



INTERNATIONAL LEAGUE
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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International League for Human Rights
352 Seventh Avenue, Suite 1234
New York, NY 10001
Tel. +1.212.661.0480 ext. 101 ~ Fax. +1.212.661.0416
centralasia@ilhr.org
<http://www.ilhr.org>

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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, contrasted with 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. While the government may not deliberately infringe on children's rights in every area, its recently-proclaimed reforms in health care, education, employment, military service and social security have actually had extremely adverse effects on the most vulnerable population group. This report does not address every type of violation of children's rights, but rather outlines major concerns in the areas of health, welfare, and education.

The League has identified 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, international institutions, and our research, it is clear that the government's report to CRC contains inaccurate figures on most 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. The government's data on economic growth is grossly exaggerated and its 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 and the plague.² In the absence of reliable national health statistics, recognized by the World Health Organization as a major obstacle in accurately assess the nation, the Government of Turkmenistan's own

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

² Ibid, p.2.

claims of improved infant and maternal mortality statistics have been cited by UNICEF and other international bodies. Yet, these figures appear improbable by contrast to WHO's estimates, and are not the result of independent investigation.

A statement like "no cases of children with HIV/AIDS has been recorded in Turkmenistan" (para. 150 of the official report) hardly seems credible, considering consistent reports from within Turkmenistan of rampant drug consumption among children and youths, particularly of heroin, which is associated with intravenous injections, a significant factor in the spread of HIV.

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

Conscription of teenagers into the army at the age of 17 has become more common due to financial pressures and the curtailing of educational opportunities, including opportunities to study abroad. The number of school-teachers and medical personnel has been drastically reduced, severely impacting services for children. The curtailment of libraries and the limitations on their content have also severely diminished the quality of materials for children in pursuit of an education.

Enrollment in universities stood at only 3,000 students in 2004, as compared to 40,000 in the early 1990s. This vast reduction in the number of students receiving higher education, coupled with the curtailment of the school year itself, is proof of the neglect, to be faced by coming generations.

The Turkmenistan government's manipulation or fabrication of information is a textbook case on 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 its 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 mixed, particularly 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 through 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 the abusive government policies, which remain in place.

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

Turkmenistan post-Independence

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.

Turkmenistan became independent from the Soviet Union in 1991 after a nationwide 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 citizens. The nation’s 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 present-day 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 example, the constitutional changes of 2003 elevated the People’s Council (*Halk Maslahaty*) to the status of the highest legislative body in the country. The majority of its delegates are not elected to office, 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 nation’s President for life. Turkmenistan’s leadership created a political system reminiscent of the Soviet model, where the inactive executive (the Council of Ministers) and legislative (the Supreme Soviets) branches delegate 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 *Turkmenbashi*, or the “Father of All Turkmen.” President Niyazov’s *Rukhnama*, a collection of reflections on the origins, virtues and destiny of the Turkmen people, is the centerpiece of public and private life. Its study is required but in kindergartens, schools and universities, as well as driving schools and professional associations. Turkmenistan’s citizens must memorize the President’s family tree and honor the President’s mother during a calendar month re-named after her.

Turkmenistan’s virtual one-party system is centralized around the persona of the President, who wields unlimited power over all aspects of political, social, economic, and 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 difficult to measure. Although the country possesses some of the world's largest reserves of natural gas and oil, despite the government's exuberant claims of 23% annual GDP growth (para 13-14), evidence suggests that socio-economic conditions for Turkmen 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. Simultaneously, all economic statistics and their methodology are official state secrets and cannot be made public.

The implications of such a situation on human rights conditions cannot be underestimated, and they most adversely affect children who comprise the most vulnerable sector of the population.

PART 2. TURKMENISTAN AND THE UN CRC

Government submissions from Turkmenistan to the UN treaty bodies are difficult to analyze due to the extensive use of evasion and diversionary tactics practiced since the Soviet era. When domestic opponents are silenced, limited international scrutiny remains likely the only area outside of official control. Thus, the Government of Turkmenistan goes to great lengths to avoid uncomfortable questions from the United Nations treaty bodies by submitting late reports and providing evasive and misleading replies to questions put to the delegation ahead of the official session. The present government submission includes a number of examples of such tactics.

1. **Inclusion of irrelevant information.** Para 16 describes in great detail the performance of the agricultural sector of Turkmenistan, including such statistics as wheat output, the number of private farms and commodity producers, and government-subsidized loan programs. This information is of no consequence to the CRC. Conveniently omitted are issues such as child labor in the cotton industry and the shortened school year that enables children to work in agriculture.
2. **False information and misrepresentation.** Statements referencing the government's efforts directed at encouraging young Turkmen citizens to study abroad (para. 41) are false. 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 is likely to be substantially higher than the 'post-reform' figures for 2004-2006.
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 illustrations of concrete steps that have been undertaken to implement them. The report refers to the National Statistical and Information Institute, “*Turkmenmillikhasabat*,” which collects statistical data and helps to formulate 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 the 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 government policy and to create an imitation of civil society. 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 primary purpose is to serve as a reference on occasions such as examination by treaty bodies, 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

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

The articles of the Convention referenced in this section of the report reflect the State party’s commitment to integrating them into national legislation and a 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’s report devotes seventeen paragraphs to proving 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 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 President Niyazov’s words (para. 32) are quoted to show Turkmenistan’s implementation of the Convention’s provisions into State policy is symptomatic of the nation’s public climate.

In addition to an 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

⁷ CERD/C/TKM/CO/5 p.6

on the International Human Rights Commitments of Neutral Turkmenistan of 1995, the report also makes 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 discussed in more detail below. These realities factual (difficult to gather and report outside of Turkmenistan) and contrast with the picture presented to UNICEF, for example, stating that President Niyazov is removing teenagers from cotton-picking crews.

Definition of the Child (Art. 1)

Art. 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 have not attained legal majority. For example, such persons cannot make independent decisions on medical treatment (para. 49) or take part in elections, yet a 16-year-old may enter into marriage without parental consent, seek employment, and be considered criminally liable, while 17-year-olds can enlist in the armed forces.

The Government of Turkmenistan has reneged on its responsibility for the education of mature, educated, and responsible adults, by 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 about the accessibility of higher education for all citizens (para. 36), no more than 5% of high school graduates continue to post-secondary education annually. This is due to the stark differences in the quality of education in rural and urban areas and the increasing direct and indirect costs of higher education.

Past graduation, these youths must enter the workforce to avoid becoming a financial burden upon 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 Art. 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 sources 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 them from becoming drug users or criminals (both phenomena are currently wide-spread and interconnected).

Non-discrimination (Art. 2)

Art. 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 has identified two areas where children are being affected by discriminative policies of the State.

First, the government discriminates against children from Turkmenistan's ethnic minorities, particularly ethnic Uzbeks, Russians, and Kazakhs. The UN 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 virtually been 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. The controversial Presidential Decree No. 126 not only invalidated all foreign diplomas in Turkmenistan, but also ordered the dismissal of all public sector employees holding such degrees, creating hurdles for young Turkmenistani citizens

seeking education abroad. Although both measures have a severe impact on all of Turkmenistan's population, their effect on children from ethnic minorities is disproportionately greater.

The second aspect of the government's discriminatory practices affecting children in violation of Art. 2 of the Convention is the persecution of children of "enemies of the state," which is the government's term for 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. More often than 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 during the aftermath of the alleged assassination attempt on President Niyazov's life and the embezzlement scandal at the nation's Central Bank, which severely affected the social and economic rights of dozens of children.

In both instances, children of the convicts became victims of a government retribution campaign. Schools and kindergartens instructed their staff to exert psychological pressure on these children, forcing many of them to abandon their education. Students at colleges and universities who had relatives among the group of prisoners were expelled for various reasons. 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 during politically-motivated trials affecting the welfare of children whose parents or legal guardians are imprisoned. The State confiscates everything belonging to the convict, including the primary residence, and places children in the care of relatives without adequate support.

The Best Interests of the Child (Art.3)

Art. 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.

Art. 3 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 article 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 few examples supporting its claims of conformity, while evidence to the contrary is overwhelming.

Despite the growth in Turkmenistan's population from approximately 3.5 million in 1989 to estimated 6.8 million in 2006, with the share of those under 18 years of age at over 40%⁸, the government has recently shown a consistent pattern of reducing funding for education, healthcare, and other social programs impacting children. The 2005 report of the International Helsinki Federation for Human Rights on the 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, an estimated 15,000 medical professionals were dismissed from their jobs permanently without replacement. The state of Turkmenistan's education and healthcare systems is discussed in more detail later in this report.

These drastic cuts in social spending occur 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% annually, 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. The League's Turkmenistan-based partners also report that unemployment is as high as 70% of the work-age population in some regions of the country.

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

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

Art. 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.

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 cited 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

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, and aid youths at risk. Paras. 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 identify 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 necessary, it is difficult to understand how they alone would guarantee the child's healthy development. On the other hand, the re-introduction of physical education, which was removed from the school curriculum by order of President Niyazov, could very well contribute to children's growth and development.

In para. 80, the Government of Turkmenistan makes 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 an extreme discrepancy between WHO estimates and government figures, which was caused by under-reporting child mortality. Contrary to the government's 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 Thus, Turkmenistan's claims to be a "safe-baby" environment, which were uncritically reprinted by UNICEF, should be re-examined, and WHO's more reliable estimates incorporated into the work of UNICEF and other UN bodies. In fact, 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 dismantling of the healthcare system.

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

Art. 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

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

¹¹ *Ibid.* P.11.

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.

Art. 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 shows little interest in a competent and able body of citizens, hence the reduction in the length of secondary education and the elimination of numerous subjects from the school curriculum. All of Turkmenistan's citizens are severely restricted in their rights and freedoms; a situation that appears to be worsening under the rule of President Niyazov, and children are not an exception to the current reality.

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 the 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 most aspects of life that are relevant to human rights and democratic freedoms. International scrutiny is 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.

The 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) is false. Independent children and youth associations are non-existent, as the government declares any unregistered activity illegal while simultaneously ensuring that it is virtually impossible to register a formal association. The above-mentioned Youth Union (para. 84) does not meet criteria for an independent youth organization as it is financed entirely by the government and is under the State's direct control. Turkmenistan authorities did not consult children and youth during the dismantling of the country's educational system. Most likely because of the high levels of unemployment, few youth wish to enter the workforce at the age of 15-16 after completing only nine years of secondary education. The abbreviated length of educational instruction 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)

Art. 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 who belong to Turkmenistan's ethnic or racial minorities or hold foreign citizenship is quite different.¹² The share of ethnic minorities in the country's total population declined significantly between 1995 and 2005, from 23% to slightly more than 5%. Among the possible causes of these waning numbers that the Committee on the Elimination of Racial Discrimination identified "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 Currently the preservation of the unique cultural identities of the remaining minority groups is threatened by the discriminatory practices of the Government, particularly in the areas 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 a few, cannot be characterized as anything but as an attempt to deny or undermine the cultural identity of ethnic minority children. 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 or 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 under the titular ethnicity.

Freedom of Expression (Art. 13)

Art. 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.

Turkmenistan's compliance with this article of the Convention can be only viewed within the context of the overall political crisis. Turkmenistan is a country with no freedom of expression, despite the government's claims to the contrary (para. 89).

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

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

Access to information, which will be discussed in more detail in the relevant section of this report, is so limited that young citizens grow up isolated from the outside world and unaware of conditions within their own country. Severe retributions for dissent inflicted on adults instill fear and self-censorship among youth.

Criticism or public expression of dissent is severely punished, and few citizens dare to challenge the authorities, even as the rapidly deteriorating system of social services and welfare forces citizens to increasingly register complaints with official agencies. Repercussions for such actions have been 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 citizens, who were deemed likely to protest, were detained by the Turkmenabat police 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.

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

Art. 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 granted registration. Under pressure from international human rights bodies unregistered religious activity was downgraded from a criminal act to an administrative offence.

But the limited reforms did not result in significant improvement in conditions for Turkmenistan's believers. *Forum 18*, an independent religious freedom watchdog, reported 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 forced internal exile.¹⁴ In direct violation of Art. 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 were interrogated by police, forced to sign statements renouncing their beliefs, and coerced into pledging an oath of loyalty to President Niyazov.¹⁵

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

The 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 the scrutiny of actual legal practices and administrative actions by authorities. Despite numerous allegations of unlawful interference by law enforcement agencies and authorities in recent 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 denied or refused to accept registration documents from religious communities under false pretenses.

Ironically, the government report specifies the protection of children from coercion by their parents or guardians “into determining their attitude to religion,” but it fails to address the issue of the compulsory study of the *Rukhnama*, which is often referred to as “the last word of God to the Turkmen people,”¹⁷ at the country’s schools. There is also no mention of the surrogate religious content in the oath of allegiance to President Niyazov, which is forced upon children beginning in the first grade; 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)

Art. 15 of the Convention states:

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>

¹⁷ Ibid, p.4.

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 proclaims the government's observance of freedom of association and assembly, which are outlined in the current Convention and in the national Constitution and several other legislative acts. In practice, however, these freedoms are severely restricted. 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 a 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 virtually nonexistent in Turkmenistan, and the few activists who continue to work on issues of human rights risk imprisonment, exile, or deportation from the country. Independent NGOs are unable to receive state registration, thus rendering 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 that GONGOs have an universal membership in their target age/gender/professional group. The *Makhtumkuli* Youth Union, which is a typical GONGO, claims a 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, run by state-appointed leaders, and integrated within the state apparatus, can effectively "help its members to exercise and protect their rights" (para.91) against the State control.

Access to Appropriate Information (Art. 17)

Art. 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 State Parties should take towards guaranteeing that right.

In the five paragraphs (93-97) devoted to art. 17 of the CRC in the government's official report considerable effort is dedicated to convincing readers of the existence of information-related openness in Turkmenistan society. Although the country's

Constitution guarantees free access to information (art. 26), the government has effectively deprived its citizens of this privilege. All media outlets in Turkmenistan belong to the government. Additionally, all print media bears the symbols of presidential ownership: President 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 by customs officials and usually have their materials confiscated under unlawful pretexts.

Turkmentelekom, a state telecommunications monopoly, retains 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, and no Internet cafes operate in the country.

Following a speech by President Niyazov in February 2005, during which he doubted the usefulness of libraries for Turkmenistani citizens, Ministry of Education officials and local authorities closed down hundreds of libraries nationwide. After successive campaigns of confiscations and the destruction of books and materials with "unreliable" content, Turkmenistan's library system is on the brink of permanent destruction. The only new acquisitions by the libraries 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 after massive closures and mergers, although the government figure of 234 libraries nationwide (para. 93) is highly questionable especially from the perspective of the drastically reduced standards for education. 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). The 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 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 promotion of Turkmen ethnicity to the detriment of the

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

country's ethnic minority groups. For example, youth and children are invited to participate in programs which test their knowledge of the *Rukhnama* or of the President's 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 and clothing is non-existent. Particularly incongruous is the government's claim that "the Turkmen authorities protect children against information and material harmful to their spiritual and moral development."

Patriotism is the sole theme for all theater performances since the publication of the *Rukhnama* and Niyazov's poetry collections. Even the Russian-language Pushkin State Drama Theatre was forced to stage a play called *Rukhnama*, although its relevance to Russian culture is marginal.

These facts underscore the dire conditions for access to information. All Turkmenistani citizens are affected by the government policies, but the country's younger generation is particularly vulnerable to the deliberate efforts of the State to create a tightly controlled informational space to indoctrinate recipients with government-generated materials.

BASIC HEALTH AND WELFARE

Health and Health-Care Services (Art. 24)

Art. 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,

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

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

The government's own data presented 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 of Turkmenistani citizens. And it is important to understand that these dramatic reductions in health care expenditures are occurring in a country with a high rate of population growth and a steadily increasing percentage of youth. 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, places these facilities out of reach for the vast majority of destitute Turkmenistani citizens.

Government statistics on budgetary allocations for health care are unreliable. Turkmenistan consistently issues reports, which show exuberant economic growth, low unemployment, and the prosperity of its citizens, when the reality counters these assertions.

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

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

²⁰ Ibid, p.2.

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

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

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

Art. 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 such as Turkmenistan.

The government devotes thirteen paragraphs of its report to Art. 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 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 broad access to higher education. Turkmenistan did not capitalize on these advantages, but instead moved in the opposite direction of slashing the period of time spent in the secondary educational system, reducing 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 the Soviet-era eleven year term to the current nine 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. Budgetary allocations to higher education were slashed dramatically leading to a decrease in the number of faculties and places for high school graduates. Secondly, the Ministry of Education instituted a requirement that each university applicant provide proof of a minimum of 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 availability is limited to two years. Third,

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

university application procedures discriminate against ethnic minorities and children from families deemed as “unreliable” by authorities. As part of the application process, aspiring students must 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 an exam which tests knowledge of the *Rukhnama*.

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

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

Education in minority languages has virtually been eliminated. Kazakh-, Uzbek-, and Armenian-language schools and classes have all been closed in recent years, while only a few 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)

Art. 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.

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

²⁵ CERD/C/TKM/CO/5

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 without adult consent at the age of 16 and with their parents' permission at the age of 15. This situation resulted from the changes to the educational system, which reduced the length of secondary education from eleven to nine years. Children wishing to pursue higher education must 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 labor in Turkmenistan is cotton - picking and cotton - processing. The reliance of the cotton industry on the free labor 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 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 death and disability. The 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 labor (para. 206). Assurances of safe working conditions for children and safeguards against their work in hazardous environments per government report remain unsubstantiated claims. 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, most dangerous and least-paying jobs available. Although precise numbers are impossible to come by, a casual observer can see dozens of teenagers unloading trucks and performing menial jobs at any of Ashgabad's markets. Thousands of children are working in similar conditions throughout the country.

Drug Abuse (Art. 33)

Art. 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 participating in regional drug-fighting activities and for not reporting on its own efforts to address the drug trade. Political refugees from Turkmenistan have spoken about the involvement of most senior level authorities in drug-smuggling operations.

Turkmenistan's self-isolation and the unreliability of its official statistics make it difficult 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 youth, particularly males. Drugs play the same role as alcohol in other transitional societies where large groups of people remain disenfranchised and impoverished. Children and youth unable to find employment or continue their studies after high school turn to heroin and opium, which are cheaper on Ashgabad's black market than beer and vodka. Families of drug users turn to unconventional methods such as forced confinement and chaining in hopes of freeing their children from addiction. Some families force their sons into 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. 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, is a factor in the alarming spread of this epidemic.

Sexual Exploitation and Sexual Abuse (Art. 34)

Art. 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 kind 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 are to blame, as employment opportunities have become scarce and social payments have been drastically reduced or completely annulled. Regional centers, such as Dashoguz and Mary, and rural areas are particularly affected by this recent phenomenon. The exact numbers of children involved in the sex trade are impossible to estimate, as the government does not recognize this as a problem. However, teachers and social workers interviewed by 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 approach an endemic scale in Turkmenistan because the government vehemently denies their existence.

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

RECOMMENDATIONS

Following the review by the Committee, the League raises 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.
- Reinstate the length of secondary and higher education to 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 percentage of young people in the total population, cease further budget cuts in education and social services that affect children and youth and make allocations dependent on the country's demographics.
- Repeal the discriminatory provisions of the Presidential Decree No.126 and the Immigration Law of 2005, which limited the opportunities for study abroad for Turkmenistani citizens by refusing to recognize their foreign-awarded degrees, dismissing them from state-sector jobs, and imposing unreasonable restrictions on the 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 must 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 with the purpose of instilling a greater emphasis on core subjects and reducing the ideological component, exemplified by the *Rukhnama* and other works of President Niyazov.
- Cease the harassment and persecution of children who are relatives of prisoners.
- Discontinue the practice of misrepresenting or withholding 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 residents of rural areas, which were significantly affected by the cutbacks in funding and by the dismissal of thousands of healthcare employees.
- Discontinue the 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 protecting children's rights.
- Acknowledge the growing problem of child sexual exploitation and drug usage by compiling and providing accurate statistics, adopting national action plans, and allocating adequate budgetary means to address this crisis.
- 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 freely access information by eliminating the tight government control over the mass media and electronic communication.
- Make 18 the minimum age for military service.