



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-second session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Turkmenistan**

1. The Committee considered the initial report of Turkmenistan (CRC/C/TKM/1) at its 1235th and 1237th meetings (see CRC/C/SR.1235 and 1237), held on 24 May 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

**A. Introduction**

2. The Committee, while noting the delay of almost 10 years in its submission, welcomes the State party's initial report. The Committee would have appreciated the participation of a broader delegation and regrets that no written replies were received to its list of issues.

**B. Positive aspects**

3. The Committee welcomes:

(a) The new country programme 2005-2009, in cooperation with UNICEF, focusing in particular on the well-being of children in the health and social sectors;

(b) The adoption of the National Programme on HIV/STI Prevention in Turkmenistan (2005-2010), in April 2005;

(c) The "Young People's Right to Work (Guarantees) Act" of 1 February 2005 which inter alia forbids the work of school-age children in cotton fields.

4. The Committee also wishes to welcome the ratification of:

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 29 April 2005, and on the involvement of children in armed conflict, on 28 May 2005;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 28 March 2005.

### **C. Main subjects of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **Legislation and implementation**

5. The Committee, while welcoming the fact that recent legislative reforms have expanded the protection of the rights of children, is concerned at inconsistencies and discrepancies in the national legislation, especially in the area of adoption and guardianship, and that the implementation of this legislation is not always adequate. Furthermore, while noting the Rights of the Child (Guarantees) Act of 5 July 2002, it is concerned that this Act does not cover all rights protected under the Convention.

6. **The Committee recommends that the State party:**

(a) **Improve and harmonize its legislation in order to achieve compliance with the principles and provisions of the Convention;**

(b) **Review the Rights of the Child (Guarantees) Act of 5 July 2002 so that it covers all the rights enshrined in the Convention;**

(c) **Provide all the necessary means for an effective implementation of its legislation, including appropriate budgetary resources and monitoring mechanisms;**

(d) **Take into account the Committee's general comment No. 5 (2003) on General measures of implementation for the Convention on the Rights of the Child for the implementation of the recommendations contained in this section of the concluding observations (paras. 5-21).**

##### **Coordination**

7. The Committee notes that the Department for Youth Affairs in the Office of the President promotes the coordination between State bodies and voluntary organizations with regard to policies for children, while the Cabinet of Ministers - also headed by the President - is tasked with coordinating activities at governmental level.

8. **The Committee recommends that the State party ensure a comprehensive and effective implementation of all policies regarding children throughout the country, including by strengthening coordination between the different bodies involved in the implementation of the Convention in order to ensure respect of its principles and provisions for all children within the State jurisdiction. The State party may also consider establishing a single permanent body to coordinate the implementation of the Convention, including by effectively coordinating activities between central and local authorities.**

#### **National Plan of Action**

9. The Committee is concerned that there is no comprehensive and well-structured strategy for the implementation of the Convention in the State party.

10. **The Committee recommends that the State party develop - in a participatory way and in consultation with all stakeholders, including children, parents and civil society - a national plan of action for children, which should aim at the implementation of the principles and provisions of the Convention and take into account, inter alia, the outcome document “A world fit for children” adopted by the General Assembly special session in May 2002. The Committee further recommends that the State party provide the budgetary resources necessary for the effective implementation of the plan of action. The State party is invited to provide further information in this respect in its next periodic report.**

#### **Independent monitoring**

11. The Committee notes that the National Institute for Democracy and Human Rights receives complaints from citizens of Turkmenistan, but is concerned about its ineffectiveness and lack of independence. A specialized body responsible for the independent monitoring of the implementation of the Convention in practice is lacking. Furthermore, the Committee is concerned that the ability of this body to obtain redress for the victims is very limited.

12. **The Committee recommends that the State party, taking into account the Committee’s general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child:**

(a) **Establish an independent national human rights institution for the promotion and monitoring of the implementation of the Convention in accordance with the Paris Principles (General Assembly resolution 48/134);**

(b) **Ensure that such a body is provided with adequate financial resources and personnel capable of dealing with complaints filed by children, or on behalf of children, in a child-sensitive and expeditious manner;**

(c) **Ensure that children have effective remedies for the violations of their rights under the Convention;**

(d) **Seek technical assistance from, among others, UNICEF in the establishment of this mechanism.**

## **Resources for children**

13. The Committee is concerned at the scarce information and the lack of transparency on budget allocations for children and for the implementation of the principles and provisions of the Convention. The Committee is further concerned at the information that the improvement in the economic performance and macroeconomic indicators was not reflected in increased budgetary allocations to children's issues.

14. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by increasing and prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation". The Committee further recommends that the State party make publicly known how the protection of the rights of children is reflected in budgetary allocations and provide further information in this respect in its next periodic report.**

## **Data collection**

15. While the Committee notes that the National Statistical and Information Institute "Turkmenmillikhasabat" collects data and carries out sociological studies on children's issues, it is concerned at the absence of data in the State party's report on most of the issues covered by the Convention, including children with disabilities, children belonging to ethnic minority groups and children in conflict with the law.

16. **The Committee recommends that the State party develop a system for a comprehensive collection of comparative data on all areas of the Convention in a way that allows for disaggregation and analysis. Particular emphasis should be placed on those groups who are in need of special protection. The Committee further recommends that the State party continue to cooperate with UNICEF in this respect and consider the annual publications of a statistical report on the implementation of the Convention.**

## **Training/dissemination of the Convention**

17. The Committee welcomes the information that the Convention has been published in Turkmen and that its provisions are regularly explained in the mass media. It also notes that the National Institute for Democracy and Human Rights publishes texts and compilations of international instruments and national laws on the subject of civil rights and freedoms.

18. **The Committee encourages the State party to continue disseminating the Convention, with special attention to vulnerable groups, i.e. ethnic or language minorities, and to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children.**

## **Cooperation with civil society**

19. While the Committee notes the amendment of 2 November 2004 to the Criminal Code of Turkmenistan rescinding article 223/1, which stipulated criminal penalties for unregistered

activities of public associations, including non-governmental organizations, it is deeply concerned that serious obstacles are still hampering the independent activity of civil society organizations.

20. **The Committee underlines the important role of civil society in contributing to the full implementation of the Convention and recommends that the State party facilitate such activity by removing restrictions to the functioning of independent civil society organizations in the State party.**

#### **International cooperation**

21. **The Committee notes that various programmes and projects have been and are being implemented in cooperation with international organizations. In this respect, the Committee recommends that the State party continue to strengthen a broad and open cooperation with the international organizations in order to fully benefit from their presence in the country.**

### **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

22. The Committee is concerned that, inter alia as a result of the “Turkmenization” policy of the State party, discriminatory attitudes and practices exist towards certain national and ethnic minorities such as Russians, Uzbeks, Kazakhs, Turks, Kurds, Beludzhi and Germans. In particular, members of ethnic minority groups are denied a number of fundamental socio-economic rights, such as access to education, employment and the right to own property, as well as the right to enjoy their culture. The Committee is further concerned that children belonging to families of persons condemned on political grounds are often victims of discriminatory and punitive practices, notably in access to education and other services.

23. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) **Carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities, including the adoption of legislation specifically prohibiting all forms of discrimination and introducing mechanisms of independent monitoring and redress;**

(b) **Strengthen its administrative and judicial measures to prevent and eliminate discriminatory attitudes and stigmatization against certain groups of children, in particular children belonging to ethnic minorities and to families of persons condemned on political grounds;**

(c) **Undertake comprehensive public education campaigns to prevent and combat negative social attitudes and behaviour, including discrimination, based on, inter alia, sex, age, nationality, ethnicity and religion.**

25. The Committee is concerned at the information that, while the ages of marriage is normally set at 16 years, for Turkmen citizens who marry foreigners and stateless persons, the age of marriage is set at 18 years.

26. **The Committee recommends that the State party eliminate this form of discrimination, by ensuring that all persons below 18 years of age receive the same protection under the Convention and that the age of marriage be the same for all Turkmen citizens, irrespective of the nationality of the future spouse.**

27. **The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, also taking into account general comment No. 1 on article 29, paragraph 1, of the Convention on the aims of education.**

#### **Best interests of the child**

28. While the Committee notes that the principle of best interests of the child is included in the State party's legislation, it is concerned that it is not always taken into account in practice, in particular for children belonging to ethnic minorities.

29. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

#### **Respect for the views of the child**

30. The Committee notes that the Rights of the Child (Guarantees) Act recognizes the right of children to express their opinion and views freely in all matters affecting them, but is concerned that courts have the discretion to decide whether to admit children to proceedings affecting them.

31. **The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable and minority groups. This general principle should also be reflected in all laws, judicial and administrative decisions, policies and programmes relating to children. In particular, the State party should:**

(a) **Ensure that the child who is capable of forming his/her own views is in practice given the opportunity to express those views freely in all matters, and particularly in any judicial and administrative proceedings affecting him or her; and that the views of the child being given due weight in accordance with his or her age and maturity;**

- (b) Develop community-based skills training programmes for parents, teachers and other professionals working with and for children, in order to encourage children to express their informed views and opinions;**
- (c) Systematically ensure the active participation of children's organizations in the development of national, regional and local policies or programmes affecting them; and**
- (d) Provide further information in this respect in its next report.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)**

#### **Access to appropriate information**

32. The Committee expresses concern about the fact that all sources of information - and media in particular - are subject to Government's control and do not allow for diversity. Furthermore, the Committee, sharing the concerns recently expressed by the Committee on the Elimination of Racial Discrimination, regrets that access to foreign culture and media, including the Internet, is very limited.
33. **The Committee recommends that the State party, in line with articles 13 and 17 of the Convention, ensure the right of the child to access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. The State party should also take steps to expand access to Internet, including by supporting and facilitating projects in this respect such as the UNDP project "InfoTuk", while providing adequate protection from dissemination of illegal content on the Internet, e.g. child pornography.**

#### **Freedom of religion**

34. The Committee is concerned that in Turkmenistan religious organizations encounter difficulties related to the procedure for their registration and face restrictions with respect to the exercise of their activities. The Committee is also concerned at reports of instances of raids on religious meetings and demolition of places of worship.
35. **The Committee recommends that the State party respect the right of the child to freedom of religion. The State party should ensure that all religious organizations are free to exercise their right to freedom of religion or belief subject only to the limitations provided for in article 14 of the Convention. The Committee further recommends that the State party prevent, prohibit and punish any violent attack against religious activities, including demolition of places of worship.**

#### **Prohibition of torture or other cruel, inhuman or degrading treatment or punishment**

36. The Committee is deeply concerned at the information that torture and ill-treatment of detainees, including children, is widespread, especially at the moment of apprehension and during pretrial detention, and used both to extract confessions or information and as an additional punishment after the confession.

**37. The Committee recommends that the State party:**

- (a) Investigate thoroughly all allegations of torture and ill-treatment, in particular within the juvenile justice administration by public officials;**
- (b) Strengthen measures to encourage reporting of instances of torture and ill-treatment and ensure that perpetrators are rapidly brought to justice;**
- (c) Provide the victims of such abuses with physical and psychological recovery and social reintegration and compensation and protect them from stigma and re-victimization;**
- (d) Undertake systematic training programmes and awareness-raising campaigns at the national and local levels, addressed to all professionals working with and for children, in particular teachers, judges, parliamentarians, law-enforcement officials, government administration, local authorities, personnel working in relevant institutions, health personnel, including psychologists and social workers, on prevention and protection against torture and other forms of ill-treatment.**

**4. Family environment and alternative care**

**(arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)**

**Alternative care for children**

38. The Committee, while noting the low rate of institutionalization, is nonetheless concerned at the situation of children placed in alternative care and that many of them are placed in institutions due to the economic difficulties of their families. Furthermore, the Committee is concerned at the lack of resources, including adequately trained professionals in the alternative care system.

**39. The Committee recommends that the State party:**

- (a) Increase its efforts to provide material assistance and support to economically and/or socially disadvantaged children and their families, including through implementing poverty reduction strategies and community development projects with the participation of children, in accordance with article 27 of the Convention;**
- (b) Ensure that poverty as such does not lead to the separation decision and to the out-of-home placement;**
- (c) Provide adequate training to all professionals working in the alternative care system and provide adequate resources to that effect;**
- (d) Provide complaints mechanisms for children in institutions and ensure that they deal with complaints effectively and in a child-sensitive manner;**
- (e) Provide information in its next report on measures taken and results achieved towards returning children in out-of-home care back to their families, when appropriate.**



## **Adoption**

40. The Committee regrets the lack of information on the number and types of adoptions (domestic/intercountry) in the State party and notes that while adoptions are registered at the regional, city and district agencies of tutorship and guardianship under the Ministry of Interior, there is no centralized system for the registration of adoptions.

41. **The Committee recommends that the State party consider setting up a centralized system for the registration of adoptions which would allow the availability of disaggregated data in this respect.**

42. The Committee notes with concern that article 129 of the Marriage and Family Code (providing that a child's adoption be kept secret), in conjunction with article 157 of the Criminal Code (establishing that it is a criminal offence to breach the confidentiality of the adoption against the adoptive parent's wishes), may hamper the right of the child to know his or her parents.

43. **The Committee recommends that the State party:**

(a) **Take the necessary measures to ensure that article 129 of the Marriage and Family Code and article 157 of the Criminal Code do not impede the right of the child to know his or her parents;**

(b) **Ensure that the best interests of the child are paramount consideration in all decisions concerning adoption; and**

(c) **Consider ratifying the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

## **Violence, abuse, neglect and maltreatment**

44. The Committee, while welcoming the information that children who have been victims of violence have the right to lodge complaints with State or judicial bodies, regrets that there is lack of information and data on the extent of violence against children in the home, in institutions, in schools and in their communities.

45. **In the light of article 19 of the Convention, and with reference to paragraphs 36 and 37 above, the Committee recommends that the State party:**

(a) **Undertake a comprehensive study on violence in order to assess the extent, the causes, scope and nature of these violations;**

(b) **Strengthen measures to encourage reporting of instances of child abuse in all institutions - including out-of-home placement, orphanages, psychiatric hospitals, schools and juvenile prisons - and to bring the perpetrators of these acts to justice;**

(c) **Provide care, full physical and psychological recovery and social reintegration for children victims of violence.**

46. **In the context of the Secretary-General's in-depth study on the question of violence against children, while the Committee acknowledges with appreciation the State party's participation in the Regional Consultation for Europe and Central Asia, held in Slovenia from 5 to 7 July 2005, it notes that the State party has not responded to the related questionnaire. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

### **Corporal punishment**

47. The Committee, while noting that article 24 (3) of the Rights of the Child (Guarantees) Act seems to prohibit corporal punishment, expresses concern that it is nevertheless a common practice to discipline children.

48. **The Committee recommends that the State party, taking into account its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, introduce and enforce legislation and procedures explicitly prohibiting all forms of corporal punishment of children in all settings. The State party should also conduct public and professional awareness-raising and education campaigns against corporal punishment and promote non-violent, positive and participatory forms of childrearing and education, including in the home, schools, institutions and in the society.**

## **5. Basic health and welfare**

**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3, of the Convention)**

### **Children with disabilities**

49. The Committee notes that there are 18 specialized preschools and 14 residential schools to accommodate children with mental and physical disabilities. It welcomes the fact that medicaments for children with disabilities are paid by the State. However, it is concerned that children with disabilities are over-institutionalized and that there is a lack of disability specialists.

50. **The Committee recommends that the State party, taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69):**

**(a) Adopt and implement legislation to protect the rights of children with disabilities;**

**(b) Ensure implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the United Nations General Assembly on 23 December 1993;**

- (c) Undertake efforts to establish and implement alternative measures to prevent the institutionalization of children with disabilities, including community-based rehabilitation programmes and home-based care;**
- (d) Pursue efforts to ensure that children with disabilities are enabled to exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system;**
- (e) Undertake greater efforts to make available the qualified professional (i.e. disability specialists) and financial resources necessary, especially at the local level and to promote and expand community-based rehabilitation programmes, including parent support groups;**
- (f) Pursue efforts to combat negative social attitudes towards children with disabilities and to avoid their marginalization and exclusion; and**
- (g) Remove physical barriers to enable effective access of children with disabilities to school and other institutions and public services.**

#### **Health and access to health-care services**

51. The Committee welcomes the free medical care guaranteed to children in the State party, its certification as a polio-free country since 2002 and its recognition as the fourth country in the world to ensure universal salt iodization in accordance with generally accepted international standards. However, it is concerned that the health sector continues to be faced with serious problems affecting the health condition of children. In particular, the Committee expresses concern that:

- (a) According to an independent study conducted in 2004, almost 80 per cent of infant deaths in early and late neonatal period were caused by infections and could have been prevented through simple and cost-effective preventive measures and treatment;**
- (b) Maternal mortality, despite recent progress, remains high;**
- (c) Official information about the infant mortality rate are inaccurate, partly due to inadequacies in the death registration system;**
- (d) Hospitals lack sufficient obstetric supplies and emergency medicines; and**
- (e) There is a lack of updated data on the nutritional status of children.**

**52. The Committee recommends that the State party strengthen its efforts to improve the health situation of children in the State party, including through:**

- (a) Ensuring the provision of necessary medical assistance and health care access to all children with emphasis on the development of primary health care;**
- (b) Urgently addressing the issue of infant and child mortality, especially by focusing on preventive measures and treatment;**

- (c) Increasing efforts to further reduce maternal mortality throughout the country;**
- (d) Adopting and implementing a national law on marketing of breast-milk substitutes;**
- (e) Ensuring that all segments of the society are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, including the advantages of breastfeeding;**
- (f) Ensuring full implementation of World Health Organization (WHO) standards on registration of infant mortality;**
- (g) Providing hospitals with sufficient obstetric supplies and emergency medicines; and**
- (h) Seeking technical assistance, among others, from UNICEF and WHO in this regard.**

#### **HIV/AIDS**

53. While noting the State party's statement that no cases of children with HIV/AIDS have been recorded in Turkmenistan, the Committee is concerned that low levels of knowledge among the general population, especially young people, on the ways in which HIV can be transmitted, lack of means and insufficient skills for protection from HIV infection, along with prevailing unsafe sexual behaviour and injecting practices, increase the risk of an HIV epidemic. Furthermore, the Committee is concerned at information that the skills and capacity to diagnose HIV/AIDS is limited and that there is an underreporting of HIV/AIDS and other infectious diseases.

54. **The Committee recommends that the State party, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of the child (2003) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37):**

- (a) Provide antiretroviral treatment to HIV-positive women and expand the coverage of voluntary HIV tests for pregnant women;**
- (b) Strengthen its measures to expand facilities and medical training for the diagnosis and treatment of HIV/AIDS;**
- (c) Address the issue of underreporting of communicable and infectious diseases, particularly HIV/AIDS and tuberculosis;**
- (d) Strengthen its efforts by conducting campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable and high-risk groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS;**

**(e) Adequately implement the National Programme on HIV/STI Prevention in Turkmenistan (2005-2010), including with the necessary funding; and**

**(f) Seek further technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS) and UNICEF.**

#### **Adolescent health**

55. The Committee, while noting the measures taken by the State party in this respect, is concerned at the increasing practice of illicit use of narcotic drugs and psychotropic substances among adolescents. It further notes the scarce information with respect to mental and reproductive health services available in the State party.

**56. The Committee recommends that the State party, taking into account its general comment No. 4 on adolescent health and development (2003):**

**(a) Undertake a study on adolescent health with a view to developing a comprehensive adolescent health policy addressing in particular drug addiction;**

**(b) Provide adequate mental health services to children addicted to illegal drugs, including medical rehabilitation centres, other appropriate structures and support services to families;**

**(c) Develop health promotion programmes for adolescents and pay particular attention to adequate updated treatment of adolescents with mental problems and seek assistance in this respect from, among others, WHO;**

**(d) Train teachers, social workers and others working with children on how to address drug abuse and other adolescent health issues in a manner that is child-sensitive; and**

**(e) Provide information in its next periodic report on mental and reproductive health services available to adolescents.**

#### **Standard of living**

57. The Committee notes the information that, since 1993, the Government has provided its citizens with free gas, electricity, water and table salt, and that this free provision has been extended until 2020. However, the Committee is concerned that, partly due to an unequal distribution of wealth in the country, a considerable number of families live at the edge of poverty and that only 55 per cent of the population has access to safe drinking water, while in rural areas the number decreases to 24 per cent.

**58. The Committee recommends that the State party:**

**(a) Take the necessary measures to develop an effective policy for the reduction of poverty, including by reducing inequalities in the distribution of wealth;**

**(b) Provide support and material assistance to economically disadvantaged families; and**

(c) **Increase its effort to provide adequate water sanitation and access to potable water throughout the country, in particular in rural areas.**

**6. Education, leisure and cultural activities  
(arts. 28, 29 and 31 of the Convention)**

59. The Committee is concerned at information that the educational system of Turkmenistan has deteriorated over the past few years. In particular, it is concerned that:

(a) The reform of education reduced compulsory education from 10 to 9 years;

(b) Children attend school for an average of 150 days per year compared to the international standard of 180, partly due to the fact that schoolchildren often work in cotton fields;

(c) A large part of the school programme is devoted to the teaching of “Rukhnama”, a “spiritual guide” written by the President;

(d) Only 20 per cent of children have an opportunity for early childhood education through preschools;

(e) Class sizes are increasing rapidly, facilities are deteriorating and funds for textbooks and supplies are decreasing;

(f) Teachers are often forced to work in cotton fields and school premises may be used for cotton industry;

(g) A significant number of teachers is not adequately trained nor paid; and

(h) Students belonging to ethnic minorities, notably Kazakh, Uzbek, Armenian and Russian children, have increasingly limited possibilities to study and receive education in their mother tongue, despite legislative provisions in this respect.

60. **The Committee recommends that the State party, taking into account the Committee’s general comment No. 1 on the aims of education (2001), take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, and in particular that it:**

(a) **Take the necessary measures to improve the quality of education, including by improving school curricula with a view to meet international standards of education;**

- (b) Take measures to progressively extend the duration of compulsory education;
- (c) Increase the number of school days to 180 in order to bring it in line with international standards and ensure that the prohibition of the involvement of children in cotton harvesting is effectively implemented;
- (d) Reopen Kazakh-, Uzbek-, Armenian- and Russian-language classes and schools for children of ethnic minorities;
- (e) Invest in training teachers, improve their remuneration and ensure that teachers are totally devoted to their school duties and do not perform any other task during school hours;
- (f) Invest in the improvement of schools' facilities, textbooks and other supplies;
- (g) Strengthen its efforts to include human rights in general, and the rights of the child in particular, into the school curricula;
- (h) Increase availability of vocational training programmes for young people, with the view of facilitating their future access to the labour market; and
- (i) Seek further assistance from, inter alia, UNICEF and UNESCO.

**7. Special protection measures**  
(arts. 22; 38; 39; 40; 37 (b)-(d); 30 and 32-36 of the Convention)

**Refugee and displaced children**

61. The Committee welcomes the fact that, in 2005, over 10,000 Tajik refugees have been granted Turkmen nationality. However, the Committee is concerned that children may be seriously affected by the fact that, as of 2001, forced resettlement became part of the Criminal Code of Turkmenistan and is used as a punishment for certain crimes. Furthermore, the Committee is also concerned about the information of forced displacement of ethnic minorities, including children.

62. The Committee recommends that the State party urgently act to abolish forced resettlement as a punishment for certain crimes and put an end to its policy of forced displacement of ethnic minorities.

**Economic exploitation**

63. The Committee welcomes the fact that the President issued a decree against child labour and specifically condemned the use of children for cotton harvesting as well as the recent

legislation which forbids sending schoolchildren to harvest cotton. However, the Committee is concerned that this practice is still widespread and that child labour laws are not effectively enforced.

**64. The Committee recommends that the State party:**

**(a) Undertake a comprehensive survey of the number, composition and characteristics of working children in order to design and implement a comprehensive strategy to prevent and combat their exploitation;**

**(b) Ensure the implementation of the recent law prohibiting child labour in cotton fields;**

**(c) Ratify ILO Conventions Nos. 138 (1973) and 182 (1999) and seek assistance from the International Programme on the Elimination of Child Labour (ILO/IPEC) and UNICEF in this regard.**

### **Street children**

65. The Committee is concerned at the lack of information from the State party on the existence of street children, and that other information indicates that their number may have increased in the last years.

**66. The Committee recommends that the State party:**

**(a) Undertake a study on the extent of this situation, and use the outcome of this study to establish a comprehensive strategy to prevent and reduce the number of street children;**

**(b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and education opportunities, including vocational and life-skills training to support their full development;**

**(c) Promote and implement programmes aimed at their physical and psychological recovery and social reintegration; and**

**(d) Facilitate, whenever possible, reunification with their families.**

### **Trafficking**

67. The Committee is concerned that the law does not expressly prohibit trafficking in persons. Furthermore, while noting that the extent of the problem of trafficking is not very high in the State party in comparison with other countries of the region, it is concerned at the information that girls from minority ethnic groups are more likely to be victim of trafficking as fewer educational or employment opportunities exist for them.



68. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by:

- (a) Introducing provisions criminalizing trafficking in national legislation in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000;
- (b) Undertaking studies to assess the nature and magnitude of the problem;
- (c) Providing adequate and systematic training to all professional groups concerned, including police, border guards, etc.;
- (d) Providing psychological counselling and other recovery services to victims;
- (e) Launching awareness-raising and prevention campaigns targeting in particular children and parents; and
- (f) Seeking assistance from UNICEF, among others.

#### **Administration of juvenile justice**

69. The Committee is concerned at the lack of information in relation to juvenile justice. Furthermore, the Committee is concerned that:

- (a) Persons below 18 years of age are subject to the same criminal procedure as adults;
- (b) Children may be held in remand pending investigation up to six months;
- (c) There is only one institution for persons under 18 in conflict with the law which in practice are not always separated from adults;
- (d) Conditions of detention are inadequate;
- (e) Confessions are often extracted by force and used as evidence in court (see also paragraph 36 above); and
- (f) Deprivation of liberty is not always used as a measure of last resort.

70. The Committee recommends that the State party fully bring the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their

**Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends that the State party:**

**(a) Take all necessary measures to ensure that persons below 18 years of age are only deprived of liberty as a last resort and when in custody are in any case separated from adults;**

**(b) Ensure that specific procedures be established for all persons under 18 in accordance with article 40 and other related articles of the Convention;**

**(c) Take urgent steps to substantially improve the conditions of detention of persons under 18 deprived of their liberty in conformity with international standards;**

**(d) Ensure that any statement which is established to have been made as a result of violence and or coercion would be qualified by law as inadmissible evidence in any proceedings;**

**(e) Provide that persons below 18 years of age deprived of liberty are given a full programme of educational activities (including physical education);**

**(f) Train professionals in the area of recovery and social reintegration of children; and**

**(g) Seek technical assistance from the United Nations Inter-agency Panel on Juvenile Justice and UNICEF in particular.**

## **8. Optional Protocols to the Convention on the Rights of the Child**

**71. While welcoming the ratification of the two Optional Protocols to the Convention, the Committee reminds the State party of its reporting obligations and invites it to submit both initial reports at the same time in order to facilitate the Committee's consideration.**

## **9. Follow-up and dissemination**

### **Follow-up**

**72. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the People's Council, the Parliament, and to district and municipal people's councils, for appropriate consideration and further action.**

## **Dissemination**

73. The Committee further recommends that the initial report submitted by the State party and the present recommendations (concluding observations) adopted be made widely available in appropriate languages including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

### **10. Next report**

74. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, i.e. 19 October 2010. This report should combine the second, third and fourth periodic reports and should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

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