

**Universal Periodic Review
(44th working group session)
Contribution of UNESCO to Compilation of UN information**

Turkmenistan

I. RATIFICATION OF UNESCO CONVENTIONS

TITLE	Date of ratification, accession, acceptance or succession	Declarations/Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competence
Convention against Discrimination in Education (1960)	Ratification: 02/04/2021			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Succession: 30/09/1994			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification: 25/11/2011			The right freely to participate in the cultural life of the community
Convention on the Protection and Promotion of the Cultural	Accession: 02/04/2021			The right freely to participate in the cultural life of the community

Diversity of Cultural Expressions (2005)				
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II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. THE RIGHT TO EDUCATION

Legislative, regulatory and policy frameworks

1. The Constitution of Turkmenistan of 2008 as amended in 2016¹ enshrines the right to education for every citizen as article 55 states that, "Every citizen shall have the right to education...". Non-discrimination and equality are guaranteed by article 28 and article 29 explicitly provides that men and women shall have equal rights and freedoms.
2. Article 1 of the law of Turkmenistan on education of 2013² provides that, "the right to education is one of the basic and inalienable constitutional rights of citizens of Turkmenistan." Turkmenistan was advised through recommendation N°114.98 of the previous UPR cycle to ensure that non-citizens have access to education without discrimination. Education in Turkmenistan is compulsory for four years in primary education (article 21), six years of basic secondary education (article 22) and for two years of general secondary education (article 23) and free at all these levels (articles 4.3 and 40.6) for a duration of at least twelve years. Moreover, article 20 of the law provides that pre-school education is compulsory for a period of one year. While article 40.6 provides for "free education in state educational institutions in the development of general education programs" and according to article 8.3, general education programs include preschool education, preschool education is not free.³
3. The country recently adopted the following texts:
 - Decree of the President of Turkmenistan of 08/07/2022 on increasing salaries, pensions, public welfare payments, scholarships for students and trainees in Turkmenistan⁴: Aims to offer scholarships for students and trainees as a way of furthering the National Program of socio-economic development of Turkmenistan in 2022-2052.
 - Regulations of 13/04/2022 for the implementation of the "Kiberbasleşik" programme in Turkmenistan in the field of information technology⁵: aims to

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<https://www.unesco.org/education/edurights/media/docs/c95a17c9a99b85f57667a7879e936879c4015cc3.pdf>

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<https://www.unesco.org/education/edurights/media/docs/41f442cdc2c650de1e046b112aac5983768923b4.pdf>

³ Information reported by the OHCHR

⁴ <https://www.turkmenistan.gov.tm/en/post/64749/decree-president-turkmenistan-increasing-salaries-pensions-public-welfare-payments-scholarships-students-and-trainees-turkmenistan#post>

⁵ <https://education.gov.tm/uploads/documents/eUJpFckN7V2FUb4d.pdf>

increase the knowledge and skills of pupils and students in the field of information technology and to increase their desire to develop and improve their digital skills.

- Ratification of the Convention against Discrimination in Education on 02/04/2021 following recommendation N° 114.2 of the previous UPR cycle.
- National Program for the Socio-Economic Development of Turkmenistan for 2022-2052⁶: The program to reform different spheres in the country including the field of education by using modern technologies and educational services, transitioning from the mass education system to uninterrupted individual education for all and through the provision of e-learning services.
- Law of Turkmenistan of 5 June 2021 No. 380-VI "About education"⁷: Legal basis of public relations in the field of education, establishes the basic principles of public policy in the field of education, as well as the goals, tasks, services and the procedure for managing activities in the field.
- Regulations of 2021 "On State Vocational and Technical Educational Institutions"⁸: To regulate the work of state vocational educational institutions and ensure high quality vocational education.
- National Action Plan of Action for Realization of Children's Rights in Turkmenistan for 2018-2022⁹: to ensure the rights of the child to education and development so that all children are able to fully realize their potential, in particular, through quality education.

Legal age of marriage

4. According to article 15 of the Family Code of Turkmenistan of 2012¹⁰, the minimum age of marriage in Turkmenistan is 18 years old. However, under exceptional cases, this age may be reduced but not more than by one year by the guardianship authorities.

Minimum age of employment

5. According to section 23.1 of the Labor Code of Turkmenistan of 2009¹¹ the minimum age for concluding an employment contract is eighteen. However, article 24 of the law of Turkmenistan on State Guarantees of the Rights of the Child of 2014¹² provides for the right of every child to work and to conclude an employment contract once a child reaches the age of sixteen.

Quality education

⁶ [Turkmenistan's development program for 2022-2052 – a pivot of the Motherland's bright future \(tdh.gov.tm\)](http://tdh.gov.tm)

⁷ <https://education.gov.tm/en/documents>

⁸ [Regulations on state educational institutions are approved \(turkmenistan.gov.tm\)](http://turkmenistan.gov.tm)

⁹ [24723Voluntary National Review of Turkmenistan.pdf](https://www.turkmenistan.gov.tm/tk?id=779)

¹⁰ <https://www.turkmenistan.gov.tm/tk?id=779>

¹¹ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83620/92461/F1271643593/TKM83620.pdf>

¹²

<https://www.unesco.org/education/edurights/media/docs/9a4c114b81a3cd765f512e3a36659e786b8e6632.pdf>

6. Following recommendation N°114.67 of the previous UPR cycle to continue to take appropriate measures for providing quality education, over the past years, education in Turkmenistan has been undergoing reform aimed at updating of quality of material and the teaching methodology. The National Program for the Socio-Economic Development of Turkmenistan for 2022-2052 is an illustration of the government's effort to provide quality education by creating high-tech educational environments, introducing informational and educational technologies and by streamlining the network of educational establishments.
7. Moreover, it has been reported¹³ that there are plans to introduce international teaching standards in Turkmenistan and to implement computerization. The same 2019 national report states that schools in the country have access to basic services, such as sanitation and electricity and more than 99% of all schools are equipped with computers for educational purposes.

Enrolment rates

8. The gross enrolment rates (GER)¹⁴ in 2020 were:
 - In pre-primary education: 36% in total¹⁵;
 - In primary education: 117% in total, 116% for girls and 118% for boys;
 - In secondary education: 93% in total, 92% for girls and 94% for boys;
 - In tertiary education: 16% in total, 15% for girls and 17% for boys.

Government expenditure

9. In 2019, the percentage of GDP allocated to education was 3.1% and the percentage of total government expenditure allocated to education was 23%. In 2020, the percentage of total government expenditure allocated to education increased to 28%.¹⁶

Digital education

10. In 2017, the President of Turkmenistan signed a resolution approving the adoption of the "Concept of Development of the Digital Education System in Turkmenistan"¹⁷, which aims to improve the quality of educational services through the widespread use of digital resources and to create conditions for continuous education for all segments of the population.

Discrimination in education (UNESCO consultations)

11. Turkmenistan submitted its national report for the 9th and the 10th Consultation on the implementation of the Convention and the Recommendation against Discrimination in Education.

B. FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

¹³https://turkmenistan.un.org/sites/default/files/2022-08/compresspdf_WsJ23LTR.pdf

¹⁴ UNESCO UIS data

¹⁵ No available disaggregated data.

¹⁶ sdg4-data.uis.unesco.org

¹⁷ https://tdbgi.edu.tm/En-project/Sanlybp_en.html

Constitutional and legislative frameworks

12. The constitution of Turkmenistan of 2008 (rev. 2016) provides for freedom of expression as well as freedom of information. Article 42 states that "everyone is guaranteed freedom of thought and speech", and that "everyone has the right to freely seek, receive and impart information in a manner not prohibited by law, except information that contains secrets protected by state or other law".¹⁸
13. The 2012 Law on Mass Media 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.¹⁹ Article 6 establishes that regulation of the media remains under control of state entities, but does not specify the mechanisms through which the media is regulated.²⁰ Article 42 establishes limits on freedom of expression by prohibiting information containing slander or insults against the head of state, calls to change the constitutional structure by force, pornography, violence and brutality, propaganda for war, national, racial and religious hatred, slander and insults, and information for carrying out criminally punishable acts.²¹
14. The 2014 Law on the Legal Regulation of Internet Development and Internet Services in Turkmenistan sets out the legal regime regarding information posted or disseminated online and looks to prevent socially dangerous acts on the Internet. Article 30 establishes liability for users who send any information that contains prohibited information,²² and the article lists the same prohibitions as article 42 of the 2012 Law on Mass Media.
15. Defamation is criminalized under article 132 of Turkmenistan's criminal code, with fines ranging from 10 to 50 times the average salary, and sentences of up to three years imprisonment.²³
16. There is no access to information law in the country.

Implementation of the law

¹⁸ <https://www.minjust.gov.tm/hukuk/merkezi/hukuk/1> (unofficial translation)

¹⁹ <https://wipolex-res.wipo.int/edocs/lexdocs/laws/tk/tm/tm050tk.pdf>

²⁰ Ibid.

²¹ Ibid.

²² <https://minjust.gov.tm/hukuk/merkezi/hukuk/404>

²³ <https://minjust.gov.tm/hukuk/merkezi/hukuk/204>

17. Article 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.²⁴

Safety of journalists

18. Since 2006, when systematic reporting began, UNESCO has recorded the killing of one journalist in Turkmenistan [as at 31 January 2023]. The case has been marked as resolved according to information relayed by the government of Turkmenistan.²⁵

III. RECOMMENDATIONS

A. THE RIGHT TO EDUCATION

19. Turkmenistan should be encouraged to:

- i. Reinforce the legislation to explicitly guarantee at least one year of free pre-primary education;
- ii. Amend the legislation to ensure that the exceptional cases of marriage below 18 years are permitted only by judicial consent, conforming to international human rights law;
- iii. Harmonize the provisions of the Labor Code with those of the Law on State Guarantees of the Rights of the Child regarding the minimum age of employment;
- iv. Continue to Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education;
- v. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²⁶ and Her Atlas.²⁷

B. FREEDOM OF OPINION AND EXPRESSION AND THE RIGHT TO EDUCATION

20. Turkmenistan is recommended to decriminalize defamation and place it within a civil code, in line with international standards.

21. Turkmenistan is recommended to review the 2012 Law on Mass Media, including but not limited to, the revisions of article 6 and 42 by establishing an independent regulatory agency, defining the mechanisms through which media are regulated, and adopting more narrowly defined limits to freedom of expression, in line with

²⁴ <https://wipolex-res.wipo.int/edocs/lexdocs/laws/tk/tm/tm050tk.pdf>

²⁵ <https://en.unesco.org/themes/safety-journalists/observatory/country/223826>

²⁶ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²⁷ <https://en.unesco.org/education/girls-women-rights>

international standards.

22. Turkmenistan is recommended to introduce an access to information law that is in accordance with international standards, in particular by establishing an independent oversight institution with the capacity to implement the access to information law.

C. RIGHT FREELY TO PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)

23. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Turkmenistan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions 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 civil society organizations, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

24. Turkmenistan did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. Therefore, Turkmenistan is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of

human subjects of research; and promotion of the science society interface. Furthermore, Turkmenistan is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Turkmenistan is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.