



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the sixth periodic report of Turkmenistan\*

#### Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

1. Please describe efforts made and mechanisms put in place to respond to the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity, the energy crisis and other relevant areas. Please provide information on strategies to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises and in elaborating adequate responses, such as policies, the scope of essential services, assistance programmes, recovery efforts and the application of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

#### Legal status and visibility of the Convention

2. With reference to the Committee's previous concluding observations (CEDAW/C/TKM/CO/5, para. 9 (c)) and to paragraph 33 of the State party's report (CEDAW/C/TKM/6) indicating that one of the priorities of the national action plan for human rights for 2021–2025 is the broad application by courts and law enforcement agencies of the principles and norms of international law and the implementation of the principle of the primacy of international law, please clarify whether the Convention is directly applied or invoked in court proceedings, and, if so, provide information on the number, nature and outcome of relevant cases. In the light of paragraph 41 of the State party's report, please specify the resources allocated to and the outcome of the seminars to increase judges' awareness of, and qualifications in relation to, the Convention, whether the State party has extended such seminars to other members of the judiciary and law enforcement officials, and how the training is being applied.

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\* Adopted by the pre-sessional working group on 1 June 2023.



### **Women and peace and security**

3. Please inform the Committee of the steps taken to:

(a) Develop a national action plan on women and peace and security in line with Security Council resolution [1325 \(2000\)](#) and other subsequent resolutions, linked to the national security strategy and emphasizing the prevention, participation and protection pillars of the women and peace and security agenda, in order to foster women's role as important drivers of resilient and peaceful societies, nationally and regionally, including in view of the role of Turkmenistan as chair, in 2022, of the Dialogue of Women of the States of Central Asia and of the Russian Federation;

(b) Ensure that women are fully included and consulted in dialogues on conflict resolution and in climate change and foreign policy negotiations in a way that supports women's space and participation in civil society.

### **Legislative framework and definition of discrimination against women**

4. In view of the Committee's previous concluding observations ([CEDAW/C/TKM/CO/5](#), para. 9), please update the Committee on any steps taken to:

(a) Amend the definition of discrimination against women to prohibit direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere;

(b) Apply a gender-sensitive rather than gender-neutral approach in the elaboration and implementation of its legislation, policies and programmes, and ensure that such an approach forms part of the routine gender audits of draft and existing legislative acts as provided for in the national action plan on gender equality for 2021–2025, referred to in paragraphs 24 and 25 of the State party's report.

### **Access to justice**

5. In the light of the Committee's previous recommendations ([CEDAW/C/TKM/CO/5](#), para. 11), please provide detailed information, in addition to the information provided in paragraphs 44 and 45 of the State party's report, on specific mechanisms in place to facilitate women's access to justice and reparation. Please also provide information on any steps taken to ensure that the legal aid system provided for in the Bar and Advocacy Act (2010), referred to in paragraph 38 of the State party's report, is accessible, sustainable and responsive to the needs of women, including measures to ensure that women with insufficient financial means can obtain free, quality legal aid. Please provide data on the legal aid requested, attributed and denied, including the reason for the decision, in the past five years, disaggregated by age, sex, geographical location and disability status. Please provide updated information on steps taken to strengthen women's and girls' knowledge of their rights, and additional information on the complaints and appeals section of the Women's Union of Turkmenistan and the financial, human and technical resources allocated to it, as well as any measures taken to inform women and girls, in particular women and girls in rural areas, of this service.

6. With reference to the Committee's previous concluding observations ([CEDAW/C/TKM/CO/5](#), para. 11 (e)), please provide information on any action taken to ensure prompt criminal investigations into alleged enforced disappearances and to provide reparation to women for the violations of their rights under the Convention when their husbands or other family members have been forcibly disappeared. Please also clarify whether psychosocial assistance is available to these women and whether

they receive any form of economic support, in particular if the disappeared family member was the sole breadwinner.

#### **National machinery for the advancement of women**

7. With reference to the Committee's previous concluding observations ([CEDAW/C/TKM/CO/5](#), para. 13), please clarify whether the State party has set up a centralized national machinery for the advancement of women, with a clearly defined mandate and responsibilities, and provided it with the necessary authority, power and oversight and adequate human, technical and financial resources to coordinate and effectively promote gender equality and gender mainstreaming policies across all government agencies. Please also provide information on whether a gender-responsive budget is used in government agencies at the federal, state and local council levels. Please provide additional information on the content and priorities of the national action plan on gender equality for 2021–2025, including information on how it reflects the State party's commitment to meeting Goal 5, the targets and indicators included and resources allocated to its implementation, as well as additional details on the mechanisms to monitor and evaluate the plan and its implementation and the degree of participation of civil society and women and girls in such mechanisms.

#### **National human rights institution**

8. Please provide updated information on the steps taken to ensure that the Ombudsperson has a specific mandate to promote and protect women's rights and gender equality. In the light of the information provided in paragraph 60 of the State party's report, please provide updated information on the percentage of complaints received by the Ombudsperson concerning women's and girls' rights, disaggregated by rights violation, age, socioeconomic status, geographical location and type of follow-up action. Please also indicate whether the complaints mechanism is accessible to all women and girls, including those with disabilities. Please also update the Committee on efforts to ensure the full independence of the Ombudsperson, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide information on whether the Office of the Ombudsperson has sufficient human, technical and financial resources to carry out its mandate and details of the resources allocated to the Office.

#### **Temporary special measures**

9. With reference to the Committee's previous concluding observations ([CEDAW/C/TKM/CO/3-4](#), para. 19, and [CEDAW/C/TKM/CO/5](#), para. 17), please provide updated information on efforts to:

- (a) Adopt and implement temporary special measures, such as minimum quotas for the representation of women in elected and appointed bodies, outreach and support programmes and targeted recruitment, hiring and promotion, as part of a strategy necessary to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention, in particular in political and public life, education and employment;
- (b) Raise awareness among all relevant officials of the importance, value and non-discriminatory nature of temporary special measures;
- (c) Establish a mechanism to effectively monitor the implementation and effectiveness of such measures and adopt adequate sanctions for non-compliance.

**Stereotypes**

10. Please comment on reports before the Committee indicating that women and girls are increasingly pressured, including by state-run mandatory campaigns in educational and other institutions, to abide by gender stereotypes and the restriction of their fundamental liberties in order to preserve the culture and the nation, including through the imposition of dress and appearance codes and other discriminatory practices, an atmosphere that is further enforced by the active policing and control of women's behaviour by the media and social networks. Please also comment on (a) reports alleging the arbitrary control, fining and detention of women for making use of certain beauty services and (b) reports indicating that female students are required to wear their hair in pigtails of a certain thickness at university. Please clarify whether the State party plans to set up any safeguards to protect women's free choice of attire and appearance, including by taking effective measures to protect women from violence, intimidation, harassment and coercion by family, community, employers and police officers. In the light of reports indicating that some women in rural areas are restricted from travelling on their own and that there is a growing limitation on young women travelling abroad, please indicate what efforts are being made to specifically dismantle such patriarchal attitudes, whether there are any support structures in place to help women to defend themselves against such restrictions and how women are protected from harassment and intimidation when they do travel. Please also update the Committee on any efforts made to ensure the right to drive for women and men on an equal basis, including by punishing those who harass women drivers or hamper or deny women's obtention or renewal of their driver's licences. Please also comment on reports alleging that women taking a taxi are not allowed to sit in the passenger seat next to the driver and clarify whether women are allowed to become taxi drivers themselves.

**Gender-based violence against women**

11. Please update the Committee on measures taken to dismantle the patriarchal attitudes that are at the root of gender-based violence against women, including through specific content in educational curricula, targeted outreach to men and boys and capacity-building for relevant professional groups. Please also clarify whether any specific measures are in place to empower women and girls and strengthen their economic independence and resilience, with a view to lowering their risk of gender-based violence. Please indicate whether any steps have been taken to adopt a comprehensive law specifically defining and criminalizing all forms of gender-based violence against women, in particular domestic violence, marital rape and sexual assault within and outside marriage. Please also provide detailed information on steps taken to criminalize forced gynaecological exams of women and girls to detect the presence of the hymen, and efforts to ensure that women and girls can report this form of sexual assault and that perpetrators are punished. Please also provide details of efforts made to enforce the prohibition of child marriage and to tackle its root causes. Please inform the Committee of any steps taken to criminalize and address the promotion of violence and other forms of hate speech against women and girls, including online. Furthermore, please indicate the steps taken towards fully criminalizing sexual harassment, including in the workplace, and dismantling victim-blaming attitudes. Please provide information on measures taken to increase the reporting of gender-based violence against women, protect victims of gender-based violence from reprisals and dismantle social taboos around such violence, as well as patriarchal attitudes that associate the reporting of such violence with "dishonouring" the family. Please also clarify whether long-term solutions are in place, including housing and economic support, for victims of domestic violence and their children who do not wish to return to their families. Furthermore, please update the Committee

on whether a mechanism has been set up to regularly collect, analyse and publish statistical data on incidents of all forms of gender-based violence against women, disaggregated by sex, age, ethnicity, geographical location and the relationship between the victim and the perpetrator, as well as on the number of complaints received, investigations carried out, prosecutions conducted and convictions won and on the sentences imposed on perpetrators.

### **Trafficking and exploitation of prostitution**

12. Please clarify whether a new national action plan on combating trafficking in persons has been put in place as a follow-up to the one covering the period 2020–2022 and provide information on any measures taken to strengthen the implementation of the Trafficking in Persons Act (No. 454-V of 2016). Please indicate whether studies have been conducted on trafficking and the exploitation of prostitution and whether there have been any victim-centred follow-up measures. Please also update the Committee on the support services currently in place for victims of trafficking and exploitation of prostitution and the resources allocated to them. In view of the information provided in paragraph 116 of the State party's report, please update the Committee on the capacity-building, protocols and code of ethics provided to law enforcement officers, the judiciary, migration officials, medical service providers and other relevant professionals on the identification of victims of trafficking and on gender-sensitive standards for rehabilitation, protection, assistance and referral. Please provide information on any steps taken to repeal the practice of unpaid work during the cotton harvest season. Please clarify whether there are any safeguards in place to ensure that article 30 of the Migration Act (No. 290-IV of 2012) is not misused to deprive women of the right to leave the country based on non-transparent criteria, and how this is monitored.

### **Participation in political and public life**

13. Please inform the Committee of concrete efforts to reach gender parity in all decision-making systems. Specifically, with reference to the information provided in paragraph 124 of the State party's report, notably the low representation of women in the Mejlis of the Milli Geňeş (parliament) and the indication therein that all deputy hâkims responsible for social issues in welayats, etraps and cities are women, please provide information on any measures in place to strengthen women's representation, not only in deputy roles and with respect to social issues, with a view to reaching gender parity in all sectors and roles, including measures directed at political parties. In this regard, please also provide information on any plans to use temporary special measures such as quotas to reach parity, and further information on the campaigns to promote women's leadership and the activities carried out to train women in election campaigning and negotiation skills referred to in paragraphs 119 to 121 of the State party's report, including the resources allocated to these initiatives. Please also provide information on any measures taken to ensure the full participation of rural women in decision-making, including on rural development programmes and policies and in decision-making beyond the rural level. Furthermore, please also inform the Committee of campaigns and other awareness-raising measures for politicians, journalists, teachers and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of women's human rights.

**Civil society, non-governmental organizations and women human rights defenders**

14. In view of the Committee's previous concluding observations (CEDAW/C/TKM/CO/5, para. 29) and the information provided in the State party's report, please provide updated information on steps taken to further simplify registration requirements for civil society organizations and ensure that there are no disproportionate restrictions on their activities, and to provide financial and other forms of support and encouragement for the establishment and operation of independent women's human rights organizations. In addition, in view of the Committee's previous concluding observations (CEDAW/C/TKM/CO/5, para. 31) and reports before the Committee indicating that women human rights defenders continue to be intimidated and harassed, including through surveillance, threats, smear campaigns, arrests and detention, please detail efforts to ensure full respect for the rights of women human rights defenders to freedom of expression, assembly and association, to refrain from any act of reprisal against them and their families, and to ensure their adequate access to justice and protection from harassment, intimidation, retaliation and violence.

**Education**

15. Please inform the Committee of steps taken to increase women's representation at the upper secondary, specialized secondary and post-secondary education levels. With reference to paragraph 131 of the State party's report, please provide information on any measures taken to ensure the access of women on an equal level with men, in particular rural women, to the scientific centre for strategic research, the school for young diplomats and the department for digital systems and communications, which have been newly established at the Institute of International Relations of the Ministry of Foreign Affairs as part of the development of the digital education system. Please also update the Committee on efforts to:

- (a) Integrate age-appropriate mandatory education on sexual and reproductive health and rights, responsible sexual behaviour and the prevention of early pregnancy, sexually transmitted infections and gender-based violence, including sexual violence, into curricula at all levels of education;
- (b) Combat corruption in the higher education system;
- (c) Remove all barriers faced by women in pursuing higher education abroad;
- (d) Ensure that all women and girls, in particular those in male-dominated fields of study, are protected from sexual harassment and violence.

16. Please also clarify how these aspects are addressed by the new Education Act (2021). With reference to paragraph 135 of the State party's report, please also provide information on the complaints received by the Office of the Ombudsperson concerning women's and girls' right to education and the outcomes of those complaints.

**Employment**

17. Please inform the Committee of measures taken to promote the equal sharing of care responsibilities and other unpaid work, with a view to tackling the unemployment and underemployment of women owing to their disproportionate representation in this type of work. Please also provide information on any social protection available to women carrying out unpaid work and on the availability and affordability of childcare facilities. Please provide information on special programmes in place to increase women's access to the formal labour market and indicate any steps taken to

amend the Labour Code to remove any discriminatory provisions for women relating to accessing certain professions and working during night hours. Please also provide statistical data on the representation of women in the private sector, notably in senior and middle management positions, and indicate any steps taken to accelerate and increase the representation of women in the Union of Industrialists and Entrepreneurs of Turkmenistan, with a view to reaching gender parity.

### **Health**

18. Please inform the Committee of efforts to reduce the rate of maternal mortality. Please indicate whether any research has been conducted on the root causes of early pregnancy. Please provide information on the health-care infrastructure available to women in rural areas. Furthermore, please describe efforts to guarantee access for women and girls to non-judgmental and accessible sexual and reproductive health information and services, affordable or, if needed, free, modern contraceptives and emergency contraception, in particular for rural women and adolescent girls, including by authorizing sexual and reproductive health services outside of hospitals, especially in cases in which no medical procedure is required. Please clarify whether the requirement of parental consent for access to contraceptives and reproductive and sexual health services for adolescent girls has been removed. Furthermore, please clarify whether women and girls living with HIV/AIDS have access to free antiretroviral treatment.

### **Economic and social benefits**

19. Please update the Committee on any measures taken to identify all women who qualify for social assistance and to ensure their access to it. Please clarify whether social benefits and pension schemes take into account the unpaid care work of women, independent of the number of children raised. Please also inform the Committee on measures in place to empower women, in particular rural women, to address direct and indirect discrimination in the financial sector, engage in income-generating activities, start their own businesses and access markets by providing them with financial services, including financial technology (fintech), microcredit at low interest rates, start-up and scale-up funds, venture capital and social security benefits for the informal sector. Please clarify the support available to homeless women and provide information on the compensation available to women deprived of their houses under the urban housing renewal and reconstruction programme.

### **Disadvantaged groups of women**

20. With reference to the Committee's previous concluding observations (CEDAW/C/TKM/CO/5, para. 47), please provide updated information on efforts made to combat all forms of discrimination against women and girls belonging to national and ethnic minority groups and ensure their equal access to justice, education, employment and health and social services.

21. Please provide detailed information on efforts made to ensure access for all refugee women and girls to basic services and to ensure that all children born in the State party's territory are registered at birth and provided with access to basic services. Please also describe efforts to ensure that asylum-seeking women, including detained women, have access to independent, qualified and free legal advice and representation, that their protection needs are duly recognized and that potential instances of refoulement are prevented.

22. Please provide detailed information on the situation of women in prison and specific measures put in place to ensure that their rights under the Convention are respected. In view of reports before the Committee that women prisoners whose

relatives cannot “buy” normal conditions of detention are forced into sexual relations with investigators and detention officials, please indicate any steps taken to ensure that such practices are immediately ceased. Please also comment on reports indicating that: (a) women in prison do not have access to menstrual hygiene items; (b) their underwear is removed in solitary confinement; and (c) they are forced to cohabit with prison staff. Please also provide details regarding access to medical care available to women in prison.

23. Please provide detailed information on the steps taken to tackle the multiple forms of discrimination faced by lesbian, bisexual, transgender and intersex women, including discriminatory legislation, violence, blackmail and extortion.

#### **Marriage and family relations**

24. In view of the Committee’s previous concluding observations ([CEDAW/C/TKM/CO/5](#), para. 51), please update the Committee on any steps taken to conduct a study on the prevalence of polygamy in the State party, with a view to addressing its root causes and implementing measures to enforce its prohibition. Please also clarify whether women who are already in polygamous marriages and women who have been abandoned by their husbands to avoid prosecution for polygamy have access to legal protection and support. Please clarify whether the Family Code has been revised to extend protection to women in de facto and polygamous unions, in line with the Committee’s previous recommendation ([CEDAW/C/TKM/CO/5](#), para. 51 (b)). Please clarify whether all obstacles to women’s ability to choose a spouse of foreign nationality have been removed. Furthermore, please provide information on any awareness-raising campaigns on the equal rights of women and men in family relations and on the elimination of stigma associated with the dissolution of marriage.

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