access to special remedial-health schools, including those akin to a sanatorium. Educational institutions may conduct lessons for such children either at home or in health-care facilities. Tuition at special residential schools for deaf and aurally impaired children is based on curricula designed for healthy children and those with physical or mental disabilities. In view of their special needs, all due care is taken to ensure that such children are taught the academic, cognitive and work skills, and instilled with the necessary self-confidence, to enable them to integrate more quickly into society, ultimately enabling them to feel full and equal members of the community. Tuition at special residential schools for mentally retarded children is based on curricula that take into consideration their state of health, needs and capacities.

217. Medical services are provided to day and residential school pupils by the health authorities. Educational institutions are required to ensure that health-care providers are allocated premises equipped with appropriate facilities for their work.

218. Pursuant to article 156 of the Social Security Code, the State ensures that persons with disabilities are afforded every opportunity to acquire education and undergo vocational training. Education and health authorities must provide children with disabilities preschool and non-formal education. They are also required to provide persons with disabilities with access to general secondary education and to assist them in undergoing vocational training appropriate to their individual rehabilitation programme.

219. Education and health authorities must provide for the care, rehabilitation and attendance of children with disabilities of preschool age at preschool general educational institutions. Children whose health prevents them from attending such establishments go to special preschool facilities.

220. Article 158 of the Social Security Code stipulates that persons with disabilities undergo general secondary, intermediate vocational and higher education at general educational institutions or, if appropriate, at special educational institutions. Persons with category I or category II disabilities, for whom a medical assessment panel finds no contraindication to education in higher and intermediate vocational training institutions, are admitted to such establishments without taking an examination. Persons with category III disabilities have, under equal conditions, priority in admission to higher or intermediate vocational institutions.

221. For the duration of their course, persons with disabilities at higher or secondary vocational educational establishments receive full State grants and bursaries, and, upon its completion, are provided with employment specific to their qualifications, with due regard for the working conditions and their individual rehabilitation programme. Persons with disabilities are entitled to choose their place of work of their own accord.

222. Education and other State authorities ensure that everything is done to provide children with disabilities with access to out-of-school education. Specifically, education authorities organize training events for those who have undergone a course of treatment in hospitals, health-care facilities or rehabilitation centres.

## **Article 25**

### **Health**

223. Pursuant to article 35 of the Constitution, citizens are entitled to health care, including free use of the public health system. Persons with disabilities and with special needs have the right to health on an equal basis with others. The country is moving ahead with a national health-care programme and high-quality maternal and child health centres with modern facilities have been opened in all provinces. With a view to improving the entire social infrastructure in rural areas, including the construction of new kindergartens, schools, hospitals, stadiums and cultural facilities, the Government has allocated US\$ 4 billion to a national programme to improve social and living conditions in villages, settlements, towns and district centres in the period up to 2020.

224. Subject to evaluation by a medical panel, children with special needs undergo rehabilitation and habilitation free of charge at special preschool institutions and schools, which they attend as day pupils or, at their parents' request, on a 24-hour basis. There, besides tuition, children receive supportive treatment supervised by specialists.

225. In order to ensure that children with special needs receive a modern education and have access to recreation and health-related rehabilitation facilities, the governors of provinces and Ashgabat have been instructed to build residential schools with rehabilitation units for 420 children, pursuant to Presidential Decision No. 11374 of 3 December 2010.

226. In accordance with article 20 of the Public Health Act, persons with disabilities are entitled to free medical care at State health-care facilities. Persons with disabilities living alone who require nursing care and persons suffering from chronic mental illness have the right to stay, free of charge, at specialized institutions.

227. In the event of illness, incapacity and in other cases, citizens are accorded medical and social assistance, including preventive, curative and diagnostic, rehabilitation,



prosthetic-orthopaedic and other forms of assistance, as well as community care services for those who are ill, unfit to work or disabled.

228. As part of measures to protect the health of spouses and their offspring, chapter 5, article 30 of the Act, which deals with family reproductive health, specifies that citizens who marry in Turkmenistan are entitled to undergo medical and genetic screening at a health-care facility of their choice.

229. Under article 5 of the Act, minors, students, persons with disabilities and pensioners involved in physical fitness and sport activities are entitled to free medical examinations.

230. In accordance with article 10 of the Act on the Prevention of Illnesses caused by the Human Immunodeficiency Virus (HIV), Turkmen citizens and stateless persons permanently residing in Turkmenistan who become infected with HIV are entitled to social and medical assistance. Refusing to admit people living with HIV/AIDS into health-care facilities or to render them emergency medical care is prohibited. AIDS sufferers receiving outpatient treatment are given free medications for the disease. People living with HIV/AIDS are reimbursed for expenses incurred from travelling to and from a treatment facility in Turkmenistan by the health-care institution nearest to their place of residence. Parents, or persons acting in their stead, who have children under the age of 14 living with HIV/AIDS are legally entitled to live with them at an inpatient facility and to receive temporary incapacity benefit. Under Turkmen law, in cases where a parent (or person acting in his/her stead) covered by a voluntary pension insurance policy terminates an employment contract in order to care for a child with a disability under 16 living with HIV/AIDS, the time spent caring for the child is factored into the coverage period. Unjustified denial of employment to and dismissal of people with HIV/AIDS is prohibited. Children living with HIV/AIDS are guaranteed accommodation in children's preschool institutions and tuition in a school setting. Those who are under 16 years of age are entitled to a monthly State allowance equal to the amount established by law.

## **Article 26**

### **Habilitation and rehabilitation**

231. The rehabilitation of persons with disabilities is underpinned by an integrated system of work-oriented and social interventions aimed at correcting abnormal or severely impaired body functions and restoring the ability to perform activities of daily living and engage in various forms of employment. Persons with disabilities undergo rehabilitation at purpose-built centres and units, specialized spa and rehabilitation centres and educational institutions, as well as at facilities providing community care services for persons with disabilities.

232. At rehabilitation centres, persons with disabilities undergo medical tests and receive treatment and rehabilitative care, including exercise therapy, massage and physiotherapy. Persons with disabilities are also entitled to free treatment once a year at one of the country's health spas, specifically Archman, Baýramaly, Mollakara and Farab.

233. The medical, vocational and social rehabilitation of persons with disabilities is conducted in accordance with individual rehabilitation programmes devised by health-care institutions. These programmes are operated with the assistance of State administrative bodies, local authorities and administrations, companies, organizations and institutions.

234. Social welfare agencies provide persons with disabilities requiring nursing care other assistance with at-home home and medical services, which are rendered by hospitals and clinics.

235. A social rehabilitation facility has been set up under the auspices of the Deaf and Blind Society of Turkmenistan where persons with disabilities undergo specialized rehabilitation courses and learn the basic skills commonly required in today's job market. To that end, English-language courses for the blind and computer literacy and information technology classes are now running. Additionally, a fitness room and a psychotherapy office have been opened and facilities provided for creative self-expression.

## **Article 27**

### **Work and employment**

236. Article 33 of the Constitution guarantees citizens the right to work, free choice of profession, type of employment and place of work, and healthy and safe working conditions. Hired workers have the right to remuneration commensurate with the quantity and quality of work. This remuneration may not be less than the minimum living wage set by the State.

237. The Labour Code regulates labour relations for persons working in businesses, organizations and institutions, regardless of their form of incorporation or ownership, and also stipulates various benefits for persons with disabilities.

238. Article 24 of the Labour Code provides guarantees regarding the conclusion of employment contracts. Thus, employers, officials or their designated agents are subject to liability under Turkmen law for unjustified refusal. Refusing to employ persons with disabilities is deemed unjustified if a medical assessment panel has judged that their state of health does not prevent them from performing their professional duties or pose a threat to the health and safety of others. Persons denied employment may request that an employer state the reason for the refusal, which must be given in writing no less than three days after the request is lodged. A refusal to do so may be appealed in court.

239. Pursuant to article 14, paragraph 5 (2) of the Labour Code, an employer who hires persons with disabilities must ensure that they are provided with working conditions appropriate to their individual rehabilitation programme.

240. Article 368 of the Code provides that disputes relating to application of labour legislation, collective agreements, and contracts are considered by:

- a) labour dispute committees;
- b) trade union bodies of companies and their subsidiaries;
- c) courts.

Labour disputes involving specific categories of workers are examined by higher authorities. The employer and the trade union body concerned may use all available means to settle labour disputes arising from the introduction of new working conditions or the alteration of existing ones.

241. In the event that workers are dismissed on grounds of redundancy, those who are better qualified and more productive have a priority entitlement to be retained. Where qualifications and productivity are equal, priority entitlement to remain is accorded to persons disabled since childhood (article 50 of the Code).

242. In accordance with article 60 of the Labour Code, persons with category I or II disabilities may, on the recommendation of a medical assessment panel, be assigned shorter working hours, although no fewer than 36 hours per week without a reduction in wages. Article 86 of the Code states that persons with disabilities are entitled to statutory annual leave of 45 calendar days, as opposed to the standard entitlement of 30 calendar days.

Similarly, persons with disabilities are entitled, upon request, to statutory annual leave before completing eleven months of continuous employment, as well as to unpaid leave in excess of the stipulated duration, i.e. up to thirty calendar days (article 103 of the Code).

243. Article 191 stipulates additional measures for protecting persons with disabilities in the area of employment. Employers are required to hire persons with disabilities sent by a local employment authority or office for recruitment purposes under the quota system. Employers must also abide by the recommendations of a medical assessment panel with regard to part-time work, lighter duties and other conditions of employment relating to persons with disabilities.

244. The right of persons with disabilities to recruitment and employment, the setting of quotas for hiring persons with disabilities and ensuring their access to education and vocational training are implemented in accordance with article 266 of the Labour Code and other legislative instruments. Pursuant to the article 153 of the Social Security Code, persons with disabilities are entitled to work in companies, organizations and institutions with normal working conditions, at specialized facilities, workshops and departments employing such persons, and to engage in private business activities not prohibited by domestic law. It is prohibited to deny persons with disabilities employment or promotion, for management to dismiss them, or to transfer them to other work without their consent on grounds of disability, other than in cases where a person with a disability is judged by a medical assessment panel as unfit to perform professional duties or his/her state of health poses a threat to the health and safety of others.

245. Working conditions, working hours, time off work, and the duration of annual and additional leave are specified in collective and individual agreements in accordance with national legislation (article 154 of the Social Security Code).

246. Local authorities assist persons with disabilities engaged in private business activities or working from home by helping them to procure commercial and industrial premises, acquire domestically-produced raw materials and sell their products.

247. It is prohibited to deny persons with disabilities employment or promotion, for management to dismiss them, or to transfer them to other work without their consent on grounds of disability, other than in cases where a person with a disability is judged by a medical assessment panel as unfit to perform professional duties or his/her state of health poses a threat to the health and safety of others.

248. In accordance with article 28 of the Labour Code, persons with disabilities are not set a probationary period when entering into a contract of employment.

249. Pursuant to article 14 of the Labour Code, employers must ensure that:

- appropriate working conditions are provided for persons with disabilities appropriate to their individual rehabilitation programme;
- work areas and equipment are suitable for them to perform their work duties;
- modern protective equipment is incorporated into the workplace and working conditions comply with safety and health standards, preventing industrial injuries and occupational ill-health;
- employees receive equal remuneration for work of equal value;
- employees and trade union bodies take part in the management of the company in the manner prescribed by law.

Employers must also abide by the recommendations of the Health and Social Care Commission of the Ministry of Health and the Medical Industry with regard to part-time

work, lighter duties and other conditions of employment relating to persons with disabilities.

250. In order to deal swiftly with the problem of helping citizens find work and provide vocational guidance in market conditions, on 27 May 2011 a presidential decision was adopted, under which independent labour exchanges in provincial administrations and Ashgabat were reorganized as State-funded employment agencies. These agencies are tasked above all with: maintaining records of citizens seeking their assistance in finding work; providing communities with reliable, full and up-to-date details of job vacancies; helping jobseekers by promptly notifying them of suitable openings; reacting quickly to changes in the labour market; informing companies, organizations and institutions of the state of the labour market; assisting them to recruit staff in accordance with their needs; creating a database of the supply and demand for manpower.

251. Article 12 of the Employment Act provides additional employment guarantees for able-bodied citizens of working age who require social protection and cannot compete in the labour market on equal terms. The beneficiaries include: young people; single parents and parents with large families raising minor children or children with disabilities; people approaching retirement age (women of 55 or over, and men of 60 or over); veterans who have seen active service abroad; persons with disabilities; the long-term unemployed; individuals released from penal institutions or institutions providing compulsory treatment under court order (hereinafter referred to as “persons in need of social protection”). These guarantees have been made available by creating new jobs and specialized enterprises, including companies employing persons with disabilities, setting up social rehabilitation centres, organizing special training programmes and implementing other measures. To this end, district governors set companies, institutions and organizations annual hiring quotas equal to up to 5 per cent of all available posts, also requiring them to establish special posts for persons with disabilities.

252. Pursuant to article 18 of the Employment Act, employers must create special posts for persons with disabilities and recruit persons in need of social protection in compliance with the quotas specified under article 12 of the Act. They are also required to hire citizens who, under agreements they have signed with employment agencies, have undergone training or further training organized by the agencies.

253. As stated in the Labour Code of 18 April 2009, forced or compulsory labour is prohibited in Turkmenistan. Article 8 of the Code defines the concept of forced labour and other types of work that are not considered forced labour. In accordance with article 8, forced or compulsory labour means all work or service exacted from any person under threat of punishment and which the person has not voluntarily offered to perform. Force or compulsory labour includes demands made by an employer of an employee that he/she perform work duties in the absence of a system of collective or individual protection, or where undertaking the work demanded could endanger the employee’s life or health, violating the established schedule for the payment of wages or not paying the full wage, and extending working hours without a corresponding increase in remuneration.

254. Article 34 of the Code states that in order to meet their company’s business objectives employers are accorded the right to require workers, without their consent and for a period not exceeding one month, to perform duties that are not stipulated in their employment contract at the same company and at the same location. An employee may not, however, be transferred to duties that are contraindicated to his/her health.

255. Pursuant to the Procurator’s Office Act, the Procurator-General and procurators reporting to him/her are responsible for ensuring strict and uniform compliance with domestic laws, the acts of the President of Turkmenistan and the Cabinet of Ministers, and the decisions of the Turkmen parliament. With a view to safeguarding the labour rights of

persons with disabilities, public prosecution offices perform various checks, consider statements and, whenever they identify a breach of the law, may have recourse to reactive legislation to prevent or combat it.

## Article 28

### Adequate standard of living and social protection

256. The Social Security Code sets out the legal, economic and organizational foundations of social protection in Turkmenistan and guarantees pension security and State benefits to persons entitled to pensions and State support. It also establishes the procedures and conditions governing retirement insurance and for granting, assessing and paying pensions and State allowances.

257. Benefits connected with the allocation, acquisition, construction and use of housing for persons with disabilities and families caring for a person with a disability are fixed in accordance with the country's housing laws and the enactments of local administrations and authorities. The Social Security Code contains a section on State allowances that has a separate chapter dealing with State disability benefits. Article 88 of the Code provides for disability benefit supplements.

258. Pursuant to article 91 of the Code, State disability benefits are financed using State social security funds. Monthly disability benefits are paid to beneficiaries through the bank closest to their permanent address or, where authorized by the Ministry of Labour and Social Protection, nearest to their habitual abode. Should the beneficiary so request, State benefit may be paid into a bank account, in which case he/she must register with the social security agencies once every six months. Persons with disabilities who are in employment receive the full amount of disability benefit (article 92 of the Code).

259. As of 1 January 2011, there were 92,200 people receiving disability benefit. Average monthly benefit totalled 147.4 manat.

### Number of disability benefit beneficiaries

<i>Turkmenistan</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011, September</i>
Number of disability benefit beneficiaries (thousands)	76.3	80		90	92.2
Including:					
Category I	5	5.7	6.1	6.4	6.5
Category II	36	38.5	42.6	45.2	46
Category III	24.6	26	27.3	28.3	29.7
Children under 16	10.7	9.8	10	10.1	10
Average monthly disability benefit (manat)	84.5	84.46	121.03	134.24	147.4
Including:					
Category I	110.60	108.82	156.85	171.32	204.7
Category II	93.74	92.78	130.49	145.64	157.88
Category III	67.68	68.30	102.35	112.43	126.9
Children under 16	80.02	80.58	110	120.97	133.10

260. Upon request, persons with disabilities who have reached retirement age and meet length of service requirements are paid an old-age pension. Women who have given birth to and raised a child with a disability to the age of 8 are entitled to retire three years earlier at the age of 54. When old-age pensions are calculated, periods spent caring for a person with a category I disability or a child with a disability under 16 count towards time spent in employment, provided the total period does not exceed ten years.

261. Persons with categories I or II disabilities who have dependent family members that are unable to work and receiving an allowance for loss of breadwinner are allocated a supplement in addition to their disability benefit equal to 20 per cent of the basic rate paid for each child. Persons with category I disabilities and persons with category II disabilities living alone who, based on a medical report, require care due to visual impairment receive a supplement amounting to 20 per cent of the basic rate provided for care purposes.

262. Members of the armed forces and internal affairs agencies awarded disability status after sustaining injuries (wounds, traumas, contusions) in the performance of their official duties are paid a lump sum entitlement equal to:

- three times their annual salary (persons with category I disabilities);
- twice their annual salary (persons with category II disabilities);
- their annual salary (persons with category III disabilities).

These entitlements are paid using the funds of the ministries and departments under whose authority the persons served (article 18 of the Act on the Status and Social Protection of Armed Forces Personnel and Members of their Families of 30 August 2009 and art. 34 of the Internal Affairs Authorities Act of 28 May 2011).

263. Residential care homes for the elderly and persons with disabilities are State-funded health and social facilities providing inpatient care for single elderly women over 57 years old, men over 62 and persons with categories I and II disabilities over the age of 18, who, for health reasons, require general and medical care and who have no able-bodied family members or other persons legally obliged to support them.

264. The residents of all such homes are cared for and treated compassionately, with respect for their honour and human dignity.

265. Grounds for admitting somebody to a residential care home for medical reasons, as well as the grounds precluding their admission, are approved by the Ministry of Health and the Medical Industry. Admission to homes for the elderly and persons with disabilities is subject to a referral issued by the Ministry after consideration of the relevant documentation. Residential care facilities are located in purpose-built premises meeting sanitary standards. The elderly and persons with disabilities are accommodated in rooms appropriate to their health, age and sex, and with regard to personal preference.

266. Staff at all residential care homes help arrivals adapt to the new surroundings and communal life, provide a homelike setting, organize their diet and nutrition with due regard to their age and state of health and carry out health and hygiene procedures. The residents' material needs, such as clothing, footwear, bedding and so forth, are paid for out of the State budget.

267. Care home residents are placed under medical supervision, registered with a clinic in order to monitor their particular condition, provided, if appropriate, with medical care and access to consultations with specialists and admitted to curative and preventive medical facilities for special treatment. A range of rehabilitation measures are undertaken with a view to restoring residents' personal and social self-esteem.

268. Persons with disabilities and elderly persons with special needs are provided with hearing aids, eyeglasses, prosthetic and orthopaedic appliances, as well as unpowered mobility devices such as wheelchairs, walking sticks and crutches.

269. Care homes stage cultural events, which are attended by residents, depending on their age and state of health.

270. For purposes of occupational therapy, residents are provided with occupational therapy workshops and, where residential care homes are located in rural areas, allotments and gardens equipped with appropriate tools, machinery and vehicles. The elderly and persons with disabilities keep in contact with their relatives, friends and acquaintances by telephone, other means of communication, and personal visits, receive parcels, printed matter, hand-delivered packages, letters and telegrams.

271. Residential care homes for the elderly and persons with disabilities (as of year-end 2010) (based on the system used by the Ministry of Health and the Medical Industry).

<i>Indicator</i>	<i>2000</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Number of homes:	5	5	5	5	5	5	5
for the elderly and adults with disabilities	4	4	4	4	4	4	4
for children with disabilities	1	1	1	1	1	1	1
Number of places:	650	650	650	650	650	650	650
for the elderly and adults with disabilities	400	400	400	400	400	400	400
for children with disabilities	250	250	250	250	250	250	250
Number of residents:	499	456	481	473	462	460	476
the elderly and adults with disabilities	258	206	227	226	221	213	210
children with disabilities	241	250	254	247	241	247	266

272. In accordance with Presidential Decision No. 11817 of 2 September 2011 on further improving the social and living conditions of young families, young married couples are issued with concessional loans to buy essential equipment and household effects, as well as with mortgages to purchase a house or flat.

## **Article 29**

### **Participation in political and public life**

273. Under the Constitution, every citizen has the right to participate in the administration of political and public affairs either directly or through freely elected representatives. Article 32 of the Constitution stipulates that citizens have the right to elect representatives or to be elected to government bodies. They have an equal right to enter public service, according to their skills and professional training. Voting in elections is by secret ballot and exercising control over the expression of the will of electors during voting is prohibited (article 92 of the Constitution).

274. Under article 29 of the Constitution, Turkmen citizens are guaranteed the freedom to hold assemblies, rallies and demonstrations in the manner prescribed by law.

275. Article 30 provides that citizens have the right to form political parties and other voluntary associations operating within the framework of the Constitution and laws of Turkmenistan.

276. Civil society institutions currently play an important role in the political system of the Turkmen State. Voluntary, professional and artistic associations are actively involved in promoting democratic processes, protecting civil rights and freedoms, and shaping the State's economic, social and cultural policy. The most prominent voluntary associations in which persons with disabilities are involved are the Democratic Party, the Women's Union, the Magtymguly Youth Union, the War Veterans Organization, the Humanitarian Association of World Turkmen, trade unions and other non-governmental organizations, each legitimately represented in the country's elected bodies. Members of these voluntary associations may be elected to the Turkmen Parliament and local government bodies, thus enabling them to participate directly in the drafting of programmes aimed at improving the socio-economic and cultural life of Turkmenistan.

277. A chapter of the Social Security Code concerning associations of persons with disabilities states that the purpose of such associations is to implement social protection measures aimed at the social, vocational and medical rehabilitation of persons with disabilities and to involve them in socially beneficial activities. State executive and administrative bodies provide help and guidance to associations of persons with disabilities, which conduct manufacturing and financial activities not prohibited by law. Associations of persons with disabilities, as well as their companies, organizations and institutions, enjoy the various concessions provided by law. The creation, operation and disestablishment of these associations are regulated by national legislation (articles 149–150 of the Code).

278. Nine associations of persons with disabilities are registered in Turkmenistan:

- the Society for Persons with Disabilities;
- the Rehabilitation and Recovery Centre for Persons with Disabilities;
- the Deaf and Blind Society ;
- the Association of Midgets;
- the Support Centre for Persons with Disabilities ;
- the National Paralympic Committee;
- the Central Sports and Physical Training Club for Persons with Disabilities;
- the National Special Olympics Centre;
- the Chess Centre for the Blind.

279. The Society for Persons with Disabilities implements measures geared towards the social rehabilitation of persons with disabilities, participates and assists in engaging them in socially beneficial activities and works to ensure that they are provided with opportunities to develop their personalities and satisfy their intellectual needs.

280. The Deaf and Blind Society is a voluntary organization for persons with category I or II visual impairments and hearing or speech impaired persons that operates on the basis of voluntariness, equality, self-governance and lawfulness. The society's primary objective is to protect the rights and interests of the aforementioned persons, facilitate their social rehabilitation and employment, their involvement in sports and cultural activities, their social protection and engagement in public life. To this end, the society establishes contact with persons with category I or II visual impairments and hearing or speech impaired persons, enrolls and registers them in the society; designs various rehabilitation programmes; organizes manufacturing and commercial activities at training and production enterprises where they are taught occupational and vocational skills; designs and runs comprehensive social rehabilitation programmes as a fundamental means of integrating visually, hearing and speech impaired persons and maximizing their adjustment to modern society; organizes work focused on enhancing the moral, cultural and aesthetic sensibilities



and legal awareness of the Society's members; encourages members to develop their physical fitness and take part in sport.

281. As of 1 January 2011, the Deaf and Blind Society had 2,780 members. The society has agencies in all of the country's provinces by way of regional production primary organizations and ten training and production enterprises. These are to be found in all provincial centres and major cities, enabling around 446 visually, hearing and speech impaired persons to undergo vocational rehabilitation.

282. The Deaf and Blind Society has a social rehabilitation centre, which is fully self-supporting and self-financing and suitably equipped for the types of rehabilitation therapies it provides. The centre also has a lecture hall for conducting various courses on rehabilitation, as well as an information resource centre that includes a computer classroom with computers fitted with JAWS screen reading software for blind people, DVD discs with subtitles for the hearing impaired, and a small library. The centre also has a fitness room with modern sports equipment, a walk-in clinic and other ancillary facilities.

283. In the period 2005–2009, the Social Rehabilitation Centre played a pivotal role in implementing a joint project with UNDP promoting the social and economic integration of the visually and hearing impaired by running 18 courses on different aspects of rehabilitation (including rudimentary life skills training and vocational rehabilitation, teaching persons with disabilities to become sign language interpreters and rehabilitation coaches, etc.), which were attended by over 220 persons from all regions of Turkmenistan.

284. Every year, courses are held on rudimentary life skills for persons with late-onset blindness. There are also computer and Internet literacy, and English-language courses for the visually impaired, which have been completed by around 50 members of the society.

285. The National Special Olympics Centre is a voluntary charitable organization focused on rehabilitating children with intellectual disabilities through physical exercise and sport. The centre's mission is to enable adults and children with intellectual disabilities to take part in sports training and competitions in various Olympic disciplines by providing them with opportunities to improve their physical fitness, display courage and enjoy themselves.

286. The Central Sports and Physical Training Club for Persons with Disabilities is a voluntary organization with members and branches in all five of the country's provinces. The club trains sportsmen and women with various types of disability (locomotor, visual, hearing and intellectual) and also runs coach training programmes for persons with disabilities, who currently make up 40 per cent of the club's coaches. A training project has been devised with the aim of teaching persons with disabilities the rudiments of coaching. Another project to provide 280 persons with disabilities from all provinces with wheelchairs has been successfully implemented. In 2010, a handbook for persons with locomotor disabilities was published, entitled "For Persons in Wheelchairs and Those around Them".

287. The Support Centre for Persons with Disabilities is a nationwide voluntary organization whose main goal is to assist adults and children with physical and intellectual disabilities, protect their rights and interests, help them into work, and to facilitate their social, vocational and physical rehabilitation, and integration into society. The centre has designed and adopted a targeted programme entitled "Social Integration of Persons with Disabilities for 2009–2015" in order to support families caring for children with physical and/or intellectual disabilities, develop their creative potential and integrate them into society under the slogan "Equal Rights Mean Equal Opportunities". The programme involves implementing a charity initiative, "From Parent to Parent", with a view to providing material, moral and information support to children with disabilities and their families, and setting up in every province family support networks, through which the centre plans to implement various social projects. At present, networks have been

established in Ashgabat, as well as in Lepab and Mary provinces, and work is on-going to create more networks in others. A number of projects have been already been put into operation, including: a project to set up a rehabilitation centre for children with disabilities in Turkmenabat; the “We Shall Create Our World” project to establish a network for children with disabilities in Turkmenabat; the “Deaf Children” project to provide hearing impaired children with modern hearing aids; the “Kind Heart” project to provide children with disabilities with essential equipment, wheelchairs, prosthetic devices, and medicines, as well as opportunities to travel abroad for operations and treatment; the “Integrative Education Camp” project for sportsmen and women with locomotor and intellectual disabilities in the Gokdere area; and the “Integrative Education Camp” for wheelchair users and their parents in Gokdere. A project entitled “Raising the awareness of persons with disabilities in Turkmenistan about human trafficking” has been implemented in collaboration with the Organization for Security and Cooperation in Europe Centre in Ashgabat.

288. The National Paralympic Committee focuses on promoting sport among persons with disabilities. Since 1999, it has been a member of the International Paralympic Committee headquartered in Bonn, Germany, and takes part in all its organizational activities (conferences, seminars, the General Assembly, etc.) and sports events (the Paralympic Games, world, European and Asian championships, etc.). In addition, the National Committee is the country’s main disabled sports organization possessing the right to represent Turkmenistan in international organizations, sports federations and international tournaments.

289. The Chess Centre for the Blind stages chess tournaments for the visually impaired, trains competitive players and picks the national team of visually impaired players to represent Turkmenistan in international competitions. The centre also trains chess coaches in working with visually impaired persons and runs seminars for young players with visual impairments.

290. The district and municipal branches of the Women’s Union work actively with women with disabilities, providing them with legal advice and psychological support. The Central Council of the Women’s Union works closely with a residential school for children with hearing impairments or late-onset hearing loss in Ashgabat attended by hearing impaired children. The school has dancing and drawing clubs, sports departments, as well as the “Gunesh” club for girls wishing to knit and sew in their spare time.

291. As specified by the Tax Code, companies operated by associations for persons with disabilities are exempted from value added tax (art. 106), property tax (art. 143), income tax (art. 170), and target tax levied on the development of areas in cities, towns and villages (art. 207). Under article 187, paragraph 5 of the Code, individuals disabled during combat, disabled since childhood or with category I or II disabilities are exempted from income tax.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

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

293. Citizens of Turkmenistan have the right to freedom of artistic, scientific and technical creativity. Intellectual property rights and the interests of citizens in the fields of scientific and technical creativity and artistic, literary, and cultural activity are protected by

law. The State promotes the development of science, culture, art, folk art, sport and tourism (article 39 of the Constitution).

294. An important aim of the Government's policy in this respect has been and remains the development of Turkmen culture by protecting it, ensuring its recognition, safeguarding it, encouraging its development and enriching its many values.

295. With a view to realizing the right of every citizen, including persons with disabilities, to take part in cultural life, the following instruments have been adopted to implement the Government's policy regarding the development of culture, art, literature, science, the mass media and sport: the Protection of Historic and Cultural Monuments Act of 19 February 1992, the State Scientific and Technological Policy Act of 19 February 1992, the Scientific Intellectual Property Act of 30 September 1992, the Museums and Museum Management Act of 20 December 1996, the Libraries and Librarianship Act of 15 June 2000, the National Applied Arts and Crafts Act of 19 December 2000, the Physical Education and Sport Act of 7 July 2001, the Tourism Act of 10 May 2010 and the Culture Act of 19 March 2010.

296. Pursuant to a presidential decision, a creativity competition is held every year in Turkmenistan as an incentive for cultural workers, artists and writers, with the active participation of persons with disabilities.

297. State policy on libraries is geared towards facilitating universal access to information and cultural values, as well as towards maintaining and increasing library stocks and delivering administrative and technical support. In accordance with article 19 of the Libraries and Librarianship Act, every citizen has the right to library services. This is ensured by a State network of universally accessible libraries providing basic library services free of charge.

298. The Ministry of Culture oversees 10 theatres, 32 museums, 678 clubs and 230 libraries. The latter include a National Library, a Central State Children's Library, a library for the visually and hearing impaired, nine provincial libraries (five for adults, four for children), 15 municipal central libraries, 36 municipal library branches, 50 district central libraries and 117 district library branches in villages.

299. Associations of persons with disabilities stage cultural events that are timed to coincide with memorable dates, such as, among others, White Cane Day and International Day of Persons with Disabilities. Every year the Deaf and Blind Society's central board organizes a poetry and arts festival as part of celebrations marking Turkmen Independence Day. More than 70 of the society's most gifted members take part, including singers, musicians, dancers and poets, who demonstrate their artistic and poetic talents and achievements.

300. The Deaf and Blind Society is a member of the Asian Blind Union and the World Blind Union and actively participates in all the events (assemblies, conferences, seminars, etc.) they organize. Society members also take part in competitions held by the Asian Blind Union for blind persons in the Asia region, which involve writing a composition using the Braille tactile writing system.

301. Museums in Turkmenistan play an enormous role in making Turkmen citizens aware of their historical and cultural heritage, as well as that of the world. The country currently has 32 museums, which contain more than 281,000 valuable exhibits.

302. The achievements of Turkmen art and culture receive wide coverage in the media. The country's main broadcast network is the Turkmen Television Board, which comprises five television channels, "Altyn asyr: Türkmenistan", "Türkmenistan", "Miras", "Yaşlyk" and "Türkmen owazy", and four radio stations, "Çar tarapdan", "Owaz", "Miras" and "Watan".

303. The Culture Act regulates public relations with regard to the creation, revival, preservation, promotion, dissemination and use of the culture of the Turkmen people. It is designed to ensure and protect citizens' constitutional rights to participate in cultural life and have access to cultural treasures, and defines the legal, economic, social and organizational foundations of State policy in the cultural sphere.

304. Under article 5 of the Culture Act, the State guarantees citizens, irrespective of ethnic background, race, sex, origin, property and employment status, place of residence, language, views on religion, political convictions, party affiliation or lack thereof, the right to participate in cultural activities, use cultural organizations and have access to the cultural treasures of State cultural organizations.

305. The State guarantees citizens the right to all forms of creative activity in accordance with their interests and capabilities, free choice of moral, aesthetic and other values and the protection of their cultural identity. A citizen's right to engage in creative activity may be exercised on a professional or a non-professional (amateur) level.

306. The State affords citizens opportunities to realize their right to education in the area of culture through a system of initial, intermediate, higher and postgraduate vocational education institutions training cultural workers, other educational institutions teaching music, art and choreography, and other arts schools or centres for children and adults. The State accords citizens the right to establish companies, institutions and organizations producing, circulating, preserving and disseminating items of cultural value in the manner prescribed by law.

307. Citizens are entitled to create artistic and other voluntary associations pertaining to culture in accordance with the procedures established by legislation regulating voluntary associations.

308. The State guarantees the right to preserve and promote the cultural identity of other peoples living in Turkmenistan, and ensures the legal protection of citizens against illegal interference in their creative activity.

309. Local authorities and administrations are required to ensure that persons with disabilities enjoy free access to and use of cultural and entertainment centres, and sports facilities so that they can take part in physical exercise and sport. They must also ensure that such persons are provided with special sports equipment. Persons with categories I or II disabilities and children with disabilities under 16 years of age enjoy the aforementioned services free of charge, while persons with category III disabilities pay half the standard rate (art. 165).

310. As an important component of Turkmen national culture, physical exercise and sport help to improve people's health and their physical and intellectual abilities, helping to promote the harmonious development of the personality. Under article 3 of the Physical Education and Sport Act of 7 July 2001, citizens have the right to engage in physical exercise and sport. They have the right to establish health and fitness and sports associations, sports clubs and other organizations concerned with health, fitness and sport that operate in accordance with the laws of Turkmenistan and the statutes of international sports associations. Pursuant to a presidential decision, 21 January 2011 saw the adoption of a national programme geared towards supporting and promoting physical fitness and sport in Turkmenistan during the period 2011–2020, also setting out procedures for their support and promotion among persons with disabilities.

311. Every year, the Deaf and Blind Society and the Central Sports and Physical Training Club for Persons with Disabilities come together to hold cultural and sports events in Ashgabat and each province as a way of marking International Day of Persons with Disabilities.

312. Sportsmen and women with disabilities, including those at special residential educational institutions, continue to take part in the Special Olympics World Summer Games and Winter Games, European and Eurasian championships and other international tournaments, scoring good results and placing among the winners.

313. A team from the National Special Olympics Centre took part in the 2010 Special Olympics European Summer Games in Warsaw, where they successfully competed in four disciplines, powerlifting, athletics, tennis and table tennis, winning 24 medals, including 12 gold, eight silver and four bronze. At the Special Olympics World Summer Games in Athens, 25 June – 5 July 2011, a team from the Centre competed in swimming, athletics, table tennis and rhythmic gymnastics, winning three gold, five silver and six bronze medals. At the 2010 Special Olympics Europe/Eurasia swimming and gymnastics tournament in Luxembourg, which included 20 participating nations, athletes with disabilities from Turkmenistan won seven medals: three gold, one silver and three bronze.

314. In 2010, a team from the National Paralympic Committee took part in the First Asian Para Games in Guangzhou, China, which brought together athletes with disabilities from 43 nations. Of the nine-member Turkmen team, two won bronze medals, while four placed fourth, fifth and sixth. A team from Turkmenistan won two gold medals, one silver and one bronze at the International Paralympic Committee International Powerlifting Open Championship in Amman, Jordan, held 20–28 July 2011. At the International Paralympic Committee Third International Powerlifting Championship held 13–20 October 2011 in Khor Fakkan, the United Arab Emirates, the Turkmen team won a bronze medal. The powerlifting team's head coach and five athletes with disabilities were each presented with a State award, the commemorative medal "Türkmenistanyň Garaşsyzlygynyň 20 ýyllygyna", in recognition of their outstanding achievements in international sport and to mark the twentieth anniversary of Turkmen independence.

315. The Central Sports and Physical Training Club for Persons with Disabilities has 1,488 members, 1,270 of whom engage in sporting activities on a regular basis, while the other 528 belong to general physical rehabilitation groups. Every year the club holds tournaments for persons with disabilities involving 12 sporting disciplines, 24 national championships and around 20 competitions in each of the country's provinces. The club's members include winners and runners-up at international tournaments.

316. The Ministry of Culture and Radio and Television Broadcasting oversees 11 higher and secondary educational institutions, 59 children's music and art schools, 678 clubs, the Department for the Protection, Study and Restoration of Historical and Cultural Monuments, the Department for Art Exhibitions, the Teacher Resource Centre, the Vocational Training Centre, the General Directorate of Turkmen Television and the Department of Culture for the Country's Provinces.

317. Since 1 May 1990 Ashgabat has had a library for blind, deaf and mute persons. It has four branches, one each in Baýramaly, Turkemabad, Daşoguz, and Balkanabat. The library has special publications for the blind, i.e. books in Braille, and "talking books" that have been recorded in a special studio and produced in tape format for blind readers. The library stocks 20,813 publications, categories of which include 9,000 standard books, over 600 books in Braille, 4,000 talking books and over 100 audio magazines. There are 753 library users, of whom 251 are blind, over 155 visually impaired and 132 hearing impaired and mute. The library is visited by more than 697 users a month, or 7,900 a year. On 29 December 2010, the results were announced of a "Reader of the Year" competition to find the most frequent users of talking books and books in Braille. The winners were presented with certificates and gifts to mark the occasion.

318. In December 2009, an international conference was held to mark International Day of Persons with Disabilities, organized by the Government, UNDP and the Society for the

Deaf and Blind. The conference was attended by parliamentarians, representatives of the National Institute of Democracy and Human Rights in the Office of the President, various ministries, departments and voluntary associations, as well as by persons from United Nations agencies and other international organizations accredited to Turkmenistan. The guests included the directors of societies and associations for the blind in Uzbekistan and Kazakhstan, UNDP international consultants, the regional representative of OHCHR, as well as Honoured Artist of Russia Diana Gurtuskaya, head of the “Call of the Heart” charitable foundation.

319. Organizing rest and recuperation for children, including those with disabilities, is one of the Government’s priority focus areas. Particular attention is given to providing rest and recuperation for children in special need of State care, specifically orphans, children with special needs and children from large families. Since 2007, children have stayed at rehabilitation centres not far from the capital in a scenic part of the Gokdere area, and at children’s centres in the Avaza tourist zone on the shores of the Caspian Sea. The State subsidizes the price of holiday vouchers and provides orphans with free holidays.

320. The Magtymguly Youth Union runs various cultural events and workshop conferences, as well as thematic meetings and seminars for students and young people living in rural areas, including persons with disabilities. In collaboration with the Ministry of Education and the State Committee on Tourism and Sport, the Youth Union has organized excursions for children staying at a special residential school for children with early- and later-identified hearing loss, and an auxiliary residential school in Ashgabat. These excursions have included trips to the National Museum of the National Cultural Centre, the children’s entertainment centre “World of Turkmen Fairy Tales” in Ashgabat, competitions at the Olympic Water-Sports Complex, a scale-model building contest for pupils at special residential schools, sporting events, creativity competitions for the best picture, poem and composition, and various other events, including charity initiatives in aid of children living in special and auxiliary residential schools.

## **Article 31**

### **Statistics and data collection**

321. For a number of years, procedures for reporting disaggregated data in the country’s statistical information system have been undergoing reform. Since independence, the radical transformation of the economy, society and other areas of public life has had a corresponding impact on the standards of the statistical system. When it came to devising economic and social programmes and projects, the need arose for extensive and accurate demographic data indicating the population’s size, structure, distribution, age, education, employment and sources of income. The adoption of new indicators also called for new methods of obtaining them. The primary source of information for statistical purposes is the State Statistics Committee. With support from the United Nations, national statistics offices operate programmes that cover a broad spectrum of social and economic activities at national, regional and district level. In pursuance of the country’s Millennium Development Goals, the State Statistics Committee worked towards creating a DevInfo database system at national and regional level, and, in 2005, at district (village and municipal) level. Every year, additional data are collected for the indicators. The DevInfo (Turkmeninfo since 2008) indicators cover seven areas (population, health care, education, social welfare, standard of living, economy and crime), making it possible to monitor development goals. In 2007–2009 and in the first half of 2010, the State Statistics Committee conducted training seminars on using the DevInfo programme and establishing a Goals database for State Statistics Committee experts, directors of medical statistics centres and specialists in provincial, district and municipal administrations. In preparing the list of basic

socio-economic and demographic indicators, the State Statistics Committee, in cooperation with international organizations, assessed all major international initiatives against conference and inter-conference indicators of the past two decades, following which an international review was performed on a selection of indicators of global importance and significance for Turkmenistan with regard to implementing the Millennium Development Goals and other international conventions. In May 2010, Gurbanguly Berdymukhamedov, the President of Turkmenistan, signed the State Programme on the transition of Turkmenistan's statistical system to international standards for the period 2010–2012. Given the importance of assessing and analyzing the impact of demographic processes on effective socio-economic policymaking, the quality of statistical data will have to be improved as part of the process of realizing the Goals.

## **Article 32**

### **International cooperation**

322. The Government of Turkmenistan has made cooperation with international organizations a foreign policy priority and has expressed its unswerving commitment to fulfilling its international obligations. In this respect, it welcomes open and constructive dialogue with international organizations. Sustainable human development is the keystone of Turkmenistan's cooperation with United Nations agencies. This is precisely the objective towards which the Millennium Development Goals, as set forth in the special Declaration signed by 189 countries, including Turkmenistan, at the Millennium Summit in autumn 2000, are primarily directed.

323. Cooperation between the United Nations and Turkmenistan is founded on the United Nations Development Assistance Framework (UNDAF) for 2010–2015, signed on 15 August 2009 by the Government of Turkmenistan and United Nations agencies accredited to Turkmenistan. In this document, meeting the stated global objectives of the Millennium Development Goals is closely intertwined with the national priorities and interests of Turkmenistan, as specified in the 2011–2030 national socio-economic development programme, the national programme to improve social and living conditions in villages, settlements, towns and district centres in the period up to 2020, the policy blueprint for the social and economic development of the provinces and Ashgabat until 2012, and other social programmes. Cooperation is on-going in the economic, social and legal spheres. Priority focus has been accorded to projects aimed at strengthening democracy the rule of law and enhancing human development in pursuance of the Goals, as well as to improving sustainable development and promoting peace and security. Under the 2010–2015 UNDAF programme, the Government and United Nations agencies are designing and implementing joint projects and programmes.

324. Also as part of the UNDAF programme, joint projects are being conducted with the United Nations Children's Fund (UNICEF) to improve the juvenile justice system and early childhood development and to support the "Child-Friendly Schools" initiative, as well as with the United Nations Population Fund (UNFPA) to refine family law and legislation governing reproductive health issues and raise young people's awareness in this area.

325. Thanks to productive partnerships with UNICEF, UNFPA and the World Health Organization (WHO), tangible steps have been taken to develop and enhance health care. According to WHO data, Turkmenistan leads the Central Asia region in terms of childhood immunization coverage.

326. Pursuant to the Constitution and the Refugees Act, the right of asylum is granted to persons persecuted in their countries for the reasons specified in the relevant international legal instruments. Implementing the Convention on the Status of Refugees and the

Refugees Act, as well as cooperation between the Government and the UNHCR office, has resulted in the extension, unprecedented in its scope and significance, of Turkmen citizenship and residents permits to more than 16,000 forced migrants and refugees. Under the Presidential Decree of 4 August 2005, 13,245 refugees living in Turkmenistan were granted Turkmen citizenship, while another 3,053 were accorded permanent residence status.

327. With a view to furthering constructive dialogue with the United Nations regarding the protection of human rights and strengthening democratic processes, the Government is pursuing international cooperation by way of a joint project with OHCHR, the European Commission and UNDP to build the country's capacity to promote and protect human rights in the period 2009–2012.

328. As part of a joint project, the Ministry of Foreign Affairs and the National Institute for Democracy and Human Rights organized a cycle of seminars given by international human rights experts on procedures for preparing initial national reports on compliance with human rights conventions, including the Convention on the Rights of Persons with Disabilities. For example, on 30 June – 1 July 2011 members of the Working Group of the Interdepartmental Commission on compliance with Turkmenistan's human rights and international humanitarian law obligations attended a two-day advisory workshop led by Mohammed Al-Tarawneh, member of the Committee on the Rights of Persons with Disabilities, and Caroline Harvey, OHCHR human rights expert, on procedures for preparing an initial national report on compliance with the Convention.

329. On 5 July 2011, the Human Rights Information Centre hosted a round table on the rights of persons with disabilities, as specified in the Convention and its Optional Protocol, which was attended by representatives of associations of persons with disabilities, and Mohammed Al-Tarawneh.

330. State and voluntary associations collaborate with international organizations accredited to Turkmenistan on extensive efforts to raise awareness of the rights of persons with disabilities, including with regard to international standards, by conducting talks, seminars, round tables and other awareness-raising initiatives.

331. Members of the Deaf and Blind Society take part in international training programmes. Two members of the society, for example, participated in a training and dialogue programme entitled "Integrating and Extending Rights and Opportunities for Persons with Special Needs in Central Asia", held in Sapporo, Japan.

## **Article 33**

### **National implementation and monitoring**

332. Pursuant to the Presidential Decision of 24 August 2007, the preparation of national reports to be submitted to the treaty bodies on the progress made with regard to implementing international human rights treaties was entrusted to the Interdepartmental Commission on compliance with Turkmenistan's human rights obligations. On 12 August 2011, in line with a presidential decision, this body was renamed the Interdepartmental Commission on compliance with Turkmenistan's human rights and international humanitarian law obligations.

333. The Commission's primary tasks are to ensure that national reports are prepared and submitted to the appropriate United Nations committees, to elaborate and track proposals aimed at aligning domestic legislation with international standards and to promote the country's accession to international treaties pertaining to human rights and freedoms.



334. The Interdepartmental Commission includes representatives of parliament, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Economy and Development, the Ministry of Education, the Ministry of Health and the Medical Industry, the Ministry of Labour and Social Protection, the Ministry of Culture, the Ministry of Internal Affairs, the Ministry of Defence, the Supreme Court, the Office of the Procurator-General, the Religious Affairs Council in the Office of the President, the State Statistics Committee, the National Institute of Democracy and Human Rights in the Office of the President, the Institute of State and Law in the Office of the President, the National Trade Union Centre, the National Red Crescent Society, the Women's Union and the Magtymguly Youth Union.

335. The Interdepartmental Commission is tasked with:

- coordinating the activities of bodies responsible for implementing international human rights and humanitarian law obligations;
- preparing national reports to be submitted to international treaty bodies on the progress made with regard to implementing international human rights treaties;
- monitoring domestic legislation to ensure compliance with international standards relating to human rights and humanitarian law ;
- drafting proposals to bring domestic legislation into line with the provisions of international human rights treaties to which Turkmenistan is a party;
- promoting interaction and cooperation between State authorities, voluntary associations and international organizations in the field of human rights protection.

The Commission's activities are coordinated by the National Institute of Democracy and Human Rights in the Office of the President. The Commission interacts closely with the regional representatives of OHCHR, UNDP, UNICEF, UNFPA, UNHCR and other specialized United Nations agencies when preparing initial reports, implementing the recommendations of treaty bodies and conducting joint activities.

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