



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

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**Committee on the Elimination of Discrimination
against Women
Fifty-third session**

Summary record of the 1085th meeting

Held at the Palais des Nations, Geneva, on Thursday, 11 October 2012, at 10 a.m.

Chairperson: Ms. Pimentel

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined third and fourth periodic reports of Turkmenistan (CEDAW/C/TKM/3-4; CEDAW/C/TKM/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*
2. **Ms. Gurbannazarova** (Turkmenistan), accompanying her statement with a digital slide presentation, said that since gaining independence in 1991, Turkmenistan had carried out systemic reforms to provide all its citizens with an adequate standard of living and had made significant progress in implementing the Convention on the Elimination of All Forms of Discrimination against Women.
3. Under the leadership of President Gurbanguly Berdymuhammedov, political, economic and social changes were taking place as part of a gradual overhaul of the sociopolitical system. Improving the status of women was a presidential priority; the protection of women's rights and interests and provision of State support for women were important elements in developing Turkmen society. The Government was reforming its system of human rights protection and establishing favourable conditions for women to receive an education, take up a profession and raise their children. Gender policy was aimed at developing institutional and legislative measures to support women and guarantee their equal participation in all areas of public life, implementing the constitutional principle of equality of the sexes and providing equal opportunities for men and women.
4. Turkmenistan had ratified a number of basic international human rights instruments, most recently, the Convention on the Rights of Disabled Persons and its Optional Protocol, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. It had also ratified the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) and, on the recommendation of the Committee, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Recommendations from international organizations, particularly the United Nations treaty bodies, were taken into account when incorporating international standards into the domestic legal framework and when drafting new laws.
5. The constitutional guarantees of women's human rights and freedoms had been shored up in the Family Code, the Labour Code and a wide variety of laws addressing relevant issues. Once adopted, laws were gradually enforced on the ground. On 24 August 2007, an Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations had been established; its mandate had been expanded in August 2011 to encompass the incorporation of international humanitarian law into domestic legislation. The State Guarantees of Women's Equality Act, adopted in March 2011, upheld women's equality and outlined measures to protect mothers and children.
6. All citizens of Turkmenistan, irrespective of their sex, were guaranteed legal protection, including judicial remedies, against discrimination. Women in particular were afforded legal protection against gender-based violations of rights, and an effective complaints system safeguarded them against any infringement of their rights, freedoms or legitimate interests. Turkmenistan's human rights policy was carried out in such a way as to ensure that women could exercise their rights and freedoms in the political, economic, social, cultural and other spheres on an equal basis with men.
7. Women, who made up half the population of Turkmenistan, were full members of society. They participated and were represented in all sectors of life and enjoyed various

forms of social protection to enable them to combine work with family responsibilities. They currently accounted for 18 per cent of members of parliament, both the Chairperson and Deputy Chairperson of which were women. There were no legislative barriers to women becoming lawyers or judges – indeed, they constituted the majority of the staff of the judiciary and of Bar Association members. About a third of the staff of public procurators' offices were women. The Government made efforts to ensure that women and men had equal opportunities to represent Turkmenistan internationally and participate in the work of international organizations; 10 per cent of the diplomatic corps was made up of women.

8. Awareness-raising campaigns to publicize the international instruments for women's rights were carried out in cooperation with international organizations and foreign embassies in Turkmenistan. The National Institute for Democracy and Human Rights in the Office of the President, together with the Ministry of Foreign Affairs and the United Nations Population Fund (UNFPA), had held international conferences in 2009 and 2012 to share best practices for women's empowerment and the implementation of the Convention. In addition, a compilation of relevant international and domestic legislation on women's rights had been published.

9. Measures introduced in recent years with a view to reforming the educational system included extending the duration of general secondary education and modernizing the curriculum. Dozens of new educational institutions equipped with the latest technology had been opened, and the infrastructure of existing facilities was being renovated. Work was being done to update teaching methodologies, including the publication of new textbooks and learning aids. Girls' share of the 2012 intake at higher education institutions and vocational schools had been 40 per cent and 50 per cent respectively, and female students from Turkmenistan could be found studying at prestigious institutions around the world.

10. Women participated in all sectors of the economy and comprised the majority of workers in health and education, culture and the arts, physical fitness and social protection. From 2005 to 2011, the percentage of women who were economically active had increased. The recording of employment statistics had improved: in 2011, the State Statistics Committee had recorded the percentage of women employed both nationally and by region, as well as increasing the number of labour categories to include the informal sector and family businesses. Survey data from 2011 showed that 44 per cent of the economically active population in rural areas consisted of women and that women comprised over half of those working in the informal sector.

11. The achievements of Turkmenistan in the sphere of health included the elimination of a number of communicable diseases, including poliomyelitis and malaria. The number of specialists with the qualifications necessary for work in primary health care, including in rural areas, was growing. From 2005 to 2011, the birth rate had increased quite significantly, by 80 per cent, while the number of home births had fallen. Virtually all births now took place in health-care facilities with medical professionals in attendance.

12. The Government paid particular attention to the needs of rural women, whose access to health care and education had improved. The agricultural sector received significant support through loans and credits that were available to women and men on an equal basis, while tax exemptions for farmers encouraged women in rural areas to set up their own businesses. Approximately half of all rural leaseholders were women, while women represented one quarter of all individual entrepreneurs nationally. Various programmes for the socioeconomic development of Turkmenistan had been introduced to provide persons living in all areas of the country with high living standards, good working conditions and modern public facilities.

13. Regarding improvements to the legislative framework, she highlighted the adoption of the Family Code in January 2012, which aimed at the establishment of family relations based on the voluntary union and equal rights of spouses. The minimum age for marriage had been raised to 18 years.

14. The measures just described represented the realization in practice of international standards guaranteeing civil, political, social and cultural rights for all citizens, including girls and women. They reflected a special emphasis on protecting women's enjoyment of human rights through socioeconomic reform and democratic change. The Government was committed to meeting its obligations under the Convention and all other international human rights instruments ratified by Turkmenistan and looked forward to the Committee's questions and comments with a view to making further progress in the implementation of the Convention.

Articles 1 to 3

15. **Ms. Neubauer** said that it was unclear how NGOs working to support women's rights and gender equality had been involved in drafting the State party's report. She requested information on the regulations for NGO registration and funding. Regrettably, the Committee had not received any alternative reports on women's rights in Turkmenistan from organizations on the ground. Noting that it was unusual for a representative of an NGO to be included in the State party's official delegation, she requested information on the status and funding of the NGO in question, the Turkmenistan Women's Union, which might clarify whether it was independent and enjoyed full autonomy.

16. She wished to know why so little sex-disaggregated data, particularly on the situation of disadvantaged groups of women, had been incorporated in the report. She requested an explanation of why many statistics on women were not publicly accessible. Information would be appreciated on which of the State party's human rights institutions was the main body for promoting and monitoring gender equality.

17. **Ms. Šimonović** noted that the State party had ratified the Optional Protocol to the Convention and improved its legislative framework to protect human rights. She asked for clarification of the Convention's position in the Turkmen legal system: could it be invoked directly by the courts and, if so, could the delegation provide examples of cases in which it had been cited? If the Convention could not be invoked directly, she would appreciate information on specific cases relating to women's rights and sex-based discrimination in which the State party's complaints mechanisms and means of judicial recourse had been used.

18. Noting that the Constitution guaranteed gender equality only with respect to civil rights, she asked how women's other human rights, including economic, social and cultural rights, were protected. More information would be welcome on the legal standing of international treaties in Turkmenistan under article 6 of the Constitution.

19. She asked whether the State party's report had been discussed by parliament or a parliamentary committee and whether the Committee's concluding observations on the report would be forwarded to parliament.

20. **Ms. Schulz** said that the strict registration and funding requirements for NGOs might limit their development and restrict their ability to contribute to the emergence of de facto gender equality. Contrary to the information on women in prison in the State party's report, alternative sources of information indicated that in the Dashoguz women's prison colony, in northern Turkmenistan, women were held in overcrowded facilities, performed hard labour in difficult climatic conditions and feared beatings or other abuse if they complained. High numbers of deaths in custody also gave rise to grave concerns.

21. Alternative sources also reported that divorced women had a low social status and that women therefore stayed with abusive husbands because they feared discrimination, such as dismissal from their jobs, if they divorced.
22. Lesbian women faced a number of serious problems, including prison terms of up to two years, because sexual relations between consenting adults of the same sex were criminalized. An update would be appreciated on the State party's position regarding the Human Rights Committee's recent recommendation that Turkmenistan should decriminalize sexual relations between consenting adults of the same sex and end the social stigmatization of homosexuality.
23. **Ms. Gurbannazarova** (Turkmenistan) said that the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations and international humanitarian law, which had prepared Turkmenistan's report to the Committee, included various government departments, agencies and bodies, in addition to leading members of civil society and union leaders. National reports and replies to lists of issues were discussed with representatives of NGOs, including those that were not members of the Commission. A plan of action to deal with treaty body recommendations was being prepared, and NGOs were to be actively involved in carrying out the recommendations.
24. NGOs were required by law to register with the Ministry of Justice; there could be difficulties if an organization did not meet the required criteria. However, there was a department within the National Institute for Democracy and Human Rights that was responsible for receiving complaints on such matters, and of late it had received none.
25. Foreign-funded projects on women's rights did exist, such as the project to strengthen the national capacity of Turkmenistan to promote and protect human rights, implemented with the European Union (EU), the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Human Rights. One of the project objectives had been to better inform the public about human rights, particularly women's rights.
26. A national human rights resource centre had been set up, and four regional centres were to be established. The president of the Women's Union had expressed the wish to join the delegation as an autonomous individual, not as a representative of the Government. Her views were not influenced by the Government, and she was entirely free to share them with the Committee.
27. The establishment of an independent human rights institution in accordance with the Paris Principles was being studied, but the concern was that such a body would not be successful in fulfilling the country's human rights responsibilities. The National Institute for Democracy and Human Rights in the Office of the President, on the other hand, was working productively on the implementation of various national human rights obligations. It sponsored scientific research into human rights, outreach campaigns, the publication of a journal on democracy in three languages and study tours.
28. Under article 6 of the Constitution, international standards had precedence over domestic legislation. The courts scheduled monthly sessions to deal with problems arising from the implementation of international standards, but since Turkmenistan had only recently ratified a number of international conventions, few such problems had so far been encountered. Turkmenistan's reports to human rights bodies were discussed in draft form by the relevant parliamentary committees, and their conclusions and recommendations were incorporated in the final documents. Specific recommendations from treaty bodies underwent a process of collegial review. That had been the case with the recommendation made by the Committee against Torture in respect of the criminalization of torture in Turkmenistan, and the Criminal Code had been duly amended.

29. The women's prison in Dashoguz was being renovated in accordance with international standards, including those of the International Committee of the Red Cross (ICRC). Complaints about prison conditions could be lodged with the National Institute for Democracy and Human Rights, which in March 2011 had established a monitoring committee for the national penitentiary system to uphold the rights of detainees and to reintegrate them into society after their release. In addition, the Procurator's Office monitored prison conditions.

30. No data were available on employment rates among divorced women. The legislation did not discriminate against divorced women but, rather, made special provisions in terms of housing and other benefits for disadvantaged women such as single mothers. Social stigmatization of divorced women was not common.

31. **Ms. Mammetgurbanova** (Turkmenistan) said that article 3 of the Constitution proclaimed that people were the highest value of society and the State, which was responsible for every citizen and must create conditions for the free development of the individual, in addition to protecting the life, honour, dignity, freedom, inviolability of the person and natural and inalienable rights of the citizen. Article 19 of the new Constitution guaranteed equality of rights and freedoms for all individuals and citizens, regardless of gender, while article 20 provided for equal civil rights for men and women. Other articles guaranteed equal rights for all citizens in a range of spheres, including employment, education, the family and cultural and social life. In addition to those constitutional standards, the State Guarantees of Women's Equality Act had been adopted in 2007. It stipulated that State policy must aim to ensure equality for women, prevent discrimination and restore women's rights if they had been violated. The Act prohibited overt and covert discrimination against women in all areas of life; article 5 contained a clear definition of discrimination.

32. **Ms. Neubauer** said that while the National Institute for Democracy and Human Rights might not have received any complaints about failure to register NGOs, reports from alternative sources indicated that individuals who complained about such failures or other actions on the part of the Government were subjected to considerable repression; such a situation was not conducive to the development of civil society. She reiterated her earlier question about exactly which NGOs for women's rights had been involved in the preparation of the report and the legal regulations governing the registration and foreign funding of NGOs. She would appreciate information on public access to statistics, particularly those on gender. She wished to know which national machinery was responsible for coordinating the implementation of national measures and plans on gender equality and for dealing with the Committee's concluding comments and observations and the recommendations of other treaty bodies.

33. **Ms. Šimonović** asked the delegation to confirm that the Convention had been incorporated into the national legislation through the Constitution and the State Guarantees of Women's Equality Act. While article 20 of the Constitution guaranteed women and men equality in civil rights, she wished to know whether the Constitution guaranteed men and women equal political, economic, social and cultural rights in line with articles 1 and 2 of the Convention.

34. **Ms. Schulz** reiterated her question concerning the State party's position on the decriminalization of homosexuality, as recommended by the Human Rights Committee in 2012. She asked whether the substantial efforts made to inform the population in general and women in particular about women's human rights through meetings and publications were also pursued through media such as the Internet and social networking sites.

35. **Ms. Gurbannazarova** (Turkmenistan) said that a number of NGOs received international funding to uphold women's rights, with a focus on issues such as rape or

violence against women. The body responsible for the implementation of treaty body recommendations was the Interdepartmental Commission, which had developed a plan of action on which the Government had started to work. The Constitution provided for equal enjoyment of economic, social, political and other rights in addition to the civil rights provided for under article 20. The provisions on homosexuality contained in the Criminal Code would be reviewed in the light of the recommendations of the Human Rights Committee.

Articles 4–6

36. **Ms. Ameline** said that the State party had taken positive steps towards the application of the principle of gender equality in specific, practical terms by consolidating the legislative framework, although some discriminatory provisions remained. However, Turkmenistan had the option of introducing temporary special measures in order to accelerate change in the prevailing culture. Since it intended to implement a strategic plan and had some statistical tools at its disposal, it was in a position to determine which temporary special measures could tackle discrimination swiftly. Two particular areas had already been identified: employment and access to loans and credit for women entrepreneurs. If specific measures were also introduced in respect of violence against women, they could improve women's access to justice by giving judges the sense that that was a priority and was recognized as such by the Government. She would therefore like to know if the State party was taking action to introduce temporary special measures.

37. **Ms. Gabr** pointed out that according to some sources, negative traditional stereotypes persisted: she sought an explanation of reported statements by some officials that a woman's place was in the home. Although all women were homemakers to some extent, they could also excel in other areas and professions and should not be prevented from doing so. She requested information on measures taken to combat gender stereotyping. She asked why the Family Code of 2012 did not address violence against women and why no law was dedicated exclusively to such violence or to domestic violence, including marital rape. The issues of violence against women and domestic and family violence appeared to be taboo. Although the delegation had asserted that divorced women were not subjected to discrimination, other sources maintained the opposite. Lastly, since traditional dress was obligatory in schools and certain other contexts, she wished to know whether girls or women who did not respect the dress code were subjected to any form of penalty.

38. **Ms. Patten** said that the lack of information on measures to address domestic violence in either the report or the introductory statement was particularly striking in view of the very specific recommendations concerning domestic violence and marital rape contained in the 2011 concluding observations of the Committee on Economic, Social and Cultural Rights. With alternative sources indicating that domestic violence remained a taboo subject and that the social pressure to maintain silence was considerable, there was an urgent need for research into the causes and consequences of violence that would enable the authorities to compile statistics and adopt a multidimensional approach to its elimination. Information about any plans for such measures as well as any action taken to ensure access to judicial mechanisms and effective redress for women exposed to violence would be appreciated.

39. **Ms. Acar** said that, despite copious information on new laws enacted, the report contained little detail about their actual implementation or the resulting impact on women's lives. There was also a lack of gender-disaggregated data and she urged the State party to address those deficiencies. The report suggested that patriarchal traditions and stereotypical roles that were an obstacle to women's rights and equality persisted in Turkmen society in spite of new legislation such as the 2012 Family Code. Those inferences were confirmed by

alternative sources. The report was silent on discriminatory practices such as polygamy, which was clearly contrary to the spirit of the Convention, and on what the Government was doing to combat such practices. She was also concerned about reports of a dress code that imposed modesty and obedience to traditional norms on women and girls and could serve to reinforce stereotypes that in turn reinforced notions of male superiority and female inferiority. Since a code of that kind would appear to endorse community control over women's appearance, something that contravened their rights as individuals, she would appreciate an explanation of the logic behind it.

40. Citing the reference in the introductory statement to women's "legitimate" rights and interests, she invited the delegation to explain the difference between legitimate rights and human rights. Joining her colleagues in calling for legislation specifically targeting domestic violence, she sought an explanation of the State party's position on the interconnection between traditional stereotyping and violence against women.

41. **Ms. Schulz** asked whether there was a trend towards restrictive dress codes and, if so, whether any girls or women had been expelled from school or university or dismissed from work for failing to conform to them.

42. **Ms. Jahan**, noting that Turkmenistan was known to be a source country for trafficking in women for the purpose of forced prostitution and slave labour and that women and girls from deprived rural areas and ethnic minorities were particularly vulnerable, said that more detailed information, including gender-disaggregated data, was needed about the scale, impact and causes of the phenomenon. Although there had been some positive undertakings, such as the 2010 amendments to the Criminal Code and the designation of the Procurator's Office as the coordinating body for the anti-trafficking effort, there were vast lacunae in awareness-raising, victim identification, investigation, prosecution and victim support. With the national action plan for the enforcement of the Human Trafficking Act, passed in 2007, apparently still in the pipeline stage, she asked whether there was a concrete timeline for its introduction, whether the Procurator's Office was equipped for the task from a financial, staff and policy perspective and whether border guards and police officers received training in victim identification and gender-sensitive behaviour. Citing information from alternative sources suggesting that trafficking victims could be fined for visa or immigration violations upon returning to Turkmenistan, she also sought reassurance that legal safeguards were in place to protect victims from punishment for acts committed as a result of being trafficked.

43. She was concerned about legal provisions that, under the guise of fighting trafficking, curtailed women's right to freedom of movement by preventing them from travelling to certain countries without a male chaperone. Was the State party considering repealing such provisions and focusing instead on the development of stringent victim identification processes? She also called for the elimination of legal loopholes that might promote impunity, such as the provision whereby under certain circumstances offenders who voluntarily released their victims could be exonerated from criminal liability.

44. Lastly, she requested data on the number of prosecutions brought and convictions served under the new article of the Criminal Code that criminalized trafficking, as well as information about victim support measures, the availability of shelters and Government and NGO cooperation in that area.

45. **Ms. Gabr** noted that Turkmenistan had been placed on a watch list of countries that failed to meet minimum anti-trafficking standards and suggested that the Special Rapporteur on trafficking in persons, especially in women and children, should be invited to visit the country to draw up a fair and balanced report and provide advice for future steps. Besides guaranteeing the protection and support that would encourage victims to denounce perpetrators, the authorities needed to address the root causes: poverty and

impunity. Despite steady growth in the Turkmen economy that boded well for the country's future, certain population groups, including ethnic minorities, were excluded from the benefits of such growth and particularly exposed to the trafficking threat. A national plan to eradicate poverty was therefore needed.

46. **Ms. Gurbannazarova** (Turkmenistan) said that the Government used both legislative and practical measures to promote women's rights and gender equality. Some temporary special measures had been adopted; examples included a system of grants that facilitated equal participation in education, overseas study opportunities for girls as well as for boys and an assistance package for the wives and widows of World War II veterans that included material gifts as well as financial allowances. A monitoring body had been established to oversee the reintegration in society of women freed from prisons, including through material assistance and help in finding jobs or educational opportunities.

47. A number of other mechanisms existed in various branches of the Government to ensure that women's rights were upheld, including, at the parliamentary level, committees responsible for the protection of human rights and for economic, social and cultural activities. The Central Council of the Turkmenistan's Women's Union had an important role in the defence of women's rights; it was supported by regional councils that lobbied for women's rights at a decentralized level.

48. Although there was no legislation specifically criminalizing domestic violence, the Criminal Code contained provisions that protected women from cruelty and abuse, marital rape, forced marriage and abduction. It also criminalized intentional bodily harm and included female spouses in the category of possible victims. Out of a total of 195 cases of violence brought before the courts in the previous six months, 179 had been initiated by women. Conferences and workshops were held regularly; recent events had included an awareness-raising workshop for law enforcement and other officials and a conference examining gender equality organized in conjunction with UNFPA. The latter event had resulted in a call for research into domestic violence to which the Government aimed to respond in the very near future.

49. The non-governmental contribution to the fight against domestic violence was spearheaded by the NGO Keik Okara, which ran a four-pronged project encompassing a telephone hotline service, seminars, legal and psychological advice and victim support. In the first half of 2012, the hotline had fielded 622 calls, including 133 requests for psychological assistance, around 20 complaints of domestic violence and 25 requests for legal assistance in property and inheritance disputes.

50. Women were not subjected to ill-treatment or discrimination if they divorced or attempted to divorce their husband. Statistics for one of the courts in the country's capital revealed that in the first half of 2012, the number of women who had petitioned for divorce had been only marginally less than the number of men, and that in 2011, female petitioners had outnumbered male petitioners. Women could not be excluded from employment because of their family or marital status: in fact, a number of the country's women leaders were divorced.

51. **Ms. Mammetgurbanova** (Turkmenistan) emphasized that the Constitution and secondary legislation of Turkmenistan enshrined gender equality and the promotion of women's involvement in economic and political life. The view that women were less important or less valuable than men and that their place in society should be confined to homemaking and child-rearing was becoming less common. In both rural and urban areas, women had confidently assumed roles in community and political life, education and professions that had until recently been male preserves, including law enforcement, oil and gas exploitation, transport and defence.

52. The nascent changes in social, political and economic life had prompted a number of legislative innovations that were conducive to eliminating stereotypes and negative views of women's roles. For example, the Military Service and Military Duty Act of September 2010 instituted preferential treatment for women in respect of the age of retirement from the military and the requisite years of service. Women, unlike men, could enrol in the higher educational institutions of the military or enter military service without having completed their secondary education. A more even distribution of the rights and responsibilities of child-rearing was the aim of the new Labour Code's provisions that introduced entitlements to parental leave for both male and female parents of children under three years of age.

53. **Ms. Gurbannazarova** (Turkmenistan) said that, in conjunction with UNFPA, the Government was formulating a national action plan on women's rights that would include measures to prevent violence against women. It was also exploring approaches and methodologies for preventing human trafficking. A total of 15 community organizations had participated in a programme designed to facilitate the anti-trafficking effort launched in 2005 with support from the International Organization for Migration (IOM) and subsequently extended in recognition of its success. The programme had included training, education and capacity-building activities for law enforcement officers, procuratorial officials and immigration service personnel. In June 2012, a seminar had been organized by the United Nations Office on Drugs and Crime about the application in Central Asian countries of international standards for assistance to victims of human trafficking and to smuggled migrants. In the first eight months of 2012, 11 trafficking cases had been brought to court and 17 persons had been prosecuted and sentenced to imprisonment. The 33 victims had been women between 19 and 46 years of age.

54. To the best of her knowledge, there had been no cases of women or girls being excluded from educational institutions because of their dress, but if the Committee had information that indicated otherwise, she would willingly receive it and ensure that the claims were duly investigated.

The meeting rose at 1 p.m.