



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group for the thirty-fifth session

15 May-2 June 2006

List of issues and questions with regard to the consideration of reports

Turkmenistan

The pre-session working group examined the combined initial and second periodic report of Turkmenistan (CEDAW/C/TKM/1-2).

General

1. Please describe in detail the process of preparing the combined initial and second periodic report and indicate which social organizations (see CEDAW/C/TKM/1-2, para. 2 of the report) took part, whether consultations were held with civil society and non-governmental organizations and whether the report was approved by the Cabinet of Ministers and presented to the Parliament (Majlis).

Articles 1 and 2

2. Is there a definition of discrimination against women in the Constitution or in other national laws that is compatible with that in article 1 of the Convention? Does the definition explicitly cover (or is it interpreted to cover) practices which are discriminatory in effect and encompass discrimination against women by private institutions and individuals and in the private or domestic sphere?

3. Please clarify the precise status of the Convention in the domestic legal system and specify which provisions would prevail in instances of conflict between provisions of the Convention and national law. In answering this question, the provision of illustrative court cases would be especially welcome. Please provide detailed information about the procedure used to verify the compatibility of laws with the Constitution (see CEDAW/C/TKM/1-2, para. 40).

4. Please describe the mechanisms/procedures available to women with complaints of gender-based discrimination under the law of 6 February 1998 "On judicial recourse for actions of state bodies, social associations, bodies of local government, and officials violating the constitutional rights and freedoms of

citizens” and the law of 14 January 1999 “On citizens’ recourse and procedures for its consideration” (see CEDAW/C/TKM/1-2, para. 38). Please describe also whether there is any special machinery (such as a commission or ombudsperson) that promotes and protects the rights of women or oversees Convention implementation. How do these mechanisms/procedures operate and what has been their effect?

5. Please provide examples of actions taken by the State Prosecutor, if any, in response to claims of violations of or limitations on women’s rights under articles 21, 23 and 24 of the law “On the state prosecutor of Turkmenistan”. What have been the results of such actions (see CEDAW/C/TKM/1-2, para. 41)?

Article 3

6. Does the Government of Turkmenistan envisage establishing a national mechanism for the advancement of women that would have responsibility for supporting implementation of the Convention as laid out in the Beijing Declaration and Platform for Action?

7. How is the Government planning to address the lack of reliable sex- and age-disaggregated data in areas such as infant and maternal mortality, school enrolment and employment?

8. Has a national plan of action for the advancement of women been adopted by the Government of Turkmenistan? If so, have civil society organizations, in particular women’s groups, including those representing women from ethnic minorities, been consulted during the drafting and monitoring of the plan of action?

9. Please provide detailed information about the role of women’s and human rights NGOs, registration requirements and procedures and the relationship of the Union of Women to these NGOs.

Article 4

10. In its general recommendation 25, the Committee emphasizes that temporary special measures are part of a necessary strategy to accelerate the achievement of women’s de facto equality and should be distinguished from permanent, general social policies to improve the situation of women and girls. Bearing this difference in mind, what temporary special measures have been put in place or envisaged to accelerate women’s de facto equality in the specific areas described in the substantive articles of the Convention (education, participation in political life, employment, health, etc.)?

Article 5

11. It is indicated in the report that gender policy has played a decisive role in overcoming and eliminating “individual manifestations based on the idea of the superiority of men over women” (see CEDAW/C/TKM/1-2, para. 61). What efforts and concrete measures have been undertaken to eliminate the stereotypical roles that men and women are expected to play in society and in the family?

Violence against women

12. The Special Rapporteur on violence against women noted in her 2003 report (E/CN.4/2003/75/Add.1, para. 1224) that domestic violence against women was common, but that no statistics were available and no programmes addressing domestic violence existed, except for one project on advocacy. Please provide detailed information on the forms and extent of violence against women in the family and in the community at large and on any remedies in place or social support services offered to women victims, including psychological and medical assistance and access to adequate shelters.

13. Is the Government of Turkmenistan envisaging enacting domestic violence legislation and legislation that would specifically prohibit sexual harassment in the workplace and in educational institutions?

Article 6

14. According to the report (see CEDAW/C/TKM/1-2, para. 64), there have been no recorded cases of trafficking in women and research has failed to establish that there has been trafficking in women. Despite these indications, has the Government of Turkmenistan enacted legislation on the matter or carried out any awareness-raising campaigns on trafficking in women?

15. Please provide information, including statistical data, if available, on prostitution and measures taken to address the root causes, to prevent sexual exploitation of women and girls, to raise awareness of the health and safety risks involved in prostitution and to ensure protection, rehabilitation and social reintegration of prostitutes.

16. Please describe in more detail legislation regulating prostitution, including article 142 of the criminal code, which covers trafficking in prostitutes.

Articles 7 and 8

17. Given the underrepresentation of women in political life, particularly in local representative bodies, the Gengeshi, what measures are envisaged to achieve women's full and equal participation and representation at all levels of Government, including in the Foreign Service, taking into account general recommendation 25 of the Committee, on article 4, paragraph 1, of the Convention, and general recommendation 23, on women in public life?

Article 10

18. Is there equal access to education in practice? What percentage of primary, secondary (specialized and general) and university graduates are female?

19. Please comment on the actual access to education at all levels of minority women in the light of the concern about discrimination against ethnic Russian, Uzbek and other minorities in the fields of education and employment expressed by the Commission on Human Rights in its resolutions 2003/11 and 2004/12 on the situation of human rights in Turkmenistan and resolution 59/206 of the General Assembly on the situation of human rights in Turkmenistan.

20. According to the report, there is a differentiation in specialties connected with "women's" or "men's" paths (see CEDAW/C/TKM/1-2, para. 88). What measures

are being taken by the Government of Turkmenistan to encourage girls to pursue traditionally male subjects in schools?

Article 11

21. Please provide data on vertical (i.e., according to rank) job segregation in the formal sector and wages disaggregated by sex, as well as information on women's participation in the informal sector.

22. Although the distribution of working women has its own peculiarities (see CEDAW/C/TKM/1-2, para. 94), has the Government of Turkmenistan created opportunities for women in occupations that are traditionally pursued by men? How so?

23. Protective legislation for "women's work" (section XI of the Labour Code of Turkmenistan) is referred to in paragraph 96 of the report (CEDAW/C/TKM/1-2). Have any studies been undertaken concerning that legislation, as called for in article 11, paragraph 3, of the Convention? Has the impact of the legislation been assessed in terms of women's participation in the labour market and on their employment opportunities?

24. Please comment on the actual access to employment of minority women in the light of the concern about discrimination against ethnic Russian, Uzbek and other minorities in the fields of education and employment expressed by the Commission on Human Rights in its resolutions 2003/11 and 2004/12 on the situation of human rights in Turkmenistan and resolution 59/206 of the General Assembly on the situation of human rights in Turkmenistan.

Article 12

25. Please provide information on abortion, including whether or not it is legal and under what circumstances and, if abortion is not legal, whether there are statistics on deaths and/or illness due to or related to illegal abortions.

26. Please provide information on access to health care of minority women, including the percentage covered by medical insurance.

27. How is the Government planning to address the shortcomings in infrastructure of maternal health facilities, clinical skills and knowledge of health-care providers, as well as gaps in equipment and supplies?

Article 13

28. According to the report (see CEDAW/C/TKM/1-2, para. 122), no distinction or limitation is permitted on the basis of sex in the area of loans. Are there mechanisms by which women who believe that they have been unfairly denied a loan can complain, and have these mechanisms been used?

Article 14

29. Taking into account that more than half the population lives in rural areas (see CEDAW/C/TKM/1-2, para. 8), please provide detailed information about the impact on rural women of the law "On transferring land to the private property of citizens for conducting trade in agricultural products" and about the impact on rural women

of the implementation of the State programme “Health” of the President of Turkmenistan (see CEDAW/C/TKM/1-2, para. 132).

Articles 15 and 16

30. According to the report, “Spouses, and especially women, in practice resolve questions regarding the number of children in a responsible manner” (see CEDAW/C/TKM/1-2, para. 148). What does the Government of Turkmenistan envisage doing to encourage men to share equal responsibility regarding the number and spacing of their children?

31. Is the Government of Turkmenistan envisaging bringing the age of marriage in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women?
