



Economic and Social Council

Distr.: General
5 November 2020
English
Original: Russian
English, French, Russian and
Spanish only

Committee on Economic, Social and Cultural Rights

Information received from Turkmenistan on follow-up to the concluding observations on its second periodic report*

[Date received: 24 September 2020]

* The present document is being issued without formal editing.

GE.20-14680 (E) 091120 091120



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1. In accordance with paragraph 51 of the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/TKM/CO/2), Turkmenistan hereby provides, within the two-year deadline, information on the steps taken to implement the recommendations set out in paragraphs 21 (d), 24 and 36.

Follow-up information relating to paragraph 21 (d) of the concluding observations

2. Turkmenistan guarantees the equality of women and men before the law in respect of the exercise of civil-law rights and their equal participation in the management of public and State affairs, the electoral process, health care, education, science, culture, labour and social protection, and other areas of State and public life.

3. Turkmenistan has ratified the Convention on the Elimination of All Forms of Discrimination against Women and has adopted a programme to implement the Beijing Platform for Action. The provisions of international law are being successfully incorporated into national legislation. As part of this work, new objectives for the further improvement of national legislation have been clearly defined and are being realized with a view to ensuring full compliance with international obligations and standards in the area of human rights, including the rights of women. The development of women's potential in accordance with the Constitution and the provisions of international law remains a strategically important priority area of State policy.

4. The National Action Plan on Gender Equality for the period 2015–2020 was adopted in 2015 and is now being implemented. In accordance with the National Action Plan, the causes and consequences of all forms of violence against women, including domestic violence, are being analysed.

5. The Criminal Code establishes the offences of cruelly treating a woman known by the perpetrator to be pregnant (art. 113 (2)); abducting a woman against her will for the purpose of entering into de facto marital relations (art. 127); forcing a woman to enter into marriage or preventing her from entering into a marriage of her choice, where accompanied by violence or the threat of violence (art. 162); torturing a woman (art. 182¹ (2)); and denying employment to or dismissing a pregnant woman without justification (art. 152).

6. The Mejlis, the parliament of Turkmenistan, is actively working on a new version of the Criminal Code. A working group is analysing the provisions of the Code with a view to making them more humane and bringing them into line with the international obligations of Turkmenistan.

Follow-up information relating to paragraph 24 of the concluding observations

7. As a member of the International Labour Organization (ILO) since 1993, Turkmenistan is committed in its policymaking to creating the conditions for decent work and social justice for all.

8. This is shown by the country's ratification of United Nations human rights conventions and ILO fundamental and governance conventions and its adoption and improvement of legislation regulating labour, employment and social protection.

9. The new version of the Constitution adopted in September 2016 establishes a prohibition on forced labour and the worst forms of child labour (art. 49).

10. Turkmenistan was one of the first countries in the world to launch consultations on the implementation of the Sustainable Development Goals. In order to achieve target 8.7 ("Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms"), provision has been made for the adoption of measures to prevent forced labour, modern slavery and trafficking in persons.

11. The targets and indicators of the Sustainable Development Goals have been included in national socioeconomic development programmes, as well as other national programmes, action plans and sectoral development programmes.

12. Taking into consideration the recommendations of international organizations regarding the prevention of forced labour, Turkmenistan is committed to engaging in constructive dialogue and cooperating with the committees of ILO, a highly respected international organization, and prioritizes the implementation of ILO conventions and recommendations.

13. At the invitation of the Government, ILO representatives conducted a working visit to Turkmenistan in September 2016 to provide technical assistance. The ILO delegation was led by the Head of the Child Labour and Forced Labour Unit of the ILO International Labour Standards Department and included the Senior Specialist on International Labour Standards and Labour Law of the ILO country office for Eastern Europe and Central Asia and an ILO specialist on child labour and education.

14. The ILO delegation reviewed the implementation of the legislation in place at the national level to prevent all forms of forced labour, and discussions were then held as to further steps that could be taken to improve this legislation and bring it into line with ILO standards.

15. In January 2019, at the invitation of the Government, the Senior International Labour Standards and Labour Law Specialist of the ILO country office for Eastern Europe and Central Asia and a specialist on employment and placement services from the ILO Regional Office conducted a working visit to Turkmenistan to provide technical assistance.

16. During the ILO working visit, discussions were held as to the steps that could be taken to strengthen tripartite social dialogue and ensure further close cooperation with ILO. Representatives of the parliament, relevant ministries and departments, the Institute of State, Law and Democracy and social partners, namely the National Trade Union Centre and the Union of Industrialists and Entrepreneurs, were involved in the event.

17. In October 2018, the parliament passed the Act on the Tripartite Commission for the Regulation of Social and Labour Relations.

18. On 8 June 2019, following consultations and in line with the recommendations of ILO specialists, the parliament decided in favour of the ratification of the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

19. The ratification of ILO Convention No. 144 was supported by the Union of Industrialists and Entrepreneurs, an employers' organization, and the National Trade Union Centre, a workers' organization. The ratification of the instrument represented a further important development and was fully in line with the objectives of the Tripartite Commission, namely to conduct tripartite negotiations in accordance with labour legislation; draft a general agreement between the parties; support the regulation of social, labour and associated relations; conduct consultations on the drafting of laws, regulations and State programmes in the area of labour, employment and social protection; study international experience; and cooperate with international organizations in this area.

20. The Ministry of Labour and Social Protection and social partners are currently discussing the matter of the adoption of effective measures to prevent the use of forced labour, particularly in the cotton sector.

Follow-up information relating to paragraph 36 of the concluding observations

21. The right of citizens to housing is guaranteed by the Constitution. The Constitution establishes the right of every citizen to housing and to State support to obtain or acquire a decent home or to build his or her own house. The home is inviolable. No one may enter or otherwise infringe the inviolability of a home against the will of the inhabitants or illegally. A person has the right to protect his or her home from intrusion.

22. No one may be deprived of his or her home except on the grounds established by law (Constitution, art. 51).

23. These constitutional rights are realized through the Housing Code. A person may be evicted from his or her living accommodation only on the grounds established by law. Such evictions are carried out through judicial proceedings. In the specific cases of persons who are squatting or living in buildings at risk of collapse, evictions are permitted by order of the procurator. When citizens are evicted, they are provided with alternative accommodation that meets the requirements of national legislation.

24. Residents may be evicted and provided with satisfactory alternative accommodation if: the building is to be demolished owing to seizure of the land; the accommodation is at risk of collapse; the accommodation is to be transferred to non-residential use; or the accommodation has been declared unfit for habitation (Housing Code, art. 109).

25. According to the Code, a private property right to all or part of a residence may be granted on the grounds that the residence in question is provided as compensation for the loss of a private home owing to the demolition or compulsory seizure of the home from its owner by decision of the competent authorities in the manner prescribed by national law. In the case of demolition of a private home owing to seizure of the land for State or public use, owners living in the property with family members or other persons permanently resident there are either given alternative accommodation in good condition and of equal value or paid compensation to the value of the demolished property, household outbuildings and other structures and cultivated areas, as chosen by the owner and with the consent of the other residents. Pending the construction of an individual dwelling under private ownership, temporary accommodation will be provided through a rental contract for a period not exceeding three years.

26. In the case of demolition of a private home owing to seizure of the land, if they so request and within the established standards, owners and members of their families are granted land for the construction and servicing of an individual property and paid the equivalent value of the demolished property, household outbuildings and other structures and cultivated areas. In the case of seizure of the land on which a private home, its household outbuildings and other structures and cultivated areas belonging to a legal entity are located, that entity is either provided with property of equal value and compensated for any other losses or is fully compensated for the losses arising from the seizure of the land.

27. Housing-related legal disputes are resolved through judicial proceedings.

28. Based on article 280 of the Code of Civil Procedure, citizens may lodge complaints in court if they consider that the wrongful actions or omissions of a government agency or official have infringed their rights.

29. Infringement of the inviolability of the home is an offence under the Criminal Code.

30. With regard to the demolition and allocation of housing in Ashgabat, please note the following:

Information on the demolition and allocation of housing in Ashgabat over the period from 2016 to June 2020

<i>No.</i>	<i>Year</i>	<i>Housing units demolished</i>	<i>Apartments allocated to replace the demolished housing units</i>
1	2016	834	888
2	2017	1 759	2 025
3	2018	138	178
4	2019	283	322
5	2020 (first six months)	321	380
Total		3 335	3 793