

Universal Periodic Review
(16th session, spring 2013, from 22 April – 3 May 2013)
Contribution of UNESCO

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

Turkmenistan

I. BACROUND AND FRAMEWORK

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Notification of succession 30/09/1994			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 25/11/2012			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to Convention			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to education

Normative Framework:

2 Constitutional framework: The right to Education is enshrined in the 2008 Constitution of Turkmenistan¹. Article 38 provides that “Every citizen has the right to education.” Besides, it adds that “Secondary education is compulsory; everyone is entitled to receive it in public schools free of charge. The state ensures availability of vocational education for each person according to their abilities.” Finally, it sets out that “The State sets educational standards, mandatory for all educational institutions.”

3 Article 11 stipulates that “The state promotes development of international relations in the fields of science, culture, education and training, sports and tourism.” According to Article 12 “The state guarantees freedom of religion and worship, and equality before the law. Religious organizations are separate from the state, they cannot interfere in the state affairs and carry out state functions. The public education system is separate from religious organizations and is secular.” Article 17 provides that “Parents and substitute parents have the right and obligation to raise their children, care for their health, development, education, and prepare them for work ...”

4. Regarding gender, Article 20 provides that “Men and Women in Turkmenistan have equal civil rights. Violation of equality on the basis of gender is punishable by law.” Regarding equality among citizens, Article 19 provides that “Turkmenistan guarantees the equality of rights and freedoms of individuals and citizens, and also the equality of the individual and citizen before the law regardless of their nationality, race, gender, origin, property and official status, place of residence, language, religion, political beliefs, party affiliation or lack of affiliation to any party.”

5. Legislative framework: Law “On Education” was adopted in August 2009. According to the preamble, it “regulates social relations in the sphere of education, defines basic principles of the state education policy, as well as objectives, tasks and functions of the education system and its management”. Furthermore, the law provides for a number of innovations. For example, the law authorizes the establishment of the country's private educational institutions and educational institutions of foreign countries in which the primary language of instruction will be an appropriate foreign language(s).

6. Educational institutions can be founded by state government bodies, local governments, domestic and foreign organizations by all forms of ownership, public associations registered in the territory of Turkmenistan, Turkmen citizens and foreign nationals. However, educational institutions of all types and forms, carrying out educational programs for the training of staff in the military and law enforcement agencies “can be founded only by the Cabinet of Ministers of Turkmenistan.”²

¹Constitution of Turkmenistan:

<http://www.legislationline.org/documents/section/constitutions/country/51>

² <http://www.asiaplus.tj/en/news/1/56258.html>

7. The 2002 Law of Turkmenistan on the Guarantees of the Rights of the Child contains provisions on the right to education. Article 13 stipulates: “Every child has the right to education that shall promote his or her cultural and intellectual development, abilities, form his or her convictions, moral and social commitments.” This law guarantees the protection of the child’s right to education stating that: “1. The State shall create necessary conditions for the education of the child in accordance with the Constitution of Turkmenistan and the Law of Turkmenistan on Education. 2. Education of the child shall provide development of his or her mental and physical abilities, personality, creative abilities and talent, aesthetic and cultural development. For these purposes the State shall encourage publication of educational, methodological literature, books, magazines and newspapers for children, production of films, video films and TV programs aimed at addressing these issues and ensure their accessibility. The child should be ready for the independent life, educated in the spirit of respect to parents, fellow-countrymen, other people, state language, national culture and customs, languages and cultures of other countries, care for nature as well as to learn how to follow rules of behavior in the family and society. 3. Institutions of general education shall ensure professional training of children starting from the 7th form of the secondary school” (Article 25). According to Article 31: “The State promotes social support and adaptation of the disabled children through the educational, medical and rehabilitation institutions that the disabled children have access to education, professional training and upbringing adequate to their health.” Additionally, Articles 3, 19, 23, 33 and 35 also refer to the right to education.

Policy measures:

8. Turkmenistan took its first step towards education reform with the approval of an education law in 2009 and institutional reforms. It is engaging in a review of the education system, with the European Commission’s support. This first phase was followed in 2011 by a review of the vocational training sector, supported by the European Commission. The focus of the European Training Foundation (ETF) work with stakeholders in Turkmenistan is in the thematic area “vocational education and training system development and provision”. The ETF supports the national education authorities and its institutions (e.g. the Vocational Training Department of the Ministry of Education, Council of Directors of Vocational Schools) for more effective engagement with EU-supported interventions for the education sector. Capacity building is focused on topics covered by the multi-country “school development initiative”, such as governance, quality assurance, the role of school managers and teachers, in order to allow stakeholders from Turkmenistan to engage with their counterparts in other on-going ETF multi-country actions.³

9. Radical reforms are under way in education in Turkmenistan. In order to improve the education system and bring it into line with international standards, a presidential decree set the length of study at 10 years in secondary education, 5 years in higher education and 6 years in medical subjects and certain arts subjects from the academic year beginning on 1 September 2007.⁴

³[http://www.etf.europa.eu/web.nsf/pages/Eastern Europe and Central Asia Turkmenistan EN?OpenDocument&VER=TXT](http://www.etf.europa.eu/web.nsf/pages/Eastern_Europe_and_Central_Asia_Turkmenistan_EN?OpenDocument&VER=TXT)

⁴ National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, 15 September 2008, p. 12, <http://www.upr-epu.com/files/69/NR.pdf>

10. The fact that education is free and generally accessible ensures high levels of education and literacy among the people of Turkmenistan.⁵

11. Teachers status: Teachers in educational establishments located in rural areas and settlements are granted privileged access to: the immediate supply of dwellings free of charge; tax free land plots for building a personal house and/or a personal subsidiary farm. According to the Ministry of Education order No. 203 of 14 October 1996, the teacher's salary is fixed based on qualification (level of education) and level of professional training categories. On this basis, the following levels of professional training have been outlined: teacher; teacher of the second category; teacher of the first category; teacher of the supreme category; teacher-master; honored teacher; people's teacher. Teacher qualifications are awarded by decision of the State Commission of higher education institutions and special secondary educational institutions.⁶

12. Inclusive education: The education policy has to be applied equally to children in both towns and rural districts, to boys and girls, and to all other vulnerable groups of children. The universality of citizens', including children's, rights and freedoms, is statutorily enshrined in the Rights of the Child (Safeguards) Act of 5 July 2002, article 3 of which stipulates that all children living in Turkmenistan have equal rights, irrespective of their ethnicity, sex, language, faith, education, place of residence, circumstances of birth, state of health or other factors.

13. Children with disabilities: There are some residential schools for children with disabilities, all of which are maintained by the State. Besides, to offer social support and adjustment to disabled children, the State maintains educational, medical and rehabilitative institutions where disabled children can receive instruction, vocational training and education appropriate to their state of health.⁷

14. Immigrants and refugees: Stateless and refugee children, migrants and the children of foreign citizens living in Turkmenistan have the same entitlement to education as Turkmen citizens. At present the refugees, including child refugees, who arrived in Turkmenistan in 1991-1997 have taken up permanent residence in Turkmenistan and enjoy all the rights of Turkmen citizens.⁸

Learning Environment

15. Teachers and ratios: Teachers' workloads have been reduced and the Pupil/teacher ratio has decreased by limiting of 25 pupils per class in secondary schools⁹. Moreover, boarding schools have been opened in the provinces for children from remote districts.

⁵ National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, 15 September 2008, op. cit., p. 13.

⁶International Bureau of Education, Profile of the Education System, <http://www.ibe.unesco.org/fr/dans-le-monde/asie-et-pacifique/turkmenistan/profile-of-education.html>

⁷ National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, 15 September 2008, op. cit. p. 14.

⁸ Ibid., p. 14.

⁹ Ibid., p. 13.

16. New technologies: Secondary schools and higher education institutions are equipped with modern multimedia and computer technology and employ interactive teaching methods, thus enabling young Turkmen to receive a world-class education, enrich their inner world, broaden their horizons and learn about the achievements of science.¹⁰

17. Content of education: New subjects have been introduced: study of the laws governing the development of society and the foundations of legal, moral, economic, political and environmental culture, social science classes, physical education and foreign languages.¹¹ In 2008, the intake of students in higher education institutions was increased, and 18 new subjects were introduced, including Italian language and literature, Chinese language and literature, Korean, Spanish, agro chemistry and soil science, plant protection, mechanized land improvement and animal husbandry, global financial markets and insurance, circus and variety arts, international law, international relations and diplomacy, international economic relations, international journalism, trade, global financial markets and industrial engineering.¹²

Cooperation:

18. Turkmenistan is not party to UNESCO's Convention against Discrimination in Education and did not report to UNESCO for the Seventh Consultation on the measures taken for the implementation of the Recommendation against Discrimination in Education (covering the period 2000-2005).

19. Turkmenistan did not report within the framework of the fourth consultation of Member States on the measures taken for the implementation of the UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974) (covering the period 2005-2008).

Freedom of opinion and expression¹³

Achievements, best practices, challenges and constraints

20. Legislative framework: The Turkmen Constitution, in principle provides for freedom of expression as well as the freedom of information under Article 26: "*Citizens of Turkmenistan have the right to freedom of beliefs and their free expression, and the right to information provided it is not a state, official or commercial secret.*" This protection is reiterated in the Law on the Press and other Mass Media.

21. However, defamation remains criminalized under Turkmen law, with extensive provisions and the possibility of imprisonment of up to five years. Special protection is afforded to government officials and public figures.

22. Furthermore, censorship of media outlets prevents the existence of a free media environment; relations with foreign media outlets are thus rendered difficult as well. Internet

¹⁰ Ibid., p. 13.

¹¹ Ibid., p. 13.

¹² Ibid., p. 14.

¹³ Sources :

access is severely restricted and many obstacles stand in the way of having access to it while the government strongly monitors those who do obtain it.

23. There is no freedom of information law in the country.

24. Media self-regulation: Media self-regulatory mechanisms are not developed in the country as the State has control of the majority of the media outlet in the country.

25. Safety of journalists: UNESCO recorded no killing of journalists and media workers in Turkmenistan between 2008 and 2011. However, detentions, harassment and intimidation of journalists have been reported; one example is the attempts to report the Abadan explosion in 2011¹⁴ which the authorities attempted to keep quiet, and journalists or photographers who tried to document the aftermath faced detention.

III. RECOMMENDATIONS

Right to education

26. Turkmenistan should be encouraged to ratify the 1960 Convention against Discrimination in Education.

27. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO's governing bodies at the end of 2013. Turkmenistan has not yet reported to UNESCO on the Recommendation and is now strongly encouraged to submit a report.

28. Turkmenistan could be encouraged to adopt further measures (e.g. special laws) which aim to combat discrimination in education, protect minority groups, and promote gender equality.

Freedom of opinion and expression

29. The Government is encouraged to decriminalize defamation in accordance with international standards.

30. The Government is encouraged to begin the process to introduce a freedom of information law to enable public information to be accessed easily and freely by the public in accordance with international standards.

31. The Government is encouraged to allow journalists and media workers to practice in a safe, free, independent, and pluralistic media environment as part of their fundamental human rights.

¹⁴ <http://www.eurasianet.org/node/64273>, <http://www.eurasianet.org/node/63991>

32. UNESCO recommends strengthening capacity in the field of journalism standards and ethics to develop the media self-regulatory mechanism both for media professionals and policy-makers.

**The right to enjoy the benefits of scientific progress and
its applications (REBSP)**

33. The Government of Turkmenistan is encouraged to report to UNESCO within the framework of the on-going consultation with Member States on the monitoring of the implementation of the 1974 Recommendation on the Status of Scientific Researchers.