

COMMITTEE ON THE RIGHTS OF THE CHILD

42nd session (Geneva, 15 May – 2 June 2006)

Reports of States

Turkmenistan (initial report)

Information submitted to the Committee

Turkmenistan submitted its initial report¹ due in 1995. The State party did not submit written replies to the list of issues² submitted by the Committee. The report was drafted with the help and recommendations of international agencies and experts³. The report consists of two main parts. The first part provides general information on the State Party, its general measures of implementation, its definition of children and general principles relevant to the rights of children. The second part is broken down into chapters addressing each their thematic area. While providing extensive information on the legal framework protecting the rights of the child, the **report severely lacked statistics** on implementation. The establishment of programs is sporadically mentioned. However there is no information on actual measures taken to improve the day-to-day protection of children in Turkmenistan. Furthermore, the report fails to identify any problems or issues that need special attention.

While the Committee referred several times to information from NGOs, the only official NGO report submitted requested the State party to establish a child helpline.

The State party has acceded to the *Convention on the Rights of the Child* (the Convention); *the Optional Protocol on sale of children, child prostitution and child pornography*; and *the Optional Protocol on the involvement of children in armed conflict* without any declarations or reservations.

Themes and Issues

Overview

The delegation representing the State party comprised of two mid-level government officials⁴. The rank of the delegation set the stage for the remaining 3 hours and 25 minutes. The working method of the Committee is based on a high level of interaction between delegation and Committee members, with the chair often interrupting the delegation to clarify a particular issue. This way of interacting seemed to confuse a very **poorly prepared delegation** that did not seem equipped to deliver more extensive information than already presented in the report and the opening statement. Towards the ending of the morning session the Committee asked the delegation if it would prefer to answer the questions in writing instead. The delegation took this offer. For the remaining time the delegation answered a few of the questions posed to the best of their knowledge. As a result, the outcome of this session is mainly a series of unanswered question. These, along with the ones that were answered, are discussed below.

Implementation

In general the Committee expressed concern about the lack of implementation of the Convention within the State party. Concern was also expressed about the lack of documented outcome from the programs established in collaboration with international organisations such as United Nations Children's Fund (UNICEF) and the World Health Organisation (WHO). The Committee identified the three main issues of concern to be in the areas of poverty, education and training, and health. One member of the Committee was concerned about the significant number of people suffering under relative poverty.

¹ CRC/C/TKM/1

([http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2cb44b090bdc133c12571070058ed87/\\$FILE/G0545357.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2cb44b090bdc133c12571070058ed87/$FILE/G0545357.pdf))

² CRC/C/TKM/Q/1 (<http://daccessdds.un.org/doc/UNDOC/GEN/G06/404/49/PDF/G0640449.pdf?OpenElement>)

³ Both UNICEF and an expert group of the Commission on Human Rights provided consulting assistance for the drafting of the report.

⁴ Seyid Orazberdyev, Chief Specialist, Department on Health, Cabinet of Ministers of Turkmenistan and Chary Atakhanov, Adviser, Department on International Organizations, Ministry of Foreign Affairs of Turkmenistan.

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In the area of education the Committee expressed concern about the low academic level in the school system, the decrease in university enrolment and especially the extensive teaching of the “**Rukhnama**”, allegedly a book serving as one of the facilitators in a personality cult built around president Niyazov⁵. The delegation found their education system to be in good condition and noted that Turkmen students were doing well abroad. The delegation responded to the concern about the “Rukhnama” teaching by simply offering a copy of the book to the Committee members. Furthermore, the Committee sought information on programs for training of government officials, especially police and immigration officers, in the provisions of the Convention. The delegation replied that such activities were carried out in collaboration with UN agencies.

In the area of **health** the main interest of the Committee was whether the registered improvements in the general health condition in the country had benefited the urban and the rural population equally and more specifically if children’s health was an area benefiting from the general increase in the State budget. Additionally, more specific information was sought on the category of children covered by the health insurance schemes and the treatment of the mentally ill children. Without really answering any of the confrontational questions, the delegation went on to talk about the progress made following the health reform. Relating to children and health insurance the delegation did note that all children were given free medical care and that the insurance was only an addition to this.

Another interesting subject touched upon was adoption. The Committee expressed concern about the monitoring mechanisms in place to ensure the protection of the child especially relating to **adoptions** by foreigners. Furthermore, questions were posed about children’s access to information on their origin. Again without really answering the questions, the delegation replied that adoptions was officially registered at the ministry of the interior and that a law was passed stating that the State should defend the best interests of the child.

Legal issues:

In her opening statements the rapporteur highlighted the independence and position of NGO’s in civil society as a key issue for the Committee. While stating that the legal position and role of civil society institutions in the State party did not match the way this is understood world wide, the rapporteur expressed confusion about how NGO’s could remain independent if they were fully supported by the government.

The Committee addressed the lack of independent monitoring bodies with special emphasis on the status of the National Institution for Democracy and Human Rights. Information was sought on whether this body was set up as a **National Human Rights Institution** (NHRI). While performing some of the functions of a NHRI, the institution is severely lacking independence. Until recently the head of the institution was the minister of foreign affairs. Furthermore, the president appoints the head, and at the moment neither this nor the deputy position is occupied. From the replies of the delegation one got the impression that this was an institution with a very good looking set of functions and responsibilities but designed to take a minimum of concrete action. This inspired the Committee to ask the delegation if the State party had plans to establish a NHRI in compliance with the *Paris Principles*. The delegation replied by summarising the work of the institute ending with a statement saying that the State party was thinking about establishing a National Human Rights Commission.

Another area of interest to the Committee was the issue of **children and armed conflict**. The Committee noted that Turkmenistan was a neutral country but had an army. Concern was expressed about the possible drafting of 17 year olds for the armed forces. Another member was very interested in the State party’s role in protecting children in armed conflict in the region. Noting that in his opinion neutral States have an obligation to help especially vulnerable groups, he enquired about legislative and administrative measures for implementing international humanitarian law and whether the government was promoting the rights of children in the region. No reply was given to this question.

Among other issues discussed was the definition of children and corporal punishment. The Committee was concerned with the low minimum ages for criminal liability (14-16 years old), marriage (16 years old), and working age (16 years old). Relating to corporal punishment the Committee enquired about the legality of

⁵ “Turkmenistan Clampdown on dissent. A background briefing” (<http://web.amnesty.org/library/index/ENGEUR610152003>)

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corporal punishment in the home, in school, and in alternative care facilities. The Committee did not reply to any of these questions.

Conclusions and next steps

The Concluding Observations issued by the Committee are very comprehensive. The Concluding Observations effectively address issues taken up by the Committee during the discussion including the independence of monitoring institutions and civil society organisations; the teaching of the “Rukhnama”; adoption; and relative poverty. The Concluding Observations also touched upon issues that were not included in the discussion but had been addressed in the written questions posed by the Committee prior to the consideration. Amongst these were the issues of non-discrimination; access to information; freedom of religion; violence and abuse of children; adolescent health; street children; trafficking; and administration of juvenile justice.

The attitude of the State party was very disappointing throughout the consideration. The delegation was unprepared and only reluctantly answered the questions posed by Committee members. The written replies to the vast amount of questions not answered during the discussion were never submitted as promised during the discussion. However, the Committee still managed to point out quite a few areas of concern.