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FOR HUMAN RIGHTS

ALTERNATIVE REPORT

On Compliance by the Republic of Turkmenistan with the UN Convention on the Rights of the Child



42nd Session of the UN Committee on the Rights of the Child (UN CRC)
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**This report was prepared by
International League for Human Rights and
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EXECUTIVE SUMMARY

This alternative report to the UN Committee on the Rights of the Child is prepared jointly by the International League for Human Rights and the Turkmenistan Initiative for Human Rights. It provides a brief history of Turkmenistan's cooperation with international human rights bodies; general information about the country since independence; and an article-by-article analysis of the government report against the evidence from various alternative sources.

Violations of the rights of the child are commonplace throughout Turkmenistan and are the direct result of the government's policies. This is not to imply necessarily that the government deliberately infringes on children's rights; however, its recent proclaimed reforms in health care, education, employment, military service and social security among others, have actually had extremely adverse effects on this most vulnerable population group. While this report does not address all types of violations of children's rights, it outlines major concerns in the areas of health, welfare, and education.

The League has found numerous violations of Turkmenistan's international obligations, as well as its national laws, in the areas of education, health care, civil rights, and protection of vulnerable groups of children. From information provided by independent media, human rights groups, and international institutions, it is clear that the government's report to CRC contains inaccurate figures on almost all socio-economic and demographic indicators, including infant and child mortality, life expectancy, access to health care and education, and protection of children at risk and children from ethnic minority groups. Government's data on economic growth is grossly exaggerated, and the government's reporting of social problems is inadequate.

International health care experts and institutions describe Turkmenistan's medical system as "dismantled" and "in a state of crisis." The European Center on Health of Societies in Transition (London School of Hygiene and Tropical Medicine) notes the drastic decrease in funding for health care that culminated in the dismissal of 15,000 medical workers.¹ To conceal the disastrous impact of such cutbacks on the overall health of the nation, the Ministry of Health and Medical Industry banned any mention of communicable diseases, such as HIV/AIDS, cholera, tuberculosis, dysentery, plague, etc.² In the absence of reliable national health statistics, recognized by the World Health Organization as a major obstacle in accurately assessing the situation, the Government of Turkmenistan claims improved infant and maternal mortality statistics, though the figures seem improbable by contrast to WHO's estimates.

A statement like "no cases of children with HIV/AIDS has been recorded in Turkmenistan" (para.150 of the official report) is staggering, considering consistent reports from within Turkmenistan of rampant drug consumption among children and youths, particularly of heroin, which is closely associated with intravenous injections. A growing number of drug-users is reported, though the exact picture is difficult to determine due to the failure to publish statistics.

The Government discriminates against children from Turkmenistan's ethnic minorities, particularly ethnic Uzbeks, Russians, and Kazakhs. Minority language education opportunities have been almost completely eliminated since independence. Kazakh-, Uzbek-

¹ McKee, Martin and Bernd Rechel. Human Rights and Health in Turkmenistan (2004): Policy Brief. P.2

² Ibid, p.2.

and Armenian-language schools have been closed, whereas only a few Russian-language schools and classes continue to operate. Uzbek students are forced to wear Turkmen national dress, speak the Turkmen language.

Conscription of teenagers at the age of 17 has become more common due to financial pressures and the curtailment of educational opportunities, including abroad. School-teachers and medical personnel have been drastically cut, severely impacting services for children. The curtailment of libraries and their content, with the President's guidebook for living, *Ruhnama*, holding pride of place, have drastically cut the available materials for children to pursue their educations.

Enrollment in universities stood at only 3,000 students in 2004, as compared to 40,000 in the early 1990s. This vast reduction in entry to universities, coupled with the curtailment of the school year itself, means that generations of children are being subjected to neglect.

The Turkmenistan government's manipulation or fabrication of information is a textbook case about the direct connection between the violation of civil and political rights required for the free flow of information, and the violation of economic and social rights required for the health and welfare of the nation's children. The League calls on the CRC and other UN bodies to follow up on recommendations for compliance with its treaties and in particular to ensure the widespread publication and access of its reports in the languages of Turkmenistan.

PART I. GENERAL INFORMATION

Turkmenistan's International Human Rights Obligations

Turkmenistan is signatory to six of the seven major United Nations international treaties concerning human rights.³ The Convention on the Rights of Child was the first UN human rights treaty ratified by Turkmenistan on 20 September 1993.⁴ Until recently, however, Turkmenistan's record was poor for timely reporting to the UN treaty bodies. It did not meet any of its reporting obligations until the submission to the 67th Session of the Committee on the Elimination of Racial Discrimination (CERD) on 1-19 August 2005. The current report to Committee on the Rights of the Child is a combined initial submission, which was due in 1995, and the first and second periodic reports.

In addition to the UN human rights treaty obligations, Turkmenistan is a member State of the Organization for Security and Cooperation in Europe (OSCE) and as such is subjected to additional scrutiny. Its history of cooperation with the OSCE, however, is very mixed, especially since the alleged assassination attempt on President Niyazov in November 2002. In response to a massive crackdown on human rights and numerous political arrests in Turkmenistan at that time, the OSCE invoked the Moscow Mechanism, a special fact-finding procedure by members to respond to large-scale human rights abuses, and also appointed a Special Rapporteur who was subsequently denied a visa and had to complete his reports outside of Turkmenistan.

Turkmenistan has recently become more engaged with the United Nations treaty bodies with a succession of report submissions. As welcome as such developments may be, Turkmenistan is yet to demonstrate a genuine commitment to human rights by reversing some of its most repressive policies. Throughout 2003-2005, resolutions were passed at the UN Commission on Human Rights⁵ and the General Assembly,⁶ which condemned the persecution of the political opposition, absence of independent media, severe restrictions on freedom of thought, conscience and religion, and wide-spread torture in prisons and detention facilities among other severe problems. While some practices were partially mitigated, by and large such resolutions have had a very limited impact on abusive government policies in Turkmenistan, which remain in place.

Turkmenistan's report to the CRC, and the 42nd session that will consider it, offer a distinctive opportunity to consider the country's human rights record in general and its policies affecting children and juveniles in particular.

Turkmenistan post-Independence

Turkmenistan became independent from the Soviet Union in 1991 after a nation-wide referendum and the adoption of the Independence Act on 27 October 1991. The Constitution of Turkmenistan was adopted on 18 May 1992, proclaiming "a democratic, law-governed, secular State" (para.20) with democratic freedoms and human rights protections for its

³ These include the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention Against Torture.

⁴ The Office of the High Commissioner for Human Rights states 20 September 1993 as Turkmenistan's accession or ratification date for CRC, although the government report in Para.1 lists 23 September 1994.

⁵ E/CN.4/RES/2003/11 and E/CN.4/RES/2004/12.

⁶ A/RES/58/194 and A/RES/59/206.

citizens. The official report describes in great detail the form of government and the constitutional structure of Turkmenistan (para.20-30), but it fails to reflect the reality of the country's political development in the past fifteen years, which moved from an increasing centralization of power in the executive branch to the president's personality cult.

President Saparmurat Niyazov has been the President of Turkmenistan since independence. He maintained his hold on power through a series of elections and constitutional changes which raised serious objections with the international community as to their fairness and openness. For instance, the constitutional changes of 2003 elevated the People's Council (*Halk Maslahaty*) to the status of the highest legislative body in the country. A great part of its delegates are not subjected to open elections, by virtue of being members of state-sponsored associations and trade unions, thus allowing the executive branch to solidify its control over the legislature. Moreover, President Niyazov was elected as chairman for life of the Council, effectively becoming the President for life. Turkmenistan leadership created a political system reminiscent of the Soviet model, where the inactive executive (the Council of Ministers) and legislative (the Supreme Soviets) branches delegated the real power to the Politburo and the Communist Party Assembly.

Another stark similarity to the Soviet system lies in the omnipresent personality cult of President Niyazov. His statues and portraits can be found in every square, public building, classroom, and place of work. He is referred to ostentatiously as *Tukmenbashi*, or the "Father of All Turkmen". President Niyazov's *Rukhnama*, a collection of reflections on the origins, virtues and destiny of the Turkmen people, has been made into the centerpiece of public and private life. Its study is required not only at schools and universities, but in kindergartens, driving schools, and professional associations. And not only do Turkmenistan's citizens have to memorize the President's family tree, they are now forced to honor the President's mother during a calendar month re-named after her.

For all intents and purposes, Turkmenistan has a one-party system centralized around the persona of the President, who wields unlimited power over all aspects of political, social, economic, and even cultural life. Coupled with increasing isolation from the outside world the official policy of 'Turkmenification' has forced ethnic homogenization, privileging ethnic Turkmen, for example, by requiring that every applicant to a government post or university prove ethnic Turkmen ancestry back to the third generation. These policies have led to a striking decline in Turkmenistan's ethnic minority populations, from 23% in 1995 to an estimated 5% in 2004.

Turkmenistan's economic development is almost impossible to measure. Although the country possesses some of the world's largest reserves of natural gas and oil, despite the exuberant claims of 23% annual GDP growth (Para.13-14), evidence suggests that socio-economic conditions for ordinary citizens are worsening. Since 2004, the government has dismissed thousands of teachers and healthcare workers and stopped the delivery of pensions to retirees, shifting the responsibility to their family members. At the same time, all economic statistics and their methodology are official state secrets and cannot be made public.

The implications of such a situation for human rights cannot be underestimated.

PART 2. TURKMENISTAN AND THE UN CRC

Government submissions from Turkmenistan to the UN treaty bodies can be difficult to examine due to the extensive use of evasion and diversionary tactics practiced since the Soviet-era. When domestic opponents are silenced and limited international scrutiny remains likely the only area outside of official Ashgabat's direct control, the Government of Turkmenistan goes to great lengths to avoid uncomfortable questions from the United Nations. The present government submission includes a number of such deceptions.

1. **Inclusion of irrelevant information.** Para.16, for instance, describes in great detail the performance of the agricultural sector of Turkmenistan, including such statistics as wheat output, number of private farms and commodity producers, and government-subsidized loan programs. This information is of no consequence to the CRC. Conveniently avoided are issues like child labor in the cotton industry and issues like the shortened school year to enable children to work in agriculture.
2. **False information and misrepresentation.** For example, the reference to the government efforts directed at encouraging young Turkmenistanis to study abroad (Para.41) is an utter falsehood. On 1 June 2004, presidential decree No.126 invalidated all higher education degrees received outside of Turkmenistan and ordered the dismissal of their recipients from government employment. Consequently, the figure of 1,000 young people who studied abroad in 2003 are likely to be substantially more than the 'post-reform' figures for 2004-2006, and were evidently included to mislead the reader.
3. **Absence or lack of context and examples related to the implementation of national legislation and government policies in the areas of relevance to the CRC.** The government report lists numerous legislative acts and executive policies aimed at ensuring the rights of the child, but fails to provide any concrete steps that have been undertaken. The report refers to the National Statistical and Information Institute "*Turkmenmillikhasabat*," which collects statistical data and helps to formulate the national policy on children (Para.38), but does not include any figures pertinent to the Convention.
4. **Establishment of 'ghost' institutions and fictitious NGOs and citing of mass statistics.** The *Makhtumkuli* Youth Union and the *Gurbansoltan-eje* Women's Union, which are mentioned throughout the government report, are typical examples of government organized NGOs (GONGO) with a nearly compulsory membership for the respective age/gender/social group. Their main function is to legitimize any government policy and to create an imitation of the civil society. Right alongside these GONGOs stand such government institutions, as the Turkmen National Institute for Democracy and Human Rights and the above-mentioned National Statistical and Information Institute, whose main purpose is to be referenced on occasions such as this and to project an image of respectability and humanity to the outside world. The Turkmen National Institute for Democracy and Human Rights was deemed by the Committee on the Elimination of Racial Discrimination to fall far short of the Paris Principles relating to the status of independent human rights institutions (General Assembly resolution 48/134).⁷

⁷ CERD/C/TKM/CO/5 p.6

General Measures of Implementation (arts. 4, 42 and 44(6))

The articles of the Convention grouped together in this section of the report reflect the State party's commitment to integrating them into national legislation and legal framework (art. 4); informing both children and adults about the Convention (art. 42); and making the national report on compliance with the Convention widely available to the public (art. 44(6)).

The government report devotes seventeen paragraphs to showing its compliance with this segment of the Convention. In Para.32 the Government of Turkmenistan claims that it is taking steps towards "the formation of highly educated, uninhibited individuals and active, public-spirited citizens," a highly questionable assertion considering the required daily pledges of allegiance to the President, reduction in the number of years of secondary education by almost 20%, and complete absence of independent political opposition and civil society. The fact that the words of President Niyazov (Para.32) have been chosen to show Turkmenistan's implementation of Convention's provisions into the State policy is quite symptomatic of the public climate in the country.

In addition to extensive listing of declaratory legislative acts that pay lip service to human rights, such as the Rights of the Child (Guarantees) Act of 2002 and Declaration on the International Human Rights Commitments of Neutral Turkmenistan of 1995, the report also makes use of false claims on such issues as free universal medical care and education, implementation of AIDS-prevention programs (Para.36), and encouragement of education abroad (Para.41). In recent years, the Government of Turkmenistan has implemented reforms that dramatically reduced citizens' access to healthcare facilities, decreased the quality of primary, secondary and higher education, and further isolated the nation's citizenry from the world by implementing travel and study abroad restrictions, as will be discussed in more detail below. These realities are the facts on the ground – difficult to gather and report outside of Turkmenistan – that contrast with the picture painted in presentations to UNICEF, for example, claiming that President Niyazov is going to remove teenagers from cotton-picking group.

Definition of the Child (art. 1)

Article 1 of the Convention states:

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Turkmenistan law defines a child as a person below the age of 18 years (Para.48). However, a serious disparity exists between the rights and obligations awarded to individuals that had not attained legal majority. For example, such persons cannot make independent decisions on medical treatment (Para.49) or take part in elections, but already as early as 16 years old can enter into marriage without parental consent, seek employment, and be criminally liable, and as early as 17 years old can enlist in the armed forces.

The Government of Turkmenistan has reneged on its responsibility for the education of mature, educated, and responsible adults, instituting a number of educational 'reforms.' As a result of the reduction in the length of study from eleven to nine years, students graduate at the age of 15-16 years with few prospects of continuing their studies at universities. Despite

the government's claims of the accessibility of higher education for all of Turkmenistan's citizens (Para.36), not more than 5% of high school graduates start their post-secondary education annually. It is due not only to stark differences in the quality of education in rural and urban areas, but to increasing direct and indirect costs of higher education, contrary to the government proclamations.

After graduation, these youths have to enter the workforce so as not to be a financial burden for their families. General lack of job-related knowledge, skills and experience means that children lack competitiveness in the job market, and thus are relegated to performing low-paying menial jobs with no prospects for professional growth.

The reduction in the length of study was also responsible for the lowering of the minimum army conscription age. According to Article 15 of the Conscription and Military Service Act of 25 March 2002, 17-year old males may be called up for service, provided they voluntarily apply in person (Para.53). Independent resources within Turkmenistan report that underage youths are often forced into applying for early conscription by their families, which want either to rid themselves of financial responsibility of caring for a minor, or prevent him from becoming a drug user or criminal (both phenomena being wide-spread and interconnected in today's Turkmenistan).

The Government of Turkmenistan needs to adopt a common approach to the definition of the child and to convey rights and obligations to minors accordingly.

Non-discrimination (art.2)

Article 2 of the CRC states:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

The Convention also obliges States Parties to

...Take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Despite government claims of upholding and respecting "all the rights provided by this Convention for every child," the reality is in fact quite different. The League identified two areas where children are being affected by discriminative policies of the State.

First of all, the government discriminates against children from Turkmenistan's ethnic minorities, particularly ethnic Uzbeks, Russians, and Kazakhs. The Committee on the Elimination of Racial Discrimination expressed serious concern over the status of the country's ethnic minorities in its November 1, 2005 concluding observations. Minority language education opportunities have been almost completely eliminated since independence. Kazakh-, Uzbek- and Armenian-language schools have been closed, whereas only a few Russian-language schools and classes continue to operate. Primary and secondary school students belonging to the Uzbek minority in the border regions of eastern

Turkmenistan are forced to wear Turkmen national dress, speak the Turkmen language and stage Turkmen-themed performances during state-sponsored celebrations. Children from ethnic minorities are also severely restricted in their access to higher education both in Turkmenistan and abroad. The 'third generation' test, in which all applicants to public sector employment have to prove at least three generations of Turkmen ancestors, effectively prevents representatives of ethnic minorities from seeking higher education in Turkmenistan. At the same time, the controversial presidential decree No.126 not only invalidated all foreign diplomas on the territory of Turkmenistan, but also ordered the dismissal of all public sector employees holding them, and created hurdles for young Turkmenistani citizens seeking education abroad. Although both measures have a negative impact on all of Turkmenistan's population, their effect on children from ethnic minorities is disproportionately greater.

The second aspect of Turkmenistan Government's discriminatory practices that affect children in violation of Article 2 of the Convention is the persecution of children of 'enemies of the state,' which is government's reference to political prisoners. Family members, including children and adolescents, of those convicted on political grounds are routinely subjected to persecution and harassment. In an effort to thwart discord among the populace and to eliminate any chance of a conspiracy among government employees, President Niyazov initiates frequent cleansing campaigns in the state ranks. Standard charges include corruption, embezzlement, and attempts to undermine Turkmenistan's constitutional order. Most often then not they result in criminal charges, followed by a speedy trial, imprisonment, and confiscation of property. The most sweeping purges were carried out in 2002 in the aftermath of an alleged assassination attempt on President Niyazov's life and the embezzlement scandal at the country's Central Bank. Their fallout severely affected the social and economic rights of dozens of children.

In both instances, children of the convicts became victims of government's retribution campaign. Schools and kindergartens instructed their staff to exert psychological pressure on these children, forcing many of them to leave. Students at colleges and universities who had relatives from among the group of prisoners were expelled under various excuses. Most of the expelled schoolchildren and students were unable to complete their education and were barred from applying for public sector jobs. Authorities also restricted the freedom of movement for such children resulting in several confirmed denials of exit visas for those seeking medical treatment abroad. The 'property confiscation' clause in Turkmenistan's Criminal Code is used particularly often in politically-motivated trials affecting the welfare of those children whose parents or legal guardians are imprisoned. The State confiscates everything, including the primary residence, of the convict and places children in the care of relatives without any adequate support.

The Best Interests of the Child (art.3)

Article 3 of the Convention stipulates:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

It then places specific responsibilities on the State Party to ensure adequate protection and care by families, individuals with custodial rights, and social welfare institutions entrusted with children's well-being.

The government report devotes thirteen paragraphs to painting an optimistic picture of Turkmenistan's compliance with this part of the Convention. It catalogs an extensive list of national legislation which reportedly "fully conforms to international standards" (para.77), as well as pledges "a priority consideration" of the interests of children in "allocating budget appropriations" (para.68). The Government of Turkmenistan provides very few examples that could support its sweeping claims of conformity, while evidence to the contrary is overwhelming.

Despite an impressive growth of Turkmenistan's population from approximately 3.5 million in 1989 to estimated 6.8 million in 2006, with a share of those under 18 years of age at more than 40%⁸, the Government of Turkmenistan has recently shown a consistent pattern of reducing funding for education, healthcare, and other social programs affecting children. The 2005 report of the International Helsinki Federation for Human Rights on that state of human rights in the OSCE region estimated that approximately "12,000 teachers were fired in 2003-2004 alone."⁹ Upon the orders of President Niyazov, estimated 15,000 medical workers were dismissed from their jobs permanently without replacement. The dismal state of Turkmenistan's education and healthcare systems is discussed in more detail further in this report.

These drastic cuts in social spending come against the backdrop of "consistently high rates of growth" in Turkmenistan's economy, as claimed in paragraph 13 of the government report. The National Statistical and Information Institute "*Turkmenmillikhasabat*" persistently reports the GDP growth to be above 20% year after year, yet the Government continues to lay off teachers and medical personnel; closes theatres, libraries, and kindergartens; and makes significant cuts in the size of retirement pensions. League's partners in Turkmenistan also report that unemployment reaches as far as 70% of work-age population in some regions of the country.

As far as the assertions that Turkmenistan's laws comply with international standards regarding the observance of children's best interests within state administration and legal system, the government reports provides no substantive proof of the actual implementation of the proclaimed policies.

The Right to Life, Survival and Development (art.6)

Article 6 of the Convention states:

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Per *General Guidelines for Periodic Reports*, this section of the report should cover specific measures implemented by the reporting government towards guaranteeing the child's right to life and development, such as efforts to reduce infant mortality, prevent children's suicide,

⁸ The last Soviet census was conducted in Turkmenistan in 1989, and although certain Soviet statistical methods have been questioned in the past, the overall population figures are generally accepted as accurate and more precise than current official data. The figure of 6,800,000 people, however, is sited on the government web-site <http://www.turkmenistan.gov.tm/ekonom/ek&stat.htm>, and, granted the general unreliability of government statistics, should be viewed with caution.

⁹ http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=6392

and aid youths at risk. Paragraph 79 and 80 of Turkmenistan's report refer in general terms to "inalienable rights," abstract "various preventive measures" and "the wide-ranging state Health program." The report does not name any specific policy instruments other than a questionable reference to "penalties in Turkmen law for offences against the life and health of a child" as being "instrumental in upholding the child's right to healthy development." Although adequate provisions in national laws against offences aimed at children are certainly very necessary, it is hard to see how they alone would guarantee the child's healthy development. On the other hand, re-introduction of physical education, which was removed from the school curriculum on orders from President Niyazov, could very well contribute to the child's growth and development.

In paragraph 80, the Government of Turkmenistan resorts to making deliberately false claims about "profound and positive changes in the life expectancy of the population and a reduction in mortality rates." According to the World Health Organization (WHO), life expectancy in Turkmenistan is the lowest in Central Asia, and has declined from an average of 67 years in 1990 to 60 years in 2000.¹⁰ Unreliability of official statistics is underscored by a large difference between WHO estimates and government figures, which was due to under-reporting of child mortality. And contrary to the government assertion of a steady decline in infant mortality, WHO estimates that "under-five mortality has actually been increasing in 2000-2003 at an average annual rate of around 1%," remaining one of the highest in Eurasia at 51 deaths per 1,000 live births, while the same indicators are falling for the region as a whole.¹¹ And even WHO figures are considered too conservative by independent health care experts within Turkmenistan. It is likely that the negative trends in Turkmenistan's health statistics can be attributed to the disastrous deconstruction of the healthcare system.

Respect for the Views of the Child (art.12)

Article 12 of the Convention includes the following:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

And

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 12 of the Convention is intended to cultivate a gradual sense of self-governance in children and to protect their best interests by awarding them an increasing level of responsibility correspondent to their age and maturity. In a society like Turkmenistan's, the State has little interest in a competent and able body of citizens, hence the reduction in the length of secondary education and the elimination of numerous subject from the school curriculum. All of Turkmenistan citizens are extremely restricted in their rights and freedoms, and the situation only seems to be worsening under the rule of President Niyazov. Children are not an exception.

¹⁰ Highlights on Health in Turkmenistan 2005. World Health Organization, 2006. P. 5.

¹¹ *Ibid.* P.11.

Although the government report claims that children's rights are observed in civil and criminal justice, it provides no concrete mechanisms or data on the implementation of relevant provisions. All branches of government are subjected to direct interference from the office of President Niyazov. Egregious violations of Turkmenistan's national laws and international commitments take place in virtually all aspects relevant to human rights and democratic freedoms. And international scrutiny is thus not welcome, as demonstrated by the Government's refusal to admit the Special Rapporteur on Turkmenistan, Prof. Emmanuel Decaux, after the Organization for Security and Cooperation in Europe (OSCE) had invoked the Moscow mechanism on December 20, 2002, amid allegations of massive human rights violations.

Government's contention that children take an active part in the administration of educational institutions or that their opinions are taken into consideration in determining the course of study (para.81) are simply not true. Independent children and youth associations are non-existent, as the Government declares any unregistered activity illegal while making it virtually impossible to register a formal association. The referenced Youth Union (para.84) does not meet criteria for an independent youth organization as it is financed entirely by the State and is under the State's direct control. Turkmenistan authorities hardly consulted children and youths during the obliteration of the country's educational system. Considering Turkmenistan's enormous unemployment, few youths want to enter the workforce at the age of 15-16 after completing only nine years of secondary education. Its length also effectively prevents young people from seeking educational opportunities abroad, particularly in Russia, where universities view nine years as an insufficient qualification for higher education.

CIVIL RIGHTS AND FREEDOMS

Preservation of Identity (art.8)

Article 8 of the Convention stipulates:

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

The government report devotes one paragraph to this section of the CRC, insisting on full compliance. The reality for children that belong to Turkmenistan's ethnic or racial minorities or that hold foreign citizenship is quite different.¹² The share of ethnic minorities in the total population of the country declined drastically between 1995 and 2005 from 23% to slightly more than 5%. Among the possible causes of these waning numbers the Committee on the Elimination of Racial Discrimination named "assimilation policy conducted by the State party, the emigration of many members of minority groups, and the alleged distortion of statistics by the State party so as to diminish the importance of minorities on its territory."¹³ And the preservation of unique cultural identities of the remaining minority groups is

¹² For detailed overview of the situation with ethnic and racial minorities in Turkmenistan please refer to The Alternative Report on Turkmenistan's Compliance with the Convention on the Elimination of All Forms of Racial Discrimination (CERD), August 2005. <http://www.ilhr.org>

¹³ CERD/C/TKM/CO/5. P. 2

threatened by the discriminatory practices of the Government, particularly in the area of education and culture.

The closure of all Kazakh-, Uzbek-, and Armenian-language classes and schools and the dramatic reduction in the number of Russian-language classes and schools, which now number just a few, cannot be characterized as anything else but as an attempt to deny the undermine the cultural identity of children from ethnic minority groups. Turkmenistan's largest ethnic minority, the Uzbeks, due to their linguistic, cultural and phenotypic proximity to ethnic Turkmen are deliberately targeted by the assimilative policies of the State. Uzbek children are forbidden to wear their traditional dress and speak the Uzbek language. And because ethnic Turkmen are awarded preferential treatment in state sector employment and higher education, ethnic Uzbeks often register their children to the titular ethnicity.

Freedom of Expression (art.13)

Article 13 of the Convention states:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

The situation in Turkmenistan in relevance to this part of the Convention can be only viewed in the context of the general situation with political rights in the country. Turkmenistan is a country with a complete absence of freedom of expression, despite the claims to the contrary (para.89).

The Committee to Protect Journalists, US-based non-governmental organization, recently ranked Turkmenistan among five most censored countries in the world, where domestic media is owned by State and directly controlled by the Presidential administration. The few foreign journalists who are able to obtain official accreditation and visas face severe restrictions on their freedom to report. The only freedom that Turkmenistan's citizens are unconditionally granted is to express their praise, gratitude and love for the Father of All Turkmen (*Turkmenbashi*), Saparmurat Niyazov.

Access to information, which will be discussed in more detail in the relevant section of this report, is in fact so limited that young citizens of Turkmenistan grow up completely unaware not only of the outside world, but of the situation within their own country. Severe retributions for dissent inflicted on adults instill fear and self-censorship in the young generation

Any criticism or public expression of dissent is severely punished in today's Turkmenistan. Very few people dare to do so, even as the rapidly deteriorating system of social services and welfare forces more and more citizens to register complaints with authorities. Repercussions for such actions have been on many occasions extremely harsh, as indicated by a number of cases used by the regime as examples to instill fear in the public. Mr. Kakabay Tedzhenov, a 70-year old pensioner from the city of Turkmenabat, was put into psychiatric confinement on January 4, 2006, after writing a letter on human rights violations in Turkmenistan and trying to distribute it to foreign embassies and international organizations. Tedzhenov has a history of prior detentions first by Soviet and now by Turkmenistan authorities, based on his outspokenness. On May 26, 2004, he and approximately 50 other suspect citizens, who were

likely to complain, were detained by the local police of Turkmenabat on the eve of President Niyazov's visit to the city. The Government of Turkmenistan is reviving the old Soviet practice of declaring political dissidents legally insane, since only an insane person could criticize the "Father of all Turkmen."

Freedom of Thought, Conscience and Religion (art.14)

Article 14 of the Convention guarantees the child's right to freedom of thought, conscience and religion, as well as the rights of parents and legal guardians to "provide direction to the child in the exercise of his or her right." Turkmenistan routinely claims full observance of freedom to practice any faith, particularly after the adoption of several presidential decrees in 2004 relaxing the registration requirements for religious communities. Prior to 2003, Sunni Islam and the Russian Orthodox Church were the only two confessions allowed registration in Turkmenistan. Unregistered religious activity was downgraded from criminal to an administrative offence.

But the limited reforms did not result in any substantial improvement in the lot of Turkmenistan's believers. *Forum 18*, an independent religious freedom watchdog, reported of numerous violations of freedom of religion that took place in 2005, including raids on religious meetings; demolitions of places of worship; detentions, beatings, dismissals from employment, and sending into internal exile.¹⁴ In direct violation of article 14 of the Convention local administrations and law enforcement agencies consistently target children in their efforts to eradicate "unwanted" religious communities and activity. During systematic raids on religious communities of Protestants and Jehovah's Witnesses, children are interrogated by police, forced to sign statements renouncing their beliefs, and coerced into pledging oath of loyalty to President Niyazov.¹⁵

The opportunities for children to receive religious education are very scarce, too. Sunni Muslims, Turkmenistan's largest religious community, can pursue religious education only at the Faculty of Muslim Theology at Magtymguly Turkmen State University, which came under strong government control after the dismissal of all lecturers who were Turkish nationals. The number of students that could be admitted to study there was also drastically reduced to just 55 students.¹⁶ Education of imams in Uzbekistan, once common, has ceased almost entirely, mostly under the policy of replacing representatives of ethnic minorities with ethnic Turkmen in all sectors of employment, even religious.

Government's claims that "Turkmen law imposes no restrictions on the registration or activity of religious groups" and that "obstruction in the exercise of freedom of conscience and religion is a criminal offence in Turkmenistan (Criminal Code, art.154)" do not withstand simple scrutiny of actual legal practices and administrative actions by authorities. Despite numerous allegations of unlawful interference by law enforcement agencies and authorities in the course of several years, Turkmenistan has never opened an investigation into these charges or prosecuted a government official accused of such violations. On the other hand, the *Adalat* (Justice) Ministry has repeatedly turned down registration documents from religious communities under absolutely false pretexts.

¹⁴ Forum 18. *Turkmenistan: Religious freedom survey, October 2005*. P.2 <http://www.forum18.org>

¹⁵ Forum 18. Articles on April 11, 2003; November 11, 2004; January 31, 2005; and August 2, 2005. <http://www.forum18.org>

¹⁶ Forum 18. *Turkmenistan: Religious freedom survey, October 2005*. P.5-6 <http://www.forum18.org>

Ironically, the government report specifies the protection of children from coercion by their parents or guardians “into determining their attitude to religion,” but fails to address the issue of compulsory study of the *Rukhnama*, which is often referred to as “the last word of God to the Turkmen people,”¹⁷ at country’s schools. Nothing is also mentioned about the surrogate religious-like content of the oath of allegiance to President Niyazov, which is forced on children from the first grade on; or about instructions to Sunni imams and Russian Orthodox priests to include excerpts from the *Rukhnama* in their sermons.

Freedom of Association and of Peaceful Assembly (art.15)

Article 15 of the Convention states:

States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

And continues

No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Turkmenistan’s report, unsurprisingly, proclaims the observance by the government of freedoms of association and assembly, which are outlined not only in the current Convention, but in the national Constitution and several other legislative acts as well. In practice, however, these freedoms are severely restricted in Turkmenistan. As mentioned above, gatherings of religious communities are subjected to close surveillance and constant interference from state authorities. Mass demonstrations of public discontent have not taken place in Turkmenistan since the late 1980s-early 1990s with the exception of very few isolated incidents. Those individuals, who dare to assert their right to associate and express themselves freely, face the fate of Gurbandurdy Durdykuliev, who was confined to a psychiatric institution for writing a letter to President Niyazov asking for permission to organize a peaceful protest against the government’s policies.

Independent civil society is almost nonexistent in Turkmenistan. The few activists that continue to work on issues on human rights risk imprisonment, exile, or deportation from the country. Independent NGOs are unable to receive state registration, thus making their activity an administrative offence. Voluntary associations, to which the government report refers as an example of freedom of association in Turkmenistan, are in reality government organized NGOs (GONGOs). Their purpose is to create an illusion of civil society, while maintaining tight control over the population. It is expected of such GONGOs to have an almost universal membership in their target age/gender/professional group. The *Makhtumkuli* Youth Union, which is a typical example of a GONGO, has the national membership of 670,000 youths. It is impossible to comprehend, how the above-mentioned youth organization, which is entirely financed from the state budget, is run by state-appointed leaders, and is integrated with the state apparatus itself, can effectively “help its members to exercise and protect their rights” (para.91) against the infringements by the State.

¹⁷ Ibid, p.4.

Access to Appropriate Information (art.17)

Article 17 of the Convention confirms the right of the child to “access ... information and material from a diversity of national and international sources” and lays down specific steps that States Parties should take towards guaranteeing that right.

In the five paragraphs (93-97) devoted to article 17 of the CRC in the official report the government puts considerable effort into convincing readers of the informational openness of Turkmenistan’s society. Although the country’s Constitution guarantees free access to information (Article 26), the government has effectively deprived its citizens of this privilege. All media outlets in Turkmenistan belong to the government. Additionally, all printed media bear the symbols of presidential ownership: Niyazov’s signature, photo, and oath of allegiance are placed on the front page of every issue. The four TV channels are all state-owned, displaying the golden profile of President Niyazov in the upper right corner of the TV screen at all times.

All of Turkmenistan’s printing presses belong to the state and each publication is subject to the government’s censorship. Subscription to foreign periodicals is banned, whereas foreigners and Turkmeni citizens bringing printed materials and electronic media into the country undergo thorough search at customs and more often than not have their materials confiscated under unlawful pretexts.

Turkmentelekom, a state telecommunications monopolist, has full control over the country’s access to the World Wide Web. In a policy similar to the Chinese Government’s program *Firewall*, the Government of Turkmenistan blocks access to external opposition web-sites. No Internet cafes or clubs exist in Turkmenistan.

Following the speech by President Niyazov in February 2005, during which he doubted the usefulness of libraries to the people of Turkmenistan, the Ministry of Education officials and local authorities closed down hundreds of libraries across the country. After the successive campaigns of confiscations and destructions of books and materials with ‘unreliable’ contents in earlier years, Turkmenistan’s library system has been put on the brink of destruction. The only new acquisitions by the libraries these days include the foreign-language translations of the *Rukhnama* and the President’s collections of poems. Rural areas and small towns were particularly affected by this decline in access to information through libraries. Regional centers and the capital city of Ashgabat have retained a limited number of libraries even after massive closures and mergers, although the government figure of 234 libraries (para.93) throughout the country is highly questionable even by the drastically reduced standards for education in Turkmenistan. By comparison, Turkmenistan’s neighbor Tajikistan, a country of roughly the same population but with a history of a five-year long civil war in the mid-1990s, had 1,430 mass libraries in 2003.¹⁸

The *Yashlyk* (Youth) TV channel deserves special attention in the context of the present Convention. Its main purpose is to indoctrinate young people on the basis of personal devotion to President Niyazov and not to broaden “children’s horizons” or to promote “their social, spiritual and moral development,” as the government report claims (para.94). Channel’s programming, which the report attributes with “a diversity of genres and themes,” consists almost entirely of programs devoted to three themes, often in the same format: the

¹⁸ Tajikistan Development Gateway. <http://www.tajik-gateway.org>

virtues of President Niyazov; the *Rukhnama* and other works by the President; and the glorious past, present and future of the Turkmen nation, used interchangeably with the Turkmen ethnicity at the detriment of the country's ethnic minority groups. For example, youths and children are invited to participate in programs which test their knowledge of the *Rukhnama* or of the Presidents genealogical tree. Also frequent are lectures by prominent scientists and well-known cultural figures who extol the President's virtues and point out his impact on every aspect of life in Turkmenistan. Programming on unrelated issues, including current youth trends in music, clothing, and so on is non-existent. Particularly incongruous reads the statement in the government report, that "the Turkmen authorities protect children against information and material harmful to their spiritual and moral development." Harmful materials apparently include everything outside of the above-mentioned sanctioned themes.

Theater performances almost always have patriotism (in its narrow definition by the President) as their one and only subject matter. Since the publication of the *Rukhnama* and Niyazov's poetic collections, the majority of plays staged at the country's theatres has been done in those topics. Even the Russian-language Pushkin State Drama Theatre was forced to stage a play called *Rukhnama*, although its relevance to the Russian culture is least doubtful.

These facts underscore the dire situation with freedom of access to information in Turkmenistan. All Turkmenistani citizens are affected by the government policies, but the country's young generation is particularly vulnerable to the deliberate efforts of the State to create a tightly-controlled informational space with docile and indoctrinated recipients of government-generated materials.

BASIC HEALTH AND WELFARE

Health and Health-Care Services (art.24)

Article 24 of the Convention states:

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

Specific measures of implementation are outlined to ensure full compliance with the Convention: diminishing infant and child mortality, fighting infectious diseases and malnutrition, and developing preventive health care. The government reports paints an optimistic picture of its efforts towards "the further development and improvement of maternal and child welfare" in the thirteen paragraphs devoted to this article of the Convention. International health care experts and institutions, however, describe Turkmenistan's medical system as "dismantled" and "in a state of crisis." The European Center on Health of Societies in Transition (London School of Hygiene and Tropical Medicine) was among the first international institutions to draw attention to the drastic decrease in funding for health care that culminated in the dismissal of 15,000 medical workers.¹⁹ To conceal the disastrous impact of such cutbacks on the overall health of the nation, the Ministry of Health and Medical Industry banned any mention of communicable diseases, such as HIV/AIDS, cholera, tuberculosis, dysentery, plague, etc.²⁰ In the absence of reliable national health statistics, recognized by the World Health Organization as a major obstacle in accurately assessing the situation, the Government of Turkmenistan claims a

¹⁹ McKee, Martin and Bernd Rechel. *Human Rights and Health in Turkmenistan (2004): Policy Brief*. P.2

²⁰ *Ibid*, p.2.

threefold decrease in child mortality and a six fold decrease in maternal mortality in the period of 1994-2004. Such dramatic decreases in such a short period seem improbable even by themselves, but WHO estimates actually point to an upward trend in the above-mentioned indicators.²¹

Even the government data presented in its report to the Committee does not support the rhetorical assertions of compliance. The report points to the existence of 4,367 family health centers, which are staffed with only 3,137 family doctors. Even with 1,061 family paramedics, these specialists cannot provide effective medical care and advice to more than six million citizens of Turkmenistan. And it is important to understand that these dramatic reductions in health care expenditures take place in a country with a high rate of population growth and a steadily increasing share of young people in the general population structure. To counter allegations of criminal neglect the Government of Turkmenistan financed the construction of a few opulent diagnostic centers and hospitals, intended for the benefit of a relatively small circle of people in the capital and regional centers. The system of co-payments for medical services, which was instituted by President Niyazov in an attempt to further reduce budgetary expenses, puts these facilities out of reach for the vast majority of destitute Turkmeni citizens.

The government statistics on budgetary allocations for health care are completely unreliable. Turkmenistan consistently issues reports, which show exuberant economic growth, low unemployment, and virtual prosperity of its citizens, when the reality is exactly the opposite.

Particularly disturbing is the deliberate concealment of HIV/AIDS statistics in the government report. Statement that “no cases of children with HIV/AIDS have been recorded in Turkmenistan” (para.150) is staggering, considering consistent reports from within Turkmenistan of rampant drug consumption among children and youths, particularly of heroin, which is closely associated with intravenous injections. Even wealthy Western societies with strong HIV-prevention programs and low rates of infection cannot boast zero-statistics. United Nations Children’s Fund (UNICEF) reports that less than half of young people know how to protect themselves against HIV/AIDS.²² It only confirms the government’s unwillingness to publicize major public health risks, making epidemics more likely and more dangerous.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education, Including Vocational Training and Guidance (art.28)

Article 28 is among the most extensive and detailed provisions of the Convention. The quality and diversity of education, as well as its availability to everyone on the basis of capacity, determine future job prospects for the child, his or her quality of life and personal development. The Convention stresses the importance of primary education, diversification in secondary education and vocational training, and accessibility of higher education. Para.3 also describes international cooperation as an important factor in educational development, particularly in developing and transitional countries, of which Turkmenistan is one.

²¹ Highlights on Health in Turkmenistan 2005. World Health Organization, 2006. P. 11.

²² Country Information: Turkmenistan. UNICEF <http://www.unicef.org>

Turkmenistan devotes thirteen paragraphs of its report to article 28 of the Convention, in which it attempts to create a positive image of the country's educational system. Like other former Soviet republics, Turkmenistan inherited its educational system from the Soviet Union. Despite its certain drawbacks, such as a slow pace of innovation, inflexibility, and a lack of synchronization with international standards, the Soviet system was effective in providing various forms of pre-school, secondary, and vocational training, as well as a broad access to higher education. Turkmenistan did not capitalize on these advantages, but instead moved in the opposite direction of slashing the length of secondary education, cutting back enrollment levels at universities, and concentrating the educational process around the ideology of President Niyazov, thus severely undermining the core subjects.

The *Bilim* (Education) Act of 1993 started the period of 'reforms' in the country's educational sector, which resulted in the reduction of secondary education from Soviet-era eleven years to just nine today, and the cutback in the length of university education from four years to two, followed by two years of internship. The academic curriculum was altered to reduce the number of hours devoted to world history, geography, and science subjects in order to introduce special courses for the study of the *Rukhnama*. Because children and youths are involved in cotton picking, despite the government's proclamations to the contrary, the academic year in Turkmenistan is only 150 days long, UNICEF reports.

Higher education has suffered a serious decline since 1991. Enrollment in universities stood at only 3,000 students in 2004, as compared to 40,000 in the early 1990s.²³ A number of factors contributed to this decline. First of all, budgetary allocations to higher education were slashed dramatically leading to the decrease in the number of faculties and places for high school graduates. Secondly, the Ministry of Education instituted a requirement that each university applicant provides proof of at least two years of employment. Turkmenistan's high unemployment rate, which is reported to reach 75% in some areas of the country, makes it almost impossible for young people to find a job. High school graduates lack qualifications to compete in the job market, and employers are unwilling to invest resources into young people, whose commitment is limited to only two years. Thirdly, the university application procedures discriminate against ethnic minorities and children from families deemed as 'unreliable' by authorities. As a part of the application process, aspiring students have to provide recommendations from their high school, assessing their moral qualities and reliability, as well as a list of three generations of ancestors including any criminal records and an evaluation of their loyalty to President Niyazov or the Turkmen nation. These requirements are intended to 'weed out' non-Turkmen students or those whose parents or family members are suspected of being disloyal to the regime. The final and the most important application requirement is to pass the exam which tests knowledge of the *Rukhnama*.

The inadequacy of the present educational system is evident even from the government report. The Ministry of Education of Turkmenistan apparently finds the age of 15 years sufficient enough for employment as educators at pre-school facilities (para.164), as 55% of those employed possess only a secondary vocational degree.²⁴

²³ Country Information: Turkmenistan. UNICEF <http://www.unicef.org>

²⁴ Students in Turkmenistan can acquire a profession at the age of 15 after completing a two-year vocational program (grades 7-9).

The educational opportunities of Turkmenistan's children were limited even further by the presidential decree No.126, which invalidated as of May 1, 2003 all foreign diplomas issued after 1993 and ordered the dismissal of their holders from the state-sector employment.

Education in minority languages has been virtually eliminated. Kazakh-, Uzbek-, and Armenian-language schools and classes have been all closed in recent years, while only several Russian-language classes remain operational today. Representatives of Turkmenistan's ethnic minorities do not have opportunities to pursue higher education in their native language. The government's treatment of ethnic minorities is a major concern for the international community, as reflected in the concluding observations of the Committee on the Elimination of Racial Discrimination.²⁵

SPECIAL PROTECTION MEASURES

Economic Exploitation, Including Child Labour (art.32)

Article 32 of the Convention states:

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Turkmenistan's laws are ambiguous about the definition of child labour. Although children do not reach legal maturity until the age of 18, they are allowed to seek employment on their own at the age of 16 and with the consent of their parents at the age of 15. This situation resulted from the fundamental changes in the educational system, which reduced the length of secondary education from eleven to nine years. Children wishing to pursue higher education have to have at least two years of employment history prior to submitting their applications. In practice, however, even children below the age of 15 are engaged in labour, both in a forced manner and by necessity.

The most common type of child labour in Turkmenistan is cotton-picking and cotton-processing. The reliance of the cotton industry on the free labour of school children is such, that the length of the school year was reduced to just 150 days in order to maximize human resources during the harvest campaign. Workplace protections are non-existent, as the government denies the very fact of forcing hundreds of thousands of children into the fields. Independent sources within Turkmenistan report numerous work-related accidents in the cotton fields, involving children and resulting in deaths and disability. Turkmenistan's authorities are careful not to issue written directives to employ children in the cotton fields, instead citing various legislative acts that are meant to protect children from forced labour (para.206). Assurances of safe working conditions for children and safeguards against their work in hazardous environments stand as empty declarations in the government report. Recent high school graduates, aged 15-16, are forced to seek immediate employment to support their families. Difficult employment situation in the country combined with children's lack of practical skills and knowledge makes them accept the hardest, dirtiest and least-paying jobs available. Although precise numbers are impossible to come by, a casual

²⁵ CERD/C/TKM/CO/5

observer can see dozens of teenagers unloading trucks and performing hard menial jobs at any of Ashgabat's markets. Thousands of children can be estimated to work in similar conditions throughout the country.

Drug Abuse (art.33)

Article 33 of the Convention obliges States Parties "to protect children from the illicit use of narcotic drugs and psychotropic substances" and "to prevent the use of children in the illicit production and trafficking of such substances."

Turkmenistan's proximity to the centers of illicit drug production in Afghanistan, Iran, and Pakistan made it a major transit corridor en route to Western Europe. Despite its accession to a number of international drug conventions and constant reassurances of commitment to fight drug trafficking, the Government of Turkmenistan was criticized by major international bodies (such as the International Narcotics Board and the United Nations Office on Drugs and Crime) for not taking part in regional drug-fighting activities and for not reporting on its own efforts in that direction. Political refugees from Turkmenistan have spoken about the involvement of Turkmenistan's authorities on the most senior level in drug-smuggling operations.

The Turkmenistan's self-isolation and the unreliability of its official statistics make it very hard to estimate the number of active drug users. Consistent reports within the country, however, point to an explosive growth of illicit drug usage among children and young people, particularly males. Drugs in Turkmenistan play the same role as alcohol in other transitional societies, where large groups of people remain disenfranchised and impoverished. Children and young people unable to find employment or continue their studies after high school turn to heroin and opium, which are cheaper on Ashgabat's black market than beer and vodka. Families of drug users turn to such unconventional methods as forced confinement and chaining in hopes to free them from addiction. Some families force their sons into the army service as young as 17, taking advantage of certain provisions in the national draft law. But the culture of drug usage is affecting not only the destitute social groups, as recreational use of opium is reported to be rampant among the well-to-do rural residents, who often offer it to their guests.²⁶ The lack of information on the adverse consequences of drug usage, which stems from the government's desire to portray Turkmenistan as a society without social ills, certainly promotes the spread of this epidemic.

Sexual Exploitation and Sexual Abuse (art.34)

Article 34 of the Convention protects children from all forms of sexual abuse and exploitation. It states the responsibility of the State Party to protect children from engaging in unlawful sexual activities and from being used in prostitution and pornography. Although the government report claims that "offences of these kinds are rare in Turkmenistan," without providing any statistics from law-enforcement agencies or social services, the country has seen an explosion in the number of women and young girls engaged in prostitution in recent years. Irresponsible social and economic policies of the government are to blame, as employment opportunities have become scarce and social payments have been drastically reduced or annulled altogether. Regional centers, such as Dashoguz and Mary, and rural areas are particularly affected by this recent phenomenon. Exact numbers of children

²⁶ Turkmenistan: Drug Addiction on the Rise. UN Office for the Coordination of Humanitarian Affairs. 10/05/2006

involved in the sex trade are impossible to estimate, as the government does not recognize this as a problem. But teachers and social workers that spoke to the League's partners on conditions of anonymity recognized the engagement of high school-aged girls in street- and brothel-based prostitution as a growing trend. There is also growing evidence that destitute families where one or both parents are unemployed force their underage children into the sex trade in order to supplement the family income.

Illegal prostitution and illicit drug usage are always closely related, but even more so in Turkmenistan, where drugs are readily available and cheap. Both social plagues threaten to take an endemic scale in Turkmenistan, where the government vehemently denies their very existence.

RECOMMENDATIONS

Following the review by the Committee, the League recommends the following areas of concern with regard to the rights of the children in Turkmenistan with the State Party:

Make the definition of the child, particularly in the relationship between rights and responsibilities, consistent throughout the body of the national law.

Re-instate the length of secondary and higher education at eleven and four years respectively.

Abolish the discriminatory application procedures at country's universities, such as the family survey and the assessment of the applicant's loyalty to President Niyazov.

In response to the robust population growth in Turkmenistan and the increasing share of young people in the total population, stop further budget cuts in education and social services affecting children and young people and make allocations dependent on the country's demographical situation.

Repeal the discriminatory provisions of the presidential decree No.126 and the Immigration Law of 2005, which limited the study abroad opportunities for the citizens of Turkmenistan by not recognizing their foreign-awarded degrees, by dismissing them from the state-sector employment, and by imposing unreasonable restrictions on freedom of movement of students seeking education abroad.

Re-open Kazakh-, Uzbek-, Armenian-, and Russian-language classes and schools for children from Turkmenistan's ethnic minorities. The Government of Turkmenistan also needs to lift its ban on the import of study guides and scientific literature in minority languages and allocate budgetary resources *on par* with Turkmen-language schools for the acquisition of educational materials.

Review the curriculum of Turkmenistan's educational institutions towards a greater emphasis on the core subjects away from the ideological component of education, exemplified by the *Rukhnama* and other works of President Niyazov.

Stop harassment and persecution of children-relatives of prisoners.

Discontinue the practice of misrepresenting or concealing the country's vital health statistics, including life expectancy, infant, child and maternal mortality, prevalence of communicable and infectious diseases, particularly HIV/AIDS and tuberculosis, and levels of drug usage among the population.

Improve access to health care facilities for the citizens of rural areas, which were particularly affected by drastic cutbacks in funding and by the dismissal of thousands of health care employees.

Discontinue the shameful practice of forced child labour in the cotton industry and take steps towards prosecuting the individuals responsible for violating Turkmenistan's national laws and its international obligations.

Acknowledge the growing problem of child sexual exploitation and drug usage by compiling accurate statistics, adopting national action plans, and allocating adequate budgetary means.

Ensure the observance of children's civil rights by creating conditions for the unimpeded registration and work of independent non-governmental organizations and public associations, including those founded and operated by children and youths.

Guarantee children's rights to freedom of access to information by eliminating the tight government control over the mass media and means of electronic communication.

Make 18 the *only* minimum age for military service.