Current situation of children with disabilities and planned interventions to protect their rights

Distinguished Forum Participants!
Ladies and Gentlemen!

Radical reforms initiated by the President of Turkmenistan, Gurbanguly Berdimuhamedov, in all spheres of public and social life are aimed to improve social support for all sectors of society, including children with disabilities.

As a full-pledged UN Member State which recognizes precedence of the universal international law, Turkmenistan has ratified more than 130 international treaties, including human rights instruments, such as the UN Convention on the Rights of the Child (1994), Convention on the Rights of the Persons with Disabilities (2008), and their Optional Protocols. These Conventions are designed to protect the rights of the people with disabilities, including children with disabilities. They are interrelated and complimentary of each other.

Having ratified fundamental international human rights instruments, Turkmenistan strictly adheres to its international commitments and continues reformation of its national human rights protection system, along with the staunch and consistent implementation of its obligations made in the face of the world community.

The main principles and provisions of the Convention on the Rights of the Persons with Disabilities stipulate goals and objectives which are in line with the policies pursued by Turkmenistan in this area. The Turkmen Government policies which pertain to social protection of the people with disabilities ensure provision of the required level of material security and support which helps to establish necessary conditions for their integration into the society.

Integral components of the government policies for children include legislative provisions for the child rights fulfillment; development and implementation of the targeted state programmes and national action plans intended for practical implementation of the UN Convention of the Rights of the Child, UN Convention on the Rights of the Persons with Disabilities, and other fundamental international instruments which guarantee that the human rights and legitimate interests of children and young people are respected.

The economic growth of Turkmenistan at an annual average of 11 percent for the past five years has resulted in the gradual increase of the GDP – the fact that has been confirmed by the World Bank experts. In Turkmenistan, the GDP per capita rate exceeded the standard threshold for an upper middle-income country in 2012, which made maintaining social orientation of the budget expenditures possible in the last years. Over 75% of the budget is allocated for the operational and capital expenses in the social sectors. In 2011, the State spent USD 2.867 billion of public money on social services including state social insurance, pensions and social services which was 22% more than the expenditures made in 2010.

The National Programme of Turkmenistan for the Early Childhood Development and Preparation for Schooling for the Period of 2011-2015 is one of the programmes which are successfully implemented in Turkmenistan. Provision of the child rights and freedoms and establishment of supportive conditions for the happy lives of the young generations are among main priorities of the state policy in Turkmenistan.

In January 2013, two ECD Centres were established under the Programme by the joint efforts with the UNICEF Country Office. The Centres are based in the existing pre-schools the staffs of which provide children, including children with disabilities who do not attend regular kindergartens, with the remedial corrections, development and inclusive education, as well as preparation for enrollment in primary schools; parents and family members are offered methodological, counseling and practical assistance with the development and preparation for schooling of their children.

Thus, such collaboration allows the national partner to improve its social protection system in line with the best international social justice standards for children and persons with disabilities and promote their inclusive development.

In Turkmenistan, children with disabilities enjoy all social, economic, political and personal rights and freedoms guaranteed by the Constitution of Turkmenistan, the Code of Turkmenistan “On the Social Protection of the Population” (19.11.2012), the Law of Turkmenistan “On the Guarantees of the Rights of the Child” (5.07.2002), the Family Code, the Labor Code, the Housing Code, the Air Law, and the Laws on Turkmenistan on the education, on health, on physical culture and sports, on culture, and other legislative acts of Turkmenistan.

The State and relevant government authorities take all legal, economic, social and other measures which ensure that children should have adequate conditions for their lives and development in a safe and healthy environment. The State guarantees protection of their rights and legitimate interests, and establishes legal responsibilities for their violations.

In line with the conventions ratified by Turkmenistan, including the Convention of the Rights of Persons with Disabilities, the previous Social Welfare Code was revised and a new Code “On the Social Protection of the Population” was adopted on 19 October 2012 and came into force on 1 January 2013.

In accordance with the new Code, children with disabilities under 16 years of age receive allowances in the amount of USD 85.

Children with childhood disabilities of the 1st, 2nd and 3rd groups receive 105 USD.

Persons with disabilities of the 1st and 2nd groups who have dependent young children are entitled to additional payments for each child at 20% of the basic amount.

Parents of children with disabilities are entitled to preferential treatment for planning their annual leaves and an extra day off per month at their convenience.

The families also receive additional universal subsidies for municipal services, such as free electricity, gas and water supply.
Making special emphasis on preparation of the State Party reports to the UN human rights treaty bodies, the Head of the State established the Inter-Agency Commission on implementation of Turkmenistan’s international human rights commitments and international humanitarian law.

The Commission maintains constant constructive dialogues with the UN agencies which assist it with the regular consultations for its Working Group, methodological workshops conducted by the UN international experts, and informational materials on the human rights, including child human rights.

Thanks to the systemic work of the Inter-Agency Commission, the national State Party reports are submitted to the UN treaty bodies and the UN Human Rights Council on a regular basis. Thus, in 2012, Turkmenistan submitted its Periodic Report to the Committee on the Rights of the Child and its Initial Report to the Committee on the Rights of the Persons with Disabilities, on implementation of the provisions of the respective Conventions.

Within the process of the law reforms of 2008-2013, Turkmenistan has adopted a number of the human rights related legislative acts.

The standards of the Codes of Turkmenistan may be used as examples of integration of the provisions from the Convention of the Rights of the Persons with Disabilities. The Family Code of Turkmenistan (10.01.2012) includes the provisions from the Convention of the Rights of the Child and the Convention on Elimination of All Forms of Discrimination against Women.

The work in this area continues and has an on-going pace.

Immediate/short-term steps in this area are the following:

- Suggestions and recommendations for the national legislative amendments are developed based on the review of the national legal standards for the compliance with the provisions of the Convention on the Rights of the Persons with Disabilities and study of the best implementation practices in other countries.
- In accordance with Paragraph 3 Article 1 of the **Code on the Social Protection of the Population**, a person with disability is a “person with long-term physical, mental, intellectual or sensory impairments as a result of which it has limited opportunities for full and effective participation in society” at the equal basis with others – which is in line with the CRPD definition of disability. Articles of the Turkmen Laws “On the Health Care of Citizens” and “On the Education” will be brought to uniformity of definitions. The work related to improvement of the national legislation and bringing it in conformity with the universal standards of international human rights treaties and conventions which have been ratified by Turkmenistan is in its active phase.
- Preparations will be made for the constructive dialogue at the presentation session of the State Party Report on implementation of the Convention on the Rights of the Persons with Disabilities and study and practical implementation of the Concluding Observations from the Committee.
- Methodological and awareness raising workshops, consultations and meetings will be held with participation of both national and international experts in this area.
- Further development and improvement of services intended for prevention of childhood disabilities and those ensuring access for such children to the social and cultural spheres will be continued. It is important to note that the activities in these areas are actively implemented and take new forms.
Comprehensive rehabilitation and socialization of people with disabilities are among prioritized and important areas of the state social policies. Their main goal is to create for the persons with disabilities all opportunities to realize their constitutional rights in accordance with the universal principles and norms of the international law at an equal basis with other people.

At present, efforts are made jointly with UNICEF to draft a National Plan of Actions for Children. This National Plan is being developed within the context of the Strategy for the Social and Economic Development of Turkmenistan until 2030. The National Plan of Actions for Children, including children with disabilities, would specify main areas of the government social policies for children based on the provisions of the Constitution of Turkmenistan, the principles of the UN Convention on the Rights of the Child, Convention on the Rights of the Persons with Disabilities, Convention on Elimination of All Forms of Discrimination against Women and other international child-related treaties in which Turkmenistan is a Member Country, as well as on the World Fit For Children Declaration and Action Plan adopted by the Special Session of the UN General Assembly on Children.

Dear participants of the Forum!

Our purpose here is to share successful experiences, analyze challenges and find ways, forms and means to address them, and to generally discuss how obligations to ensure fulfillment of the rights of children with disabilities are implemented. We have come here today to tell each other about our activities and steps made for effective implementation of the CRPD Convention and to learn the best international practices of inclusive society construction. Our objective is to define a common approach – a platform for developing road maps to new policies and laws which would safeguard and guarantee human rights of children with disabilities, protect their health, social well-being and education. I would like to wish you all success and fruitful and constructive work.