



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/SR.1718
18 August 2005

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-seventh session

SUMMARY RECORD OF THE 1718th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 August 2005, at 10 a.m.

Chairman: Mr YUTZIS

later: Mr. PILLAI
(Vice-Chairman)

later: Mr. YUTZIS
(Chairman)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

First to fifth periodic reports of Turkmenistan (continued) (CERD/C/441/Add.1)

1. At the invitation of the Chairman, the members of the delegation of Turkmenistan resumed their places at the Committee table.
2. Mr. MEREDOV (Turkmenistan) said that, pursuant to legislation adopted in 2004, all religious organizations were eligible to apply for registration, regardless of the size of their membership; some of the religious groups registered in Turkmenistan had no more than a dozen members. A special commission attached to the Ministry of Justice was entrusted with processing such applications. Allegations that certain Muslim organizations and an organization linked to the Armenian Orthodox Church had been denied the right to register were untrue. The Muslim organizations in question were all officially registered in Turkmenistan. The organization linked to the Armenian Church had thus far not submitted any application to the authorities. All applications submitted in accordance with the relevant regulations were given thorough consideration and there was no reason why an application should be denied in that particular case. Turkmenistan maintained friendly relations with Armenia, some of whose nationals had been living in Turkmen territory for many years.
3. Allegations that minority languages were not taught in Turkmen schools and that some minority-language schools had been closed down were entirely unfounded. Primary education in Turkmenistan was conducted in both the national language and other languages. The Russian school, which had been established on the basis of an intergovernmental agreement to strengthen ties between the two States, was not the only educational facility offering Russian-language teaching. The Government had allocated special funds to modernize facilities in that school. General educational establishments also offered teaching in English, French and German, and the Government cooperated closely with the foreign embassies concerned to ensure the quality of those courses. The High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) made regular visits to Turkmenistan and had never expressed any concern with regard to education.
4. His Government cooperated with Governments of neighbouring countries in the organization of joint projects aimed at promoting the development of close cultural ties between their respective populations. In that connection, Turkmenistan had, inter alia, hosted a number of conferences on the history and culture of the peoples of central Asia, which had been attended by scholars from neighbouring countries.
5. Representatives of national minorities were represented at all levels of public administration, including in ministries, parliamentary committees, executive bodies and local authorities. The appointment of government employees was based on competence and not, as had been claimed, ethnic origin. It was also untrue that documentation stating a person's ethnic origin was required in order to obtain permission to study abroad. Any person was free to study wherever he wished.

6. He was unaware of any problems arising in connection with the presence of Baluchi people on Turkmen territory. They had lived in Turkmenistan for decades, were fluent in the Turkmen language and enjoyed the same rights as all other citizens.
7. Allegations of the forcible relocation of Uzbeks to remote areas were also unfounded. The programmes to provide land and housing to city-dwellers wishing to move to rural areas operated on a voluntary basis; no one had been forcibly relocated.
8. His Government had taken measures to protect the rights of refugees and displaced persons living in Turkmenistan in conformity with article 2 of the Convention. Since the mid-1990s, Turkmenistan had been hosting some 20,000 refugees from Tajikistan and Afghanistan. Following the stabilization of the situation in Tajikistan, his Government, in cooperation with UNHCR, had assisted the voluntary repatriation of approximately 7,000 Tajik citizens. The President had recently signed a decree to facilitate the granting of citizenship or residence permits to over 16,000 displaced persons of various nationalities. As a result, more than 13,000 had been granted citizenship and some 3,000 had been issued residence permits.
9. The right to inherit property applied to Turkmen citizens and foreign-born residents alike. There was no gender-based discrimination with regard to remuneration. The provisions of the Convention were reflected in national legislation and could be directly invoked in domestic court proceedings.
10. The false allegations made against his country were rather disconcerting. In the future, the Committee might wish to consult directly with the Turkmen authorities should it require objective and detailed information on a specific issue. He extended an invitation to all members of the Committee to visit Turkmenistan in order to gain first-hand knowledge of the situation.
11. The provisions of Turkmenistan's legislation were consistent with the definition of racial discrimination contained in the Convention. According to article 6 of the Turkmen Constitution, international norms were given primacy over national legislation. Numerous articles of the Criminal Code, particularly articles 77, 168, 101, 107 and 108, referred to punishment for violations of the provisions of the Convention.
12. Newspapers in Turkmenistan were published in Turkmen and Russian, and the national television channel provided foreign-language programming in six languages. There was no prohibition on the transmission of radio signals from other countries. National radio channels had been broadcasting on frequencies formerly used by the Russian radio station Mayak because the technical capacity of the national channels had been inadequate. Turkmenistan's current capacity allowed it to transmit the radio signals of the national channels and to transmit or receive radio signals from anywhere in the world. More than 20 foreign information agencies had been accredited in Turkmenistan.
13. There had been no cases in which persons electing Russian citizenship had been forced to leave the country following the revocation of a bilateral agreement between the Russian Federation and Turkmenistan that had allowed dual citizenship. Such persons could continue to

live in Turkmenistan as foreign nationals and retained full enjoyment of their property and inheritance rights. More detailed information on the way in which the provisions of the Convention had been incorporated into national legislation would be provided to the Committee in due course.

14. Mr. PILLAI said that the delegation should explain why there were wide discrepancies in the population figures for the percentages of ethnic Russians or Uzbeks contained in the fifth periodic report as compared with those issued by other government sources.

15. He asked whether universities abroad considered Turkmen students to be sufficiently qualified to pursue higher learning, given that secondary education in Turkmenistan ended at grade 9. If Turkmen students did, in fact, encounter difficulties in that regard, he asked what steps the Government planned to take to remedy the situation.

16. He noted with concern that children as young as 10 had been involved in cotton-harvesting during the academic year, despite the arduous nature of such work. The delegation was invited to comment.

17. He requested more detailed information on measures taken to raise awareness of human rights and to provide human rights training to civil servants, particularly those employed in the criminal justice system.

18. Mr. KJAERUM asked for information on the nature of any interaction between the Government and civil society organizations. There was, in fact, a worrying gap between the information the Committee had received from NGOs and the situation on the ground as it had been reported by the delegation. With regard to the particular issue of a decision announced by President Niyazov to forcibly resettle some 2,000 “unworthy citizens of Turkmenistan” in a remote and inhospitable region of the country, that information had been found in the OSCE rapporteur’s report on Turkmenistan dated 12 March 2003. He requested clarification as to whether, in fact, those displacements had been carried out and whether the rapporteur’s subsequent request for an entry visa to Turkmenistan had been granted or denied. He asked whether the delegation could provide the Committee with the confidential reports to which the delegation had referred on several occasions and which had been prepared by the OSCE high commissioner on national minorities. Those reports would no doubt help to clarify the situation for the Committee.

19. Mr. Pillai (Vice-Chairman) took the Chair.

20. Mr. de GOUTTES said that the sources from which the Committee had noted allegations of human rights violations in Turkmenistan consisted principally of official United Nations documents. They included General Assembly resolution 59/206, Commission on Human Rights resolution 2003/11, the Committee’s concluding observations (CERD/C/60/CO/15) based on its review of implementation of the Convention in Turkmenistan at its 1507th meeting held on 12 March 2002, as well as the OSCE rapporteur’s report on Turkmenistan referred to previously. The Committee had based its questions on information from those sources, which it considered to be reliable. Nevertheless, the delegation might wish to take the opportunity to update the Committee on what steps had been taken in the meantime to remedy the situation.

21. Mr. SHAHI said he had been pleased to note that Turkmenistan was represented at the meeting by its Minister for Foreign Affairs, which demonstrated the importance the State party attached to dialogue. The Committee welcomed the fact that human rights legislation had been enacted in Turkmenistan and that nine new religious organizations had recently been registered, bringing the total to 112. It was important for all such organizations to be given equal treatment in terms of access to registration.

22. Among the positive developments he had noted in the fifth periodic report was the fact that Turkmenistan had acceded to 12 human rights treaties. Since the Convention could be invoked in court because of the primacy of international norms over national legislation, it was difficult to understand why no specific legislation had been enacted to give effect to article 4 of the Convention. He urged the Government to give consideration to enacting such legislation.

23. There was a need for effective dialogue between the Committee and the Government of Turkmenistan in the context of the Committee's follow-up procedure. While the fifth periodic report was an excellent document that embodied liberal principles in terms of the freedoms and rights it granted, considerable problems still existed with respect to their implementation. That translated into a large gap between the legal situation and everyday reality. He hoped that that gap would be narrowed by means of the Committee's follow-up procedure and through the advisory services and technical assistance provided by the Office of the High Commissioner for Human Rights.

24. Mr. BOYD asked whether only one school in the State party provided instruction in Russian. It would be useful to know whether there were any schools where lessons were conducted in other languages, such as Uzbek or Azerbaijani. He requested clarification on whether students from ethnic minorities who were not fluent in Turkmen had the right to study for advanced degrees. Additional data should be provided on the number of non-Turkmen students currently taking advanced degree courses in the reporting State, and the number of Turkmen students from ethnic minorities currently studying abroad. Were degrees awarded by foreign universities recognized in Turkmenistan? It would be useful to have employment data disaggregated by language and ethnicity.

25. The reporting State should explain why some members of the Uzbek minority had been forcibly resettled.

26. The Committee requested additional information on some presidential pronouncements that had been described as ethnocentric or as involving ethnic purity. The Committee's concern resulted from the reported special status of the President, who apparently had plenary power over the judiciary, the legislature and the executive, and moral and spiritual authority, as detailed in his book, the Rukhnama.

27. Additional data should be provided on anti-discrimination legislation, particularly how many victims had availed themselves of those laws.

28. Mr. AVTONOMOV asked whether any newspapers or other organs were published in minority languages in the reporting State. He also wished to know whether any Turkmen citizens had been dismissed from their jobs as a result of the decree by the Ministry of Education

invalidating degrees awarded by foreign universities after 1993. It would be interesting to learn the rationale behind the retroactive nature of that decree. What was the legal status of students who were currently studying abroad?

29. Mr. THORNBERRY requested clarification of the influence of the Rukhnama on the school curriculum, and in particular whether study of that book had replaced some subjects. Was study of the President's book compulsory in all schools? It would be useful to learn whether knowledge of the Rukhnama was a prerequisite for employment in any areas, and if so, how widely available it was in languages other than Turkmen.

30. It would be interesting to know whether the human rights training programmes to which the delegation had referred included training for the police, the judiciary and members of the public administration. The State party should indicate how the training was conducted, by whom, and whether it included knowledge of the Convention.

31. Mr. Yutzis (Chairman) resumed the Chair.

32. Mr. MEREDOV (Turkmenistan) said that the Rukhnama was a highly respected philosophical and historical text that reflected the traditions, culture and spiritual values of the Turkmen people. It was an important part of the school curriculum, since it described the foundations of Turkmen society and provided instruction in human values such as mutual respect between peoples. It had been translated into about 30 languages.

33. There had been no decree invalidating foreign degrees gained after 1993, and there had been no cases of dismissals as a result of any such decision.

34. There were no longer any Roma living in Turkmenistan.

35. Human rights training was provided as part of the training programmes for all members of the police, the judiciary and the public administration. Seminars and lectures on human rights were also organized on an annual basis, in conjunction with international organizations and United Nations agencies working in Turkmenistan.

36. A law prohibiting child labour had been adopted in February 2005. All heads of local administration had received specific instructions for the strict implementation of that law.

37. His Government's detailed response to the 2003 OSCE rapporteur's report on Turkmenistan had unfortunately not been published. It would, however, be useful if Committee members could study that response.

38. All religious organizations had the same right to register and to conduct their activities in Turkmenistan.

39. A number of schools provided instruction in both the Turkmen and Russian languages. There were also opportunities for Kazakhs and Uzbeks to study in their own languages.

40. His delegation would welcome the opportunity to study the population data Mr. Pillai had been given in order to find out why they deviated from the official statistics.

41. Students had the right to study in Turkmenistan or abroad. There had been no cases in which a student had been refused the right to study at a foreign university. All people living in Turkmenistan had the right to attend university there. While a solid grounding in the Turkmen language was clearly necessary in order to complete the courses of study, some courses were delivered in other languages, notably Russian.

42. Mr. ABOUL-NASR enquired how he could obtain a copy of the Rukhnama in English, French or Arabic. In addition, he would be interested to know whether the people of Turkmenistan felt European.

43. Mr. HERNDL stressed the need to bridge the gaps in the report. In particular, detailed statistics, texts of various legal norms - including the Criminal Code, and information on how those norms were being implemented should be provided.

44. Mr. AMIR said that the General Assembly, at its fifty-ninth session, had adopted a resolution requesting the Government of Turkmenistan to give real substance to its May 2004 offer for interested representatives of the international community to visit Turkmen prisons. He asked whether the Government was ready to implement that resolution.

45. Mr. MEREDOV (Turkmenistan) said that the Rukhnama had been translated, inter alia, into English, French and Arabic, a copy of the book would be sent to Mr. Aboul-Nasr.

46. For centuries, Turkmenistan, which was located on the borders of Europe and Asia, had ensured trade relations and cultural exchanges between the two continents. In recent years, his Government had broadened its dialogue with Europe. In November 2003, Turkmenistan and the European Union had agreed to meet once a year to discuss bilateral cooperation in a wide range of areas. Various bilateral economic, cultural, educational and human rights programmes were being developed and would be implemented in the near future.

47. His delegation had taken note of the laws which were of interest to Committee members and would forward the text of those laws to the Committee in the near future. The Government was ready to provide statistics and any other information requested by the Committee.

48. Visits to places of detention by representatives of international organizations and diplomats accredited in Turkmenistan could be organized. The Government and the International Committee of the Red Cross were at present jointly addressing that issue.

49. Mr. TANG Chengyuan welcomed the fruitful dialogue with Turkmenistan and the useful information provided by the delegation. He stressed the need to continuously update that information and said that the Government's efforts to implement the Convention were of particular interest to the Committee. In conclusion, he emphasized the importance of ensuring that law enforcement personnel received proper training and that information about the Convention was being disseminated efficiently.

The meeting rose at 12.55 p.m.