

Statement
By Her Excellency Aksoltan Atayeva,
Permanent Representative of Turkmenistan to the United Nations
in the Committee on Elimination of Discrimination against Women

Esteemed Mr. President,
Esteemed Members of the Committee,
Ladies and Gentlemen,

First of all, I would like to express our gratitude to the Group of Experts of the UN Commission on Human Rights Turkmenistan's report on the implementation of the Convention on Elimination of All Forms of Discrimination against women provides detailed information on all the materials that form the basis of the report.

The Introduction to the report contains general information about the country, its population, economy, political system and legislative framework ensuring protection of human rights.

The main part of the report consists of four sections and includes information on measures taken by Turkmenistan to implement the Convention on Elimination of All Forms of Discrimination against Women during the period from 20 December 1996, i.e. the date when Turkmenistan ratified the Convention, to the present.

I. Equality at Legislative Level

In accordance with the main obligations stemming from the ratification of the Convention Turkmenistan has implemented legislative, judicial and administrative measures prohibiting and preventing any manifestations of discrimination against women and ensuring their equality before the law regardless of any distinction based on sex.

The Constitution of Turkmenistan guarantees equality of rights and freedoms of all citizens and declares human rights to be inviolable and inalienable (Articles 16 and 17 of the Constitution). Special provisions of the Main Law establish guarantees for the equality of women and men. It proclaims that women and men have equal civilian rights and that violation of gender equality entails responsibility before the law (Article 18 of the Constitution). Furthermore, in the Declaration on International Obligations

of Neutral Turkmenistan our country has proclaimed: "Turkmenistan guarantees every men rights and freedoms enshrined in the Constitution, laws and universally recognized rules of international law without any distinction as to race, sex...."

Turkmenistan has acceded to major international treaties on human rights and undertaken to prevent, prohibit and eliminate any attempts of discrimination against women and has consistently followed those obligations.

The Law on the Press and Other Mass Media in Turkmenistan of January 10, 1991 prohibits use of the mass media for propaganda of war, violence, cruelty and any manifestations of discrimination against women (Article 5 of the Law).

Direct or indirect violation or restriction of the rights and freedoms of any person or citizen based on sex is a criminally punishable offense under article 145 of the Turkmenistan's Criminal Code. In case discriminatory actions against women led to serious consequences person recognized as guilty by the court may be subjected to imprisonment.

2. Equality in Political and Public Life

In Turkmenistan women are guaranteed full political, economic, social and cultural rights and freedoms envisaged by the Main Law and laws of the country as well as by the international obligations of Turkmenistan. The country has established democratic institutions and procedures ensuring women equal rights and opportunities to have access to public employment, participation in elections, the right and opportunity to be elected to bodies of state power, to take part in running public and state affairs , to create public associations and participate in their work. Turkmenistan's legislation and practice are free of any prohibitions or discriminatory restrictions with respect to women's political rights.

Under appropriate article's of the Law on Election of the Members of Madjlis (Parliament) of Turkmenistan, the Law on Election of Members of Gengeshy (organs of local self-government) it is prohibited to use direct or indirect restrictions on election rights of Turkmenistan's citizens based on sex. Women accounted for 50.3 percent of all electors who took part in elections during the December 1990 elections of Madjlis (Parliament)

members. Women comprised 26 percent of the deputies elected to the Madjlis (Parliament). Women accounted for 30 percent of the participants of the 14th meeting of the Hulk Maskhalaty held on August 14-15, 2003. During the elections to local representative bodies (Gengeshy) held on April 6 2003 14 percent of elected representatives were women. Current composition of the Central Election Commission was determined by the Hulk Maskhalaty in its decision of August 30, 2004 and now women comprise 53 percent of its members.

Direct participation of women in central and local representative authorities ensures their active participation in the shaping and implementing the government's policy.]

A woman serves as deputy chairperson of Turkmenistan's Madjlis, a woman also heads one of the Madjlis committees, women deputies take part in the work of all the committees of the Parliament. They play a very effective role in the elaboration and adoption of major legislative acts and following up on their implementation. Women who are members of local representative bodies, the Gengeshy, take part in setting major guidelines for economic, social and cultural development of their respective territories; they approve budgets and budget performance reports and thereby have a direct influence on the elaboration of the policy of local authorities.

In Turkmenistan women play an active role in the implementation of the policy of the country's government and the National Development Programme for the Period up to the Year 2020. Women comprise 42 percent of all the employees of administrative and government bodies at all levels. They account for greater share of employees in financial management, education, public health, social security and so on. Women hold responsible positions as ministers of culture and television and radio-broadcasting, social security, deputy ministers, heads and deputies of khyakims, local administrative and territorial authorities.

Under the law it is prohibited to deny employment to women and to lower their wages due to pregnancy or care for children up to three years of age (up to 16 years in case of disabled children) and as regards single mothers who have children the limit is raised to 14 years (Article 176 of the Labour Law Code). There is also a ban on dismissal of women by the employer when it concerns pregnant women and women with children up to three years of age (disabled children – up to 16 years) and single mothers who

have children younger than 14 years of age (Article 176 of the Labour Law Code).

All citizens of Turkmenistan without any distinction to sex are guaranteed legal, including judicial protection from any manifestations of discrimination against them under the Constitution.

Citizens without any distinction to sex have the right to claim through courts compensation of material and moral damage caused to them by unlawful actions of state authorities or other organizations, their officials as well as by private persons (Article 41 of the Constitution).

The law of Turkmenistan on Petitions of the Citizens and Procedure for their Consideration of 14 January 1999 serves as an important tool for the realization and protection of women's rights. Under this law citizens have the right to make oral or written petitions to authorities, enterprises, organizations or officials who are directly responsible for handling the issues raised in the petition.

Rule of law is the constitutional principle for the functioning of state authorities in Turkmenistan. Legal acts of state authorities are published for general information or promulgated by other means. Legal acts affecting citizens' rights and freedoms that have not been publicly disseminated are considered invalid since the time of their adoption. It is entirely by means of the law that basic rights, freedoms and duties of the citizens and ways of their protection and enforcement are regulated (Law of Turkmenistan on Normative Legal Acts of 18 June 1996).

Work of the Prosecutor's Office, trade unions and Union of Turkmen Women, an independent public association, serves as a guarantee against discriminatory actions and adoption of discriminatory acts against women by state authorities.

There are no recorded cases of women trafficking in Turkmenistan. There are no economic or social factors that may cause such phenomena. They run counter to the mentality, way of life, spiritual and moral foundations of the life of Turkmen society. Investigations conducted in Turkmenistan in cooperation with international humanitarian organizations did not reveal any cases of trafficking in women.

Turkmenistan's legislation contains administrative and criminal measures for involvement in and practicing of prostitution. In particular, criminal responsibility is envisaged for prostitution (article 138 of the Criminal Code), involvement into prostitution (article 139 of the Criminal Code), establishment of brothels for prostitution (article 140 of the Criminal Code), procurement of women for prostitution (article 141 of the Criminal Code) and trading in prostitution (article 142 of the Criminal Code).

Union of Turkmen Women numbering over one million in its ranks is the most influential women's organization. The highest body of this organization is the Congress whose delegates are elected by its territorial units.

Women of our country just like men represent our country in international fora and take part in the work of international organizations, they have the right on equal par with men to hold positions and perform all state and public functions. Women hold responsible posts in diplomatic service. A woman serves as Turkmenistan's permanent representative to the United Nations.

Turkmenistan's Makhtumkuli State University has the department of law and international relations which provides corresponding training to its students. Young girls account for some 40 percent of the students of this department. At the Turkmenistan's Institute of National Economy there are girls who will represent our country in the international arena among the students of the department of international relations and international law. Marriage of a woman who is citizen of Turkmenistan to a person having citizenship of another country or a person without nationality as well as dissolution of such marriage does not entail a change in the nationality of the spouse, nor does it change the woman into a person without nationality, nor does there exist a provision prescribing her to adopt her husband's nationality (article 16 of the Law on Citizenship of Turkmenistan).

At the time of radical economic transformations the Constitution and legislation of Turkmenistan and fast growing branches of the national economy provide women with great opportunities to work in any sphere. It is impossible to find a field of politics, state government, economy, science, culture or public activity where women are not working.

Work through hire is the prevalent form of employment of economically active population. Among men this category of employees comprises 84 percent and among women 81 percent. 60 or more percent of employed women work in such areas as public health, social security, education and other service sectors. Construction, transport, communications and mining industries are traditionally dominated by men and their share exceeds 70 percent.

Secure legal and social conditions have been established in Turkmenistan, which enable women to fulfill their right to choose an occupation or type of work that corresponds to the international requirements in this area. In total, women account for 50.6 percent of all doctors, 62.7 percent of high school teachers, 57.7 percent of secondary level vocational training schools and 33 percent of higher educational establishments. Women account for over 50 percent of financial workers, 49 percent of communal services workers, 47 percent of trade sector workers, 43 percent of industrial workers, 51 percent of agricultural workers, 21 percent of construction workers, 23 percent of transport sector workers and 42 percent of state government employees.

Women account for 54.4 percent of the total average annual number of people employed in the sphere of culture and arts and comprise 67 percent of all those employed in the sphere of sports and physical culture. It is impossible to find a single sphere of culture and arts where women could not realize their potential as creative persons. Women are widely represented in the work of our country's theaters as half of their troupes are made up of women. As regards the National Academy of Arts, the National Conservatory and Institute of Culture, women make up over 50 percent of their teaching staff and women and girls account for 50 percent of the student body.

According to the data of a study of work force employment problems conducted by the National Institute of State Statistics and Information of Turkmenistan level of economic activity among working age women (16-56 years) is high and reaches 85 percent. Women account for 30 percent of employers and for 62 percent of entrepreneurs (private persons). Most women entrepreneurs are occupied in small scale and retail business, however more than 10 percent of those women run those firms, private enterprises and financial structures.

Wages and salaries of employees of public institutions and organizations are set by the state and it does not establish any differences in wages for equal work of men and women. The system of work pay, rates, salary scales and bonuses are determined by the enterprises on the basis of collective bargain agreements between the employers and employees with the participation of trade unions. Those agreements provide for improvement of work organization, honorable work pay and its timely distribution (Article 81 of the Labour Law Code, para. 14 of the Statute of Turkmenistan Trade Unions).

The Law of Turkmenistan on State Benefits of 17 July 1998 establishes the following types of social benefits: pregnancy and maternity, child care, temporary loss of employment, disability, loss of the provider etc. The right to social security in old age stipulated by the Constitution is guaranteed by means of state pensions. Citizens of Turkmenistan cannot have restrictions on their right to state pensions and/or pensions payable through non-state entities (para.4, article 1 of the Law of Turkmenistan on Pensions of 17 July 1998).

Pregnancy and maternity benefits for women are set at 100 percent of their salary during the entire period of their leave, i.e. 112 calendar days, regardless of the duration of their work, place of employment including seasonal and temporary workers.

Benefits due to temporary unemployment are payable in case of illness, occupational or other disability, including domestic injury, temporary relocation to another job, quarantine or prosthetic repair. The size of temporary unemployment benefit is established depending on the duration of work but it cannot be set below 60 percent of average monthly pay for people with less than 5 years employment record. The size of the benefit is set at 100 percent for working mothers regardless of the length of their service.

When necessary a woman who caters for two or more children can get additional leave without pay for up to 14 days. Additional leave of up to 10 days is also given to spouses for celebrating their marriage or performing funerals.

3. Equality of Rights of Men and Women in Spheres of Education, Public Health and Family Planning

Equal access to education and equal conditions for getting education are guaranteed in Turkmenistan through equality of men and women. Women on an equal par with men are integrated into the system of education and vocational training. According to the Constitution of Turkmenistan the right to education is given to every citizen regardless of sex. General secondary education is mandatory. Education in secondary schools and state vocational institutions and higher educational establishments of the country is free (Article 35 of the Constitution).

As of the beginning of the 2003/04 school year 1705 general education schools functioned in Turkmenistan. They catered for over 1 million students (1.018.600) and girls accounted for 49.1 percent.

According to the data of random census of the population conducted in 2000 literacy of the population of 15 years and higher equaled 98.9 percent. Among 1000 persons of 15 years and higher 92 have higher education. 9 have incomplete higher education, 166 have special secondary education, 477 have general secondary education, 183 have incomplete secondary education and 48 have primary education.

As of January 1 2004 16 secondary vocational and 16 higher education establishments functioned in Turkmenistan. Young boys and girls are taught 16 trades in secondary vocational schools and 182 trades in higher educational establishments.

Today many Turkmen students study abroad, including higher educational establishments in Turkey, Germany, China, Russia, Ukraine, India and Malaysia. At present over 1000 Turkmen students, including many girls, are receiving their education in 120 higher educational establishments in Turkey in accordance with bilateral state agreements. International business schools have been created at the campuses of the Maktumkuli State University of Turkmenistan and Turkmen Polytechnic Institute, where high school students take courses in marketing, management, computer operation, use of Internet and so on. Enterprises and organizations also undertake vocational training of their personnel. All educational establishments provide joint education of boys and girls and there is no distinction with regard to race in any field of education. There are no basic differences in the level of education for men and women and there is no differentiation of professions into male and female categories. All successful students of secondary

vocational and higher educational establishments receive state stipends on a monthly basis.

Physical training and sports are considered an integral part of the nationwide Presidential Health Programme aimed at improving the health of the nation and raising standards of medical services provided to the population.

Unprecedented social support, free education, use of public health network, access to the system of benefits and preferences provided to women by the state create real opportunities for women enabling them to realize their creative potential and enjoy their rights. It is noteworthy that education and especially higher education continues to remain high among the social values of young girls.

Employment in the formal sector of economy (especially the state sector) in Turkmenistan provides, for example, equal salaries for men and women. Differences in payment for the work are related to employment in different sectors or branches of the economy as well as to the position held. Thanks to virtually annual increases in salaries in the state sector level of salaries in such sectors as public health, culture and arts, where mostly women are employed, has surpassed the average level of salaries in the state sector of economy by 5 percent. For example, average level of salaries in the public health sector reached 84 percent of average salaries in government bodies where the share of men is high. If we take the world practice as a whole then we will see that a 75 percent average weighted correlation is used for salary indices of men and women.

In Turkmenistan gender based development index amounts to 0.716 and does not differ much from the human potential development index equaling 99.4 percent. This is something that clearly testifies to the fact that there are minimal differences among men and women in the sphere of human development in the country.

A system of tax benefits is specifically used to stimulate work of women. Working women with three or more children pay 30 percent less in taxes. Mothers with 5 and more children are exempt from taxation. Indirect growth of monetary incomes of working people is stimulated by means of a preferential system of taxation for small businesses where many women are employed. (See, the Law of Turkmenistan of 12 July 1999 on Changes to the Law of Turkmenistan on Profit Tax).

Subsidies and transfers provided by the state to the population have a positive impact on ensuring equal status of women in the family and society. Thanks to the free provision of such public utilities as natural gas, water, electricity, very low rates for housing and related services, low fares for communications and mass transit proportion of expenditures on life supporting services is relatively low in household budgets. In Turkmenistan monetary expenditures of population on all types of services amounted to 5 percent in 2002 which is many times lower than in any other country. Special system of guarantees has been established for women with children by the state legislation. On 17 July 1998 Madjlis (Parliament) of Turkmenistan adopted the Law on State Benefits which envisages, among others, measures for social protection of women. In accordance with this law and the Law on Leaves (Article 15) pregnant women receive pregnancy and maternity benefits. Low income families receive child care benefits for children under three years of age. Persons who don't receive pensions are paid social benefits, in particular, women who reach the age of 62. Disabled members of families, in particular, wife or mother, sisters, grandchildren and others receive benefits in case of the loss of the provider. Minimal rate of such a benefit equals 40 percent of the average monthly salary established in Turkmenistan.

The Law of Turkmenistan on Pensions (1998) stipulates that duration of work and duration of pension insurance include care provided by the non-working mother to her little children until they reach the age of three (for a total of not more than 6 years). Women who gave birth and raised three children to the age of eight have the right to receive pension one year earlier than the age established by the Law (67 years), two years earlier if they have four children and 3 years earlier if they have five or more children or a disabled child. It should be taken into consideration here that according to the 1995 census average size of the family in Turkmenistan equaled 5.3 persons, including 4.6 persons in urban areas and 6.0 persons in rural areas. In other words, every third family in Turkmenistan is a family with many children numbering five and more children.

Citizens of Turkmenistan who have a medical certificate and have a per capita income below the minimum subsistence level are provided with low cost vouchers to take a vacation at a resort or a sanatorium. Families with many children, orphans, participants of the War and other persons who

sacrificed their health in defense of state and public interests receive additional assistance and benefits from public funds.

The Code of Marriage and Family of Turkmenistan envisages that “Motherhood in Turkmenistan is surrounded by universal honour and respect. It is protected and promoted by the State”.

The country has in place a comprehensive system for protection of motherhood and childhood which provides for mandatory care of women during pregnancy, child-birth and post natal period as well as care for children especially during first five years of their life. Numerous awareness activities are carried to provide information on nutrition, breast feeding and healthy way of life.

The Ministry of Public Health and Medical Industry of Turkmenistan comprises a reproductive health service which includes 6 reproductive health centers and their branches in Ashgabat and all velayats (regions). Each etrap (area) has reproductive health offices. The main task of those services is to reduce incidence of deceases among future mothers, maternal and infant mortality, provide assistance to families in regulating intervals between child births and selecting proper time for child birth depending on the age of the parents.

Health Houses provide monitoring over the health of mothers and infant children up to one year of age. 208 women consultations and infant health houses function in Turkmenistan to provide protection for family reproductive health, monitoring and consultation for pregnant women, care for mothers and newly born children. Effectiveness of the measures taken to protect health of pregnant women is corroborated by the fact that in over 92 percent of pregnancies culminate in successful child birth.

In Turkmenistan special attention is devoted to the protection of working pregnant women and women with small children. Taking into account reproductive function of women legislation of Turkmenistan envisages such benefits for pregnant women as lower output rates, transfer to lighter jobs excluding negative influence of production factors and payment of average old job wages. It is strictly prohibited to use regnant women and women with children under three years of age for night time work, overtime work, work on holidays and work in missions.

Breast feeding mothers in addition to the general lunch break receive every three hours additional time of up to half an hour for feeding their infants.

The country has in place a comprehensive system for protection of motherhood and childhood which provides for mandatory care of women during pregnancy, child-birth and post natal period as well as care for children especially during first five years of their life. Numerous awareness activities are carried to provide information on nutrition, breast feeding and healthy way of life.

In accordance with the Labour Law Code it is prohibited to use women labour in difficult and harmful jobs and underground jobs excluding some jobs not involving physical work or sanitary and catering services. It is also prohibited to use women for carrying and moving heavy loads exceeding maximum limit loads allowed for them.

Use of women on night jobs is not allowed. This rule does not apply to some branches of the national economy where such work is justified by special need and is performed only as a temporary measure.

Shortened working day of six hours is set for pregnant women working in field conditions in agriculture. In this case they are paid average wages.

Women who have children from three to fourteen years of age (disabled children up to the age of 16) cannot be used for overtime work or sent on missions without their consent.

As of December 1 2003 944 pre-school child care facilities functioned in the country. 129 thousand children of whom 51 percent were girls used those facilities.

Primary health care has been improved during the reform of the public health system.

Multi-service and specialized hospitals including mother and child hospitals were established in Ashgabat and velayat centers in place of old medical establishments. In rural areas different medical facilities were reorganized into rural Health Houses which now form part of etrap (regional) hospitals. In cities polyclinics were reorganized into urban Health Houses. Family oriented principle of medical service has been introduced.

As of January 1 2002 4367 family sectors have been established in the country where 3137 family doctors, 1061 family paramedics and 6237 nurses are employed. Medical insurance covers 93.1 percent of the population.

The Health programme of Turkmenistan envisages the implementation of the National Strategy of Reproductive Health of Turkmenistan for the Period up to the Year 2020 which was developed and is implemented jointly with the UN Fund for Population Activity and World Health Organization. Reproductive health strategy includes such programmes as Family Medicine, Combating Anemia in Turkmenistan, Protection and Support for Breast Feeding, Reproductive Health Protection Service, Immunoprophylactics etc.

Turkmenistan was one of the first countries in the world and the first country in the Commonwealth of Independent States that received universal recognition for fulfilling its obligations in combating iodine deficiency deceases.

During the five year period from 1995 to 2000 incidence of major infection deceases has been reduced two and more times.

In 2002 92 percent of pregnancies resulted in successful child birth. As compared to 1995 infant mortality (children under one year of age) was reduced two times.

Citizens of the country enjoy annual paid leaves of 24 calendar days. Pregnancy and maternity leaves for women are paid at the place of their employment. To celebrate a marriage or to perform a funeral citizens receive days off with pay. Orphaned children are fully supported by the state. A large scale housing construction programme is under way in the country. High quality comfortable houses with improved layout are transferred to citizens as their property on easy terms, i.e. 15 year mortgage credit, part of the loan is paid by the enterprises where the future owner works. Social support is provided by the state to families with many children, low income families, disabled persons and elderly people without relatives.

Participation of non-state sector has been expanded in the provision of social services, public health, education and culture. The range and scope of paid services provided to the population has also been expanded.

Turkmen women have equal access with men to agricultural loans and credits. In accordance with the Law of Turkmenistan on Commercial Banks and Bank Activity of October 8 1993 access to loans does not depend on the sex of the borrower, nor does it depend on the place of his/her residence (Article 13 of the Law). By encouraging development of market relations in the agricultural sector the President and the Government of Turkmenistan have introduced a system of benefits that exempt the daikhan (peasant) farms from taxes on water and cattle and some other taxes. This system also envisages a broad spectrum of easy term credits and loans with a view to encouraging agricultural production. Long term credits and loans are issued at an annual rate of 3 to 5 percent and payment of the principle can begin 3-5 years from the time the loan was received. The terms of the loan do not carry any exemptions or restrictions based on sex.

4. Equal Legal Capacity of Women and Men

Turkmenistan's legislation establishes equal rights to marriage for men and women. This rule is enshrined in the Constitution of Turkmenistan and the Code of Laws on Marriage and Family. According to Article 25 of the Main Law men and women have equal rights upon reaching the marriageable age. Article 4 of the Code of Laws on Marriage and Family contains the provision prohibiting any direct or indirect restrictions of rights or establishment of any direct or indirect advantages for marriage. Restrictions or forced marriage entail legal responsibility.

Equality of rights and obligations of both parents is enshrined in the laws of the country. Accordingly the father and the mother have equal rights and responsibilities towards their children. Parents have equal rights and bear equal responsibilities towards their children in case of divorce. All matters relating to the upbringing of children are resolved by the parents on the basis of mutual consent. Protection of the rights and interests of the children is the responsibility of both their parents (Articles 64, 65 of the Code of Labour Laws of Turkmenistan).

Esteemed Mr. President,

The Government of Turkmenistan is committed to its obligations under the present Convention and will unswervingly translate it into practice with a view to creating favorable conditions for the advancement of women.

Likewise, we believe that the first presentation of this report and its consideration by the Committee will be aimed enhancement of the legislative and judicial base. We also expect your cooperation to further promote of the regulations of the Convention in Turkmenistan.

Thank you.