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Summary record of the 39th meeting

Held at the Palais Wilson, Geneva, on Friday, 18 November 2011, at 3 p.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Initial report of Turkmenistan (continued) (E/C.12/TKM/1; E/C.12/TKM/Q/1 and Add.1; HRI/CORE/TKM/2009)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*

Articles 6 to 9 of the Covenant (continued)

2. **Mr. Arniyazov** (Turkmenistan) said that, under the Criminal Code, anyone who, without justification, dismissed or refused to hire a pregnant woman was deprived of the right to perform certain functions or duties for a period of up to five years, or was subject to a fine equal to 5 to 10 times the average monthly salary. The first census had been conducted in 1995, in strict accordance with international recommendations and standards. The next census, which had been under preparation for quite some time by means of visits from foreign specialists and the dispatch of Turkmen experts abroad, would be conducted in October 2012.

3. **Mr. Shaliyev** (Turkmenistan) said that reforms based on technical innovation took into account all aspects of the country's economic and social development and the diversification of its economy, and technical centres would soon be established. Equal treatment was a reality in teaching and salaries were stable. Since Turkmenistan determined salaries on the basis of workers' qualifications, equality between men and women was ensured. In the health sector, modern facilities were available to Turkmen nationals and foreigners alike, and professionals were ensured equality of treatment.

4. **Mr. Arniyazov** (Turkmenistan) said that the authorities did their utmost to guarantee tolerance and freedom of religion, and took measures to combat fanaticism, extremism and incitement to hatred among religious organizations. The Freedom of Worship and Religious Organizations Act had been adopted in 2003. A Ministry of Justice commission was charged with registering through the Council for Religious Affairs all religious organizations that had filed a request to do so. As explained in paragraph 22 of the initial report, the 122 registered religious organizations belonged to a variety of denominations. The statutes of those organizations could not contain any incitement to hatred against or intolerance of other religious groups, and evangelization activities or meetings with foreign clergy members required prior authorization.

5. **Mr. Annagurbanov** (Turkmenistan) said that the maximum penalty for sexual harassment in the workplace was 2 years' imprisonment.

6. **Mr. Arniyazov** (Turkmenistan) said that the Constitution provided for the equality of all citizens before the law without mentioning sexual minorities; that concept did not exist in the Turkmen mentality, given that girls and boys were raised differently. The Government would nevertheless study that question more closely.

7. **Mr. Annagurbanov** (Turkmenistan) said that, under the Marriage and Family Code, the age for marriage was 16 for a union between two Turkmens, and 18 for Turkmens wishing to marry a foreigner or stateless person. A draft amendment to that Code provided for raising the marriageable age to 18 for everyone. As explained in paragraphs 172 and 175 of the initial report, marriages must be concluded in a State civil registry, and there could be no restriction of rights.

8. **Ms. Atajanova** (Turkmenistan) said that an extensive broad information campaign was being conducted, aimed at changing the way in which men and women were portrayed in society and refuting old theories about the superiority of a particular sex. She recalled the importance of maternity as a social function and the role of both parents in child-rearing. She stressed that precedence should be accorded to the best interests of the child. Turkmenistan attached great importance to educating the minds of young people of both sexes on an equal basis and had set up a national programme in May 2011; its aim was to prepare children for school and enable parents to participate directly and on an equal footing in raising their children. School curricula and textbooks also addressed the issue of equality. Numerous symposiums and conferences on the question were organized by national and international organizations, in cooperation with the Turkmen Government. Lastly, the media contributed significantly to eliminating stereotypes by broadcasting information and reporting on activities carried out in that area.

9. **Mr. Arniyazov** (Turkmenistan) said that provisions of international law on corruption had been incorporated into the domestic legislation, particularly the Income Declaration Act and the Anti-Terrorism Act. Turkmenistan had signed the United Nations Convention against Corruption and had developed a legal mechanism to combat money-laundering, terrorism and crime. In that connection, failure to file a declaration of income, and falsification of securities had been defined as criminal offences.

10. **Ms. Sysoyeva** (Turkmenistan) said that the work of the Ministry of Labour and Social Protection, which had been established in 2009, included managing the labour market, which, up to that point, had been the responsibility of local governments. The Ministry ensured that information from companies regarding employment opportunities was made available to the population. Jobless status was granted by the Employment Agency after three months without employment or resources. She pointed out that an increasing number of people who sought the services of the Agency found work. Many jobseeker training programmes were carried out in cooperation with the European Union, in accordance with the professional qualifications of the person concerned, and many laws contained provisions relating to social protection and employment. A databank grouping employers and jobseekers together was in the process of being developed.

11. Employment contracts could be fixed-term or indeterminate. Employers and employees could also terminate an employment relationship by giving from two weeks' to two months' notice, depending on the case and the type of contract. Employment disputes were handled by commissions set up for the purpose in companies, as well as by trade unions and the courts. The courts heard cases of unfair dismissal, in addition to cases of dismissal that had given rise to a dispute that the commissions and trade unions had been unable to settle. The Labour Code provided that, in the event of dismissal, certain wage earners were entitled to special protection, for example the sole breadwinner in a family.

12. Even though the Government gave considerable attention to the informal sector, the statistics it compiled primarily concerned the public and private sectors and the population census. Traditional data-collection methods made it difficult to compile information on the new forms of economic activity.

13. She said that, by a presidential decree issued in May 2010, a new statistics programme that met international standards had been launched for the period 2010–2012. The programme introduced a new type of survey and research method regarding the working population. A workforce survey was currently being conducted in order to evaluate the actual labour market situation in the various regions. In 2012, it would therefore be possible to list a range of occupations that had not been included in the statistics on enterprises. It would also be possible to disaggregate the results — by sex, educational level, size of enterprise, etc. — thanks to the use of thematic modules in the questionnaires.

14. The Labour Code contained a section on domestic workers, stipulating that employers were required to make social security payments for their domestic employees, who would thus be eligible for a retirement pension and compensation in the event of a work accident or disability.

15. A survey was currently being conducted to calculate the income of families and establish a minimum income for each population segment (working population, retirees, etc.). A minimum budget was then established for each segment on the basis of the data collected. Using that figure, the Government calculated the minimum wage, the amount being increased each year with a view to doubling it over the next five years. The levels of retirement pensions and social benefits were adjusted as a function of increases in the minimum wage and coefficients set by presidential decree; they had increased by 10 per cent since 2008 and were scheduled to be increased by another 10 per cent in 2012.

16. With regard to parity between men and women, there was no difference in wages for the same post or job. However, it was true that certain occupations tended to be performed by men rather than women (transport, construction and industry), and wages were higher in those sectors than in the service sectors, where there tended to be a greater concentration of women.

17. **Mr. Arniyazov** (Turkmenistan) said that, under the laws and the Code of Civil Procedure, individuals could initiate legal proceedings in the event of a labour dispute. If an employee had been wrongfully dismissed, he or she had to be reinstated and compensated. There was only one trade union, and it had committees in each institution and enterprise. It was those committees that took all decisions regarding union members.

18. **Mr. Annagurbanov** (Turkmenistan) said that the labour standards described in the report submitted to the Committee were those of the old Labour Code. Turkmenistan was a member of the International Labour Organization (ILO), and had signed eight core ILO conventions. Article 33 of the Constitution guaranteed the right to work and the right to choose one's occupation; it was not possible to derogate from that guarantee or adopt discriminatory provisions.

19. An Act dated 15 August 2009 regulated the provision of assistance to workers in need. Public policies aimed at organizing employment for persons with disabilities had been developed with a view to enabling them to participate in the country's economic and social development. Turkmenistan had ratified the Convention on the Rights of Persons with Disabilities, and in giving effect to it, certain jobs were reserved for such persons. Quotas for hiring persons with disabilities were set each year. As for foreign workers, they had the same rights and were subject to the same requirements as Turkmen citizens.

20. **Mr. Shaliyev** (Turkmenistan) explained that the rights of Turkmen nationals who emigrated were protected by embassies in the receiving countries. However, few Turkmen citizens left the country to live abroad, as there were many jobs available in the national energy production and export sector. Conversely, many foreigners came to work in Turkmenistan. The trade union committees and the Ministry of Labour monitored safety in the workplace.

21. **Mr. Sadi** asked whether the State party intended to submit its first report on its implementation of several of the ILO conventions it had ratified. He also wished to know whether there had been any legal precedent in which the revised Labour Code had been invoked.

22. **Mr. Abashidze** (Country Rapporteur) asked whether the inflation rate was taken into account in setting the minimum wage.

23. **Ms. Shin** said that there was no justifiable reason why occupations performed predominantly by women should be systematically less well paid than those performed by

men. The principle of equal pay for work of equal value should be respected, regardless of the industry sector. She asked whether the prohibition against women holding certain jobs had been revoked.

24. **Ms. Barahona Riera** asked what the amount of the minimum retirement pension was. Inasmuch as it was based on a voluntary contribution scheme, she wished to know how many pension beneficiaries there were and how many persons were not covered by the social security and retirement system. What kind of assistance and welfare benefits were granted to such persons?

25. **Ms. Sysoyeva** (Turkmenistan) replied that the minimum wage was calculated on the basis of the family budget, which represented the amount of the market basket at a particular time. The rate of inflation was thus taken into account in establishing that minimum budget. That procedure was consistent with the Constitution, which provided that the minimum wage should not be less than the minimum standard of living.

26. With regard to equal pay for men and women, reforms had been made in fulfilment of the 1995 Beijing Declaration and Platform for Action. A database containing statistics according to sex had been set up in 2008 and afforded monitoring of the main indicators, especially of wage differentials between men and women. The principle of equal pay for work of equal value was applied, but certain jobs paid better than others. There were no rules prohibiting the employment of women for certain jobs, but from the physiological standpoint, women were less capable of performing certain kinds of task.

27. The retirement pension scheme was indeed voluntary; nonetheless, the State granted each citizen a minimum pension. Turkmenistan had met its reporting obligations to the International Labour Organization (ILO) by submitting a report in 2011 on its implementation of the ILO Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

28. **Mr. Shaliyev** (Turkmenistan) said that increases in the minimum wage were tied to increases in the market basket. The Government had adopted an ambitious food programme in the various regions thanks to public and private investment, including foreign investment.

29. **Mr. Abashidze** (Country Rapporteur) asked whether there were any statistics on persons with disabilities and how their needs were met. He wished to know, in particular, whether there were sufficient centres to cater to them. He enquired whether statistics were available for children with disabilities who had been placed in special boarding schools under the former Soviet regime and whether measures would now be taken to ensure that children remained with their families.

30. **Ms. Agayeva** (Turkmenistan) replied that statistics were available on children with disabilities. Disability was evaluated by specialist committees, and the designation "child with a disability" was valid for children up to the age of 16. The number of institutions for children with disabilities had not increased in recent years, but new buildings would be constructed in order to improve their accommodation. Many of them lived with their families, since every effort was made to ensure that children with disabilities, like orphans, were brought up in their families or by close friends or relatives.

31. **Mr. Arniyazov** (Turkmenistan) pointed out that children with disabilities were enrolled, as far as possible, in primary and secondary schools with non-disabled children.

Articles 10 to 12 of the Covenant

32. **Mr. Ribeiro Leão** asked whether the State party had conducted a new standard-of-living survey since the one carried out in 1998 in cooperation with the World Bank and, if so, what the findings had been.

33. **Mr. Riedel**, recalling that 90 per cent of Turkmen territory was desert, drew attention to the considerable problems facing the State party in terms of sanitation and access to drinking water. He noted, in particular, that water reservoirs originating in the Aral Sea were declining and that run-off was polluted by agricultural and chemical residues and by excrement, which had led to renewed outbreaks of diseases such as hepatitis A, diarrhoea and dysentery. He asked which programmes, measures, policies or strategies had been put in place by the State party to remedy those problems, and whether the State party had increased the share of the budget allocated to health in proportion to increases in State energy revenues.

34. He wished to know whether it was true that, since the privatization of health care, many public health facilities outside the capital had been forced to close their doors, and many sick people could not afford treatment. He would also like to learn the situation regarding access to essential medicines, and the source of statistical data on the prevalence of HIV/AIDS, resistant forms of tuberculosis and sexually transmitted diseases, given that there were no official statistics for those areas.

35. The delegation should indicate whether, as had been reported to the Committee, access to health care depended on bribes paid to hospital staff, nurses or even doctors and, if so, what anti-corruption measures the State had taken.

36. According to the World Health Organization (WHO), there was a wide gap between rural and urban areas in terms of sewage treatment and sanitation, as well as pollution levels. He invited the State party to describe the situation further in its next periodic report and to include epidemiological data by region.

37. He enquired what the mandate would be of the future centre for viral diseases that the State party planned to place under the responsibility of the Ministry of Health and the Medical Industry and whether that new body would replace the HIV/AIDS prevention centre, which was on the verge of being shut down.

38. He requested that, in its next periodic report, the State party should include information on the mechanisms it had established to give effect to the WHO Framework Convention on Tobacco Control, to which it was a party. The information should describe measures and other programmes aimed at awareness-raising and tobacco prevention, particularly use of the hookah pipe.

39. **Mr. Schrijver** said it was regrettable that the initial report did not provide any information on the practice of early marriage, which, according to the Committee on the Rights of the Child, was particularly widespread in the State party. He also wished to know the precise number of persons living below the poverty line and what measures were taken to combat poverty and guarantee access to drinking water and sanitation, especially in rural areas. He would also welcome additional information on forced evictions and house demolitions, which had driven thousands from their homes, against their will, without providing them effective recourse or fair compensation.

40. **Ms. Barahona Riera** asked whether the State party kept a register of stateless persons living in Turkmenistan and whether they, as well as persons without identity papers, had access to health care and education. She requested additional information on the "Support to gender mainstreaming in policymaking in Turkmenistan" project, which was being carried out jointly with the United Nations Development Programme (UNDP); the institutions charged with implementing the 2005–2010 National Action Plan for giving effect to the Beijing Declaration and Platform for Action in Turkmenistan; and the family protection plans. She wished to know what share of the national budget was allocated to executing those plans and what budget had been assigned to the Ministry of the Family.

41. Noting that there was no law prohibiting domestic violence, she asked when the State party intended to define it as an offence. She wished to know whether there was a law prohibiting human trafficking, whether trafficking constituted an offence under the Criminal Code, and, if so, the length of the penalties stipulated in the Code and the number of cases of human trafficking already brought before the courts.

42. She enquired whether the State party's health-care system was publicly funded. If so, was access to health-care services universal and free of charge? Or was it necessary to make contributions in order to have medical coverage, thus excluding vulnerable groups? She asked whether sexual and reproductive health services, prenatal and postnatal care, contraception and treatment for sexually transmitted diseases were covered by the public health-care system or whether they were subject to a fee, and what sex education programmes were provided in schools.

43. **Mr. Abashidze** (Country Rapporteur) requested statistics on pregnancy and childbirth in prison and asked whether newborns stayed with their mother in prison. He would appreciate additional information on provisions relating to marriage between a Turkmen citizen and a foreigner or stateless person. He failed to understand why, in such cases, marriage was contracted three or even six months after the official request had been filed. He wished to know why the minimum age for marriage with a foreigner or stateless person was 18 years old, as opposed to 16 for marriages between Turkmen citizens. In his view, that clause was discriminatory.

44. Given that in 2008 the State budget was in surplus, the State party no doubt had the means to build new social housing and renovate its existing stock. The delegation might furnish additional information on the policy followed since 2010 as part of the new national programme for economic and social development, transmit statistical data to the Committee on the budgetary resources allocated to social housing construction, and indicate how many such units had been built and made available to the disadvantaged.

45. It was regrettable that there were no statistics on persons infected with HIV or patients with AIDS, which unfortunately implied the persistence of prejudice against them. He asked what measures were taken to ensure that AIDS patients and carriers of the virus were not discriminated against. He would also like to know the number of drug users in the country. Lastly, the delegation might indicate whether access to the Internet was regulated in Turkmenistan.

46. **Mr. Kedzia** requested additional information on the counselling, legal assistance and rehabilitation services for victims of trafficking, including hostels for them. Was it true that, despite the prohibition of polygamy in article 17 of the Code on Marriage and the Family, the practice was still rife in the State party?

47. In the context of the national programme for beautification of the city of Ashgabat by 2020, which provided for the construction of new buildings, stadiums and other facilities, he was concerned about information the Committee had received to the effect that, without any court ruling, thousands of residents had been evicted from their homes, which had subsequently been demolished. He asked whether they had access to effective remedies for defending their rights, whether their needs had been assessed and, if in the affirmative, whether the necessary measures had been taken.

48. **Ms. Agayeva** (Turkmenistan) said that the Government had made every effort to facilitate access to drinking water, particularly in settlements. In order to ensure water quality, microbiological and chemical analyses were made two or three times a month, chiefly in spring and summer during the rainy and flood seasons. The State epidemiological services also regularly checked bottled water to ensure that it met the relevant national and international standards.

49. Turkmenistan had launched a Directly Observed Treatment Strategy (DOTS) for controlling tuberculosis, in which context it transmitted data to WHO on the tuberculosis situation in the country, including the morbidity rate and patient response to WHO-recommended treatment. It was gratifying to note the nationwide drop in mortality from the disease, both in urban and rural areas, no doubt owing to the introduction in university hospitals of diagnostic services that allowed new cases to be detected and patients treated. Moreover, a screening service had been set up in prisons, and patients were sent for specialized treatment of tuberculosis. The Ministry of Health covered the entire cost of treatment.

50. The smoking cessation strategic plan currently at the drafting stage envisaged the prohibition of smoking in schools and other public places, advertising of tobacco and its derivatives, and the sale of cigarettes to persons under age 17. Turkmenistan had acceded to the 2011 WHO Framework Convention on Tobacco Control. In that connection, the Turkmen Government had carried out an awareness-raising campaign, primarily targeting schools, on the health risks posed by tobacco, including passive smoking. Since 2009, measures had been implemented in schools at all levels of instruction, and as soon as the Convention entered into force, the Government would ensure that the prohibition of tobacco sales to young people was enforced and that persons who wished to stop smoking received support.

51. The HIV/AIDS prevention centre had been replaced by a medical complex constructed in Ashgabat, which comprised six facilities specializing, inter alia, in the treatment of tuberculosis, HIV/AIDS and infectious diseases.

52. A law on the prevention of diseases triggered by HIV/AIDS infection had been adopted in 2001. In 2005, the Government had implemented a new national programme on the prevention of HIV/AIDS and sexually transmitted diseases (STDs). Also in 2005, it had launched an HIV/AIDS screening programme for pregnant women. In 2007, with the support of the United Nations Population Fund (UNFPA), the Government had set up an HIV and STD information centre for women, which also offered consultations with gynaecologists and psychologists in those areas. Since 2009, another similar centre had been organizing prevention activities targeting young people. Moreover, a sensitization programme for journalists was geared to strengthening journalism's role in prevention activities. With regard to the decreasing number of available hospital beds since the country's independence, the first measure taken to remedy the problem had been to provide increased outpatient medical care as part of a WHO priority action programme. The Government had next established diagnostic and emergency care centres with a view to improving patient services and making more efficient use of available beds in health-care facilities. Three new hospitals had been built in various regions of the country, and clinics and dispensaries had been built or renovated in rural areas. Since 1995, a new voluntary medical insurance scheme provided coverage for approximately 95 per cent of the population. The contributions amounted to 2 per cent of the insured person's income, and the insurance scheme reimbursed up to 90 per cent of medicines and all types of medical services, in the areas of both prevention and treatment.

53. **Mr. Arniyazov** (Turkmenistan) said that provisions on women's treatment in detention centres had been amended to bring it into line with international standards. Children under the age of 3 were allowed to stay with their mothers. Where conditions allowed, women could also give birth outside the detention centre and, in certain cases, return only when the child was 3. Article 129 of the Criminal Code prohibited human trafficking and called for penalties of up to 25 years in prison. Domestic violence was also punishable under the Criminal Code, which distinguished between offences and their corresponding penalties as a function of the degree of violence committed. The reason for the difference in the time limit for registering a marriage following publication of the

banns, which was one month for Turkmen citizens and three months for foreigners, was that the law required verification that the persons concerned had not been married previously, and it took longer to obtain that information for foreign nationals. In that connection, he noted that the Mejlis (Turkmen Parliament) had prepared a new draft family code, which was consistent with international standards on the marriage of foreign nationals and would be adopted in the near future.

54. **Mr. Geldnammedov** (Turkmenistan) said that in 2008 sex education for children had been incorporated into the school curriculum as a course entitled “The basics of a healthy lifestyle”, following a preparatory consultation phase that brought together specialists from the Ministry of Education, the Ministry of Health and international organizations, including the UNFPA. With UNFPA support, the training of trainers had been organized abroad, in Bulgaria to be precise, and the National Training Institute also offered training courses on the subject. For younger children the course taught a healthy lifestyle, and for older students it included sex education and reproductive health.

Articles 13 to 15 of the Covenant

55. **Mr. Kerdoun** said that the State party had not responded to a number of questions concerning the right to education, and he wished to remind the delegation to do so. With regard to measures taken to increase the number of students enrolled in higher education and encourage young women to pursue areas of study where there was a predominance of men, he pointed out that enrolment figures were for the 2009/2010 academic year but could not be compared because general statistics on students enrolled in higher education did not extend beyond 2008. The delegation should therefore provide data indicating current trends in the proportion of students in higher education. He requested information on the enrolment and dropout rates, opportunities for vocational training to facilitate young people’s access to the labour market, and the State party’s coverage of academic — other than enrolment — fees. He enquired whether a certificate of secondary studies was required for access to higher education and, if so, why entrance competitions were held. He also requested an account of the results obtained thanks to international cooperation in education, to which the State party often had recourse, and wished to know whether such cooperation had enabled it to improve the Turkmen education system, especially protection of the rights of students, and their education.

56. **Mr. Marchán Romero** said he regretted that statistics on ethnic groups had not been provided in the State party’s report, and asked whether there was a procedure for officially recognizing those groups and a law governing their relations with the State. He was concerned at the intolerance to which certain minorities, such as the Uzbeks and Baluchi, were reportedly subjected. He urged the State party to refer to the Committee’s general comment No. 21 on the right of everyone to take part in cultural life. He would appreciate the delegation’s comments on information received by the Committee alleging that the Turkmen Government restricted the use of certain religious or educational documents, which might constitute a national assimilation measure contrary to the principles of universal integration into society.

57. **Mr. Abashidze** (Country Rapporteur) asked what the highest level of compulsory and free education for all was. More precisely, he wished to know whether primary and secondary education spanned 10 years or more. He enquired why the number of students in secondary schools in Ashgabat and Lebap was increasing while the number of schools there was decreasing.

58. Noting that higher education was free of charge in the State party but that, according to some sources, corruption was prevalent in university enrolment, he wished to know whether Turkmenistan had a unified public entrance examination for universities or whether it maintained the former Soviet system. Further noting that certain categories of

persons with disabilities could enrol in university without sitting a competitive examination but that the initial report did not contain statistics in that regard, he asked how many such persons had entered university and how far that right was applied in practice. He wished to know whether persons who left the country on their own to study abroad without having completed their military service could benefit from State study programmes and, if so, under what conditions. He would also like to know what measures the State had taken to improve the qualifications of teachers in higher education institutions; whether children were given free meals in secondary schools; whether there were private schools in Turkmenistan; whether instruction was imparted only in Turkmen or also in other languages; whether there was a quota system for access to higher education; why there were fewer women in universities; and why women tended to pursue vocational training. Lastly, he wished to know whether the Constitution guaranteed equality with regard to cultural rights, what share of the budget was allocated to culture and whether the measures in question were part of a general policy or were specifically ethnicity-oriented.

The meeting rose at 6 p.m.