

Universal Periodic Review (30th session, Apr-May 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Turkmenistan

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	30/09/1994 Notification of succession			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	25/11/2011 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Not ratified			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The right to education is enshrined in the **Constitution of Turkmenistan of 2008**.¹ It is spelled out in Article 38, giving every citizen the right to education, making secondary education mandatory and free of charge in public schools. The Constitution also provides for binding educational standards set by the State and the availability of professional education for each person. Education is regulated by the Law on

¹ Accessible on UNESCO's Global Database on the Right to Education:
<http://www.unesco.org/education/edurights/media/docs/489ad1f49f2b9b9ae1e66472797a04f645ad5013.pdf>

Education, of which a new version has been adopted in May 2013. In September 2013, 12-year secondary education was introduced through a number of legal acts passed earlier that year.

2. In terms of reporting to UNESCO, Turkmenistan has submitted a report within the framework of the **9th (2016-2017) Consultation of Member States** on the measures taken to implement the UNESCO Recommendation against Discrimination in Education, but not within the framework of the **8th (2011-2013) Consultation**. Turkmenistan did not report on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **5th (2012-2013)** and the **6th (2016-2017) Consultations of Member States**.

Freedom of opinion and speech

➤ Constitutional and Legislative Framework:

3. The Turkmen Constitution of 2008 provides for freedom of expression as well as the freedom of information. Article 28 states that “citizens of Turkmenistan shall have the right to freedom of opinion and their free expression, as well as to receive information unless it represents a state secret or any other secret protected by law”. Article 21 provides that the “execution of rights and liberties shall not violate the rights and freedoms of others, or contravene morality, law, public order, or national security.”
4. There is no freedom of information law in the country.
5. Defamation remains criminalized. The Criminal Code² carries imprisonment for up to three years if the act results in severe consequences or consists in the accusation of a serious crime. Insult of a public official carries imprisonment for up to two years.
6. The Law on Mass Media³ of 2013 proclaims a number of basic principles of state policy in the media area. It prohibits censorship, promotes journalists’ self-regulation, and bans interference in the activities of the media. The law requires any content produced for public distribution to be registered and expands the scope of registration provisions on Web publications, which must be registered as legal entities.
7. The 2014 Law on the Legal Regulation of the Development of the Internet and Internet services in Turkmenistan⁴ aims to define the legal regime of the information posted or disseminated online and to prevent socially dangerous acts committed on the Internet. The Law establishes liability for users who send information containing state secrets over the Internet as well as disseminate slander or insult of the head of state, pornography, propaganda of violence and cruelty, propaganda for war, national, racial

² The Criminal Code of Turkmenistan of 2010 with amendments and additions of 9 November 2013

³ <http://www.turkmenistan.gov.tm/?id=3063>

⁴ <http://www.infoabad.com/zakonodatelstvo-turkmenistana/zakon-turkmenistana-o-pravovom-regulirovani-razvitija-seti-internet-i-okazaniya-internet-uslug-v-turkmenistane.html>

and religious hatred, as well as appeals aimed at a violent change of the constitutional order (Article 30).

➤ Implementation of legislation

8. Art. 6 of The Law on Mass Media provides for mandatory state registration of all mass media outlets. Mass media legislation and policies are implemented by the Cabinet of Ministers of the Republic of Turkmenistan and three designated agencies in the field of press, broadcast, and telecommunication.⁵

➤ Safety of journalists

9. UNESCO recorded no killing of journalists and media workers in Turkmenistan between 2008 and 2017.

III. Recommendations

10. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (16th session) on the Universal Periodic Review (July 2013):⁶

112.1. Consider the ratification of the UNESCO Convention against Discrimination in Education.

112.15. Develop and promote education in the area of human rights and the dissemination of knowledge on international human rights standards among the population.

112.16. Continue to promote education and human rights training at the national level.

112.17. Continue strengthening human rights culture and capacity-building.

112.18. Continue its programme on human rights education and public awareness-raising.

112.20. Continue to train and improve the level of education and awareness of the judiciary and law enforcement bodies in the field of human rights.

112.30. Further improve the access of children, especially girls, and women to human rights education.

112.56. Enhance the access of ethnic and national minorities to education, health care and employment.

112.69. Continue to promote education and health causes and strengthen the social security system of the country.

112.78. Further strengthen efforts at combating HIV/AIDS, especially with a focus on adolescents and young adults, such as through awareness-raising.

112.80. Continue to enhance its education system and ensure equal access to quality education for all, particularly women and girls.

112.81. Continue reforms in the education sector with a view to further enhancing the quality of education.

112.82. Continue improving the situation of education.

113.20. Continue the improvements in the field of education and consider ratifying the Convention against Discrimination in Education.

Review and specific recommendations

⁵ <http://www.turkmenistan.gov.tm/?id=3063>

⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/49/PDF/G1315449.pdf?OpenElement>

11. First of all, and of particular importance for UNESCO, Turkmenistan was recommended to become a State Party to UNESCO's Convention against Discrimination in Education during the previous UPR cycle. Yet, to date, the country has not shared with UNESCO any information concerning the future ratification of this major instrument covering extensively the right to education.⁷ In the context of Sustainable Development Goal 4 on education,⁸ ratifying the Convention would provide Turkmenistan with a supportive legal environment for all efforts made towards providing and ensuring "inclusive and equitable quality education and lifelong learning opportunities for all". In that respect, the recommendation should be reiterated and Turkmenistan further encouraged to engage actively in the process of ratification of UNESCO's Convention against Discrimination in Education and, if needed, to seek UNESCO's assistance.
12. Among the education-related recommendations made during the UPR cycle, an important number of them focused on human rights education and training, equal access to education, notably of minority groups and women and the continuing enhancement of the overall quality of education. In this regard, several measures have been introduced.
13. With regard to human rights education, positive steps have been taken. Article 3 of the 2013 Law of Turkmenistan on Education spells out the principles of education, among which the respect for human rights and freedoms can be found. The emphasis on cultivating respect for human rights in schools should therefore be particularly welcomed. It is covered for example by teaching national and international human rights legislation in the subject "Principles of the State and the Law" in secondary schools.⁹ In this regard, Turkmenistan could further incorporate human rights education by reviewing school curricula and covering the subject from an early age in primary school. Training programmes on fundamental human rights principles have been provided to professionals working with children, such as teachers or health-care professionals.¹⁰ Nevertheless, no specific information could be identified whether the impact of these programmes is monitored and evaluated. Therefore, Turkmenistan should be encouraged to gather and share information with UNESCO in this regard, particularly in the context of the periodic consultations of countries on the implementation of UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms and to continue its efforts to provide human rights education.

⁷ See <http://en.unesco.org/themes/right-to-education/convention-against-discrimination> and <http://en.unesco.org/themes/right-to-education/convention-against-discrimination/ratification>

⁸ See Education 2030 – Incheon Declaration and Framework for Action: <http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

⁹ Committee on the Rights of the Child, Considerations of reports submitted by States parties under Article 44 of the Convention, Combined second to fourth periodic reports of States parties due in 2010, Turkmenistan, 10 October 2013, CRC/C/TKM/2-4, p 38

¹⁰ Committee on the Rights of the Child, Considerations of reports submitted by States parties under Article 44 of the Convention, Combined second to fourth periodic reports of States parties due in 2010, Turkmenistan, 10 October 2013, CRC/C/TKM/2-4, p 38

14. Positive action has been undertaken regarding access to education and enhancing education quality. After adopting the new Law on Education in 2013, several regulations on the activities of educational institutions on all levels have been introduced. In this regard, compulsory education has been raised from ten to twelve years, class sizes were reduced to a maximum of 25 students and salaries in the education sector have been raised.¹¹ A new version of the regulation on the provision of general secondary education through the independent study system was approved by the Ministry of Education of Turkmenistan in April 2015. By law, students are entitled to stipends, accommodation and other social support, as well as to additional educational services and textbooks. Furthermore, the Law on Education provides for access to basic education for all children living in Turkmenistan. Yet, no specific information on the access to education of non-citizens, such as migrants, refugees and asylum seekers is available.¹² Turkmenistan should therefore be encouraged to gather and share information with UNESCO on the implementation of the measures taken to enhance the quality of education and its equal access to all.
15. With regard to access to education of minority groups and girls and women, some positive progress has been made. The requirement certifying Turkmen origin to access higher education has been removed. Nevertheless, national minority communities, in particular Kazakh and Uzbek students, may face discriminatory practices, such as limited access to language classes in their mother tongue.¹³ In this regard, Turkmenistan should be encouraged to promote access to education in their mother tongue for national minorities.
16. While gender equality has improved and although gender-based discrimination is forbidden by law, girls continue to face discrimination, patriarchal attitudes and stereotypes.¹⁴ They constitute severe obstacles to the full enjoyment of the right to education by girls and women. Therefore, Turkmenistan should be recommended to set up public awareness-raising campaigns to inform widely about non-discrimination and girls' and women's right to education and to combat negative stereotypes and attitudes.
17. Awareness raising on HIV/AIDS has been an area of recommendation during the last UPR cycle. Relating to the adoption of the National Programme on HIV/AIDS in 2012, positive efforts have been made in educating students in secondary and higher education institutions through lectures, round-tables, and education materials of the Health Information Centre. Furthermore, journalists received training within the Media and Dissemination strategies project underlining their role in improving the

¹¹ Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Turkmenistan, 10 March 2015, CRC/C/TKM/CO/2-4, p 11

¹² Committee on the Elimination of Racial Discrimination, Concluding observations on the eighth to eleventh periodic reports of Turkmenistan, 7 February 2017, CERD/C/TKM/CO/8-11, p 4

¹³ Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Turkmenistan, 10 March 2015, CRC/C/TKM/CO/2-4, p 4

¹⁴ Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Turkmenistan, 10 March 2015, CRC/C/TKM/CO/2-4, p 4

health of vulnerable population groups.¹⁵ Despite these positive developments, challenges remain, especially in terms of data collection and transparency.¹⁶ Therefore, Turkmenistan should be encouraged to gather and share data and to intensify its awareness-raising campaigns.

➤ **Specific recommendations:**

1. Turkmenistan should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education and to seek UNESCO's assistance in this process.
2. Turkmenistan should be encouraged to promote human rights education by further incorporating it into school curricula, by providing additional training opportunities as well as by monitoring the implementation of human rights education programmes.
3. Turkmenistan should be encouraged to ensure equal access to education, especially for minorities, girls and women, and non-citizens and to gather and share data in this regard.
4. Turkmenistan should be encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
5. Turkmenistan should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹⁷

Freedom of opinion and expression

18. The Government is encouraged to align the provisions of the Law on Mass Media with international standards and introduce changes to registration procedures of mass media outlets.
19. The Government is encouraged to begin the process to introduce a freedom of information law in accordance with international standards.
20. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.
21. The Government is encouraged to take steps to ensure that regulation of Internet and blogger information activities meet the international standards of necessity and proportionality as per the International Covenant on Civil and Political Rights.¹⁸

¹⁵ Committee on the Rights of the Child, Considerations of reports submitted by States parties under Article 44 of the Convention, Combined second to fourth periodic reports of States parties due in 2010, Turkmenistan, 10 October 2013, CRC/C/TKM/2-4, p 30

¹⁶ Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Turkmenistan, 10 March 2015, CRC/C/TKM/CO/2-4, p 9

¹⁷ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

¹⁸ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Cultural Rights

22. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁹ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003),²⁰ Turkmenistan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Turkmenistan is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
23. Turkmenistan is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

Freedom of scientific research and the right to benefit from scientific progress and its applications

24. **Turkmenistan** has not submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002527/252798e.pdf>). Therefore **Turkmenistan** is encouraged to report to UNESCO in future on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in a spirit of autonomy, freedom of research, non-discrimination and respect for their human rights.

¹⁹ Periodic Report available at: <http://whc.unesco.org/document/116967>

²⁰ Periodic Report not available.