
**Committee on the Elimination of
Discrimination against Women
Thirty-fifth session**

15 May – 2 June 2006

Excerpted from: Supplement No. 38 (A/61/38)

**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Turkmenistan**

Combined initial and second periodic report

55. The Committee on the Elimination of Discrimination against Women considered the combined initial and second periodic report of Turkmenistan (CEDAW/C/TKM/1-2) at its 723rd and 724th meetings, on 17 May 2006 (see CEDAW/C/SR.723 and 724). The Committee's list of issues and questions is contained in document CEDAW/C/TKM/Q/2 and Turkmenistan's responses are contained in document CEDAW/C/TKM/Q/5/Add.1.

Introduction

56. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial and second periodic report, while regretting that the report was overdue and that the State party provided insufficient information on the implementation of the provisions of the Convention, did not fully comply with the Committee's guidelines for preparation of reports and did not clarify whether general recommendations had been taken into account.

57. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group, while regretting that the written submission was very late and did not directly address many of the questions raised.

58. The Committee expresses its appreciation to the State party for the constructive dialogue and the efforts made by the delegation, headed by the Permanent Representative of Turkmenistan to the United Nations, to respond to the questions raised by the Committee. It notes that the delegation did not include any representatives from the national machinery for the advancement of women or other relevant ministries or offices, which limited the ability of the delegation to provide succinct, clear and direct answers to all the questions raised by the Committee during the dialogue.

Positive aspects

59. The Committee commends the State party for having ratified most international human rights instruments. It welcomes the statement by the delegation that there are no obstacles hindering the State party's future ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

60. The Committee welcomes the fact that the Convention has been translated into the Turkmen language.

61. The Committee welcomes the State party's collaboration with respect to the implementation of the Convention with specialized agencies and other entities and bodies of the United Nations system, such as the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA).

Principal areas of concern and recommendations

62. The Committee regrets the lack of precise and reliable statistical data disaggregated by sex in the report and the written responses, which makes it difficult to assess accurately the actual situation of women in regard to all areas covered by the Convention and whether direct or indirect forms of discrimination exist. While noting that the State party is in the early stages of developing such data in the areas of education and public health, the Committee is concerned that the lack of data is also an impediment to evaluate the impact of measures taken by the State party and results achieved.

63. The Committee calls upon the State party to put in place expeditiously a comprehensive system of data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of women's de facto equality. It invites the State party, as necessary, to seek international technical assistance for the development of such data collection and analysis efforts. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality.

64. The Committee is concerned that it did not receive sufficient information about the status of the Convention in the domestic legal system. While noting that the Constitution of Turkmenistan, in its article 18, declares that women and men have equal civil rights and that a violation of equality based on gender is punishable by law, the Committee is concerned that the State party's legislation does not contain a definition of discrimination in accordance with article 1 of the Convention. The Committee is also concerned about the apparent limited understanding in the State party of the concept of formal and substantive equality contained in the Convention and its prohibition of direct and indirect discrimination against women. The Committee is further concerned that gender-neutral laws may perpetuate indirect discrimination against women.

65. The Committee requests the State party to clarify the status of the Convention in the domestic legal system and to incorporate fully the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It also calls upon the State party to take immediate measures to ensure that the provisions of the Convention are fully applicable in the domestic legal system. It further urges the State party to

undertake, without delay, measures to eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men in line with the Convention.

66. The Committee is concerned that it did not receive sufficient information on the awareness and training programmes on the Convention for the judiciary and the legal and law enforcement professions. It is also concerned that the lack of examples of any court cases that invoked the Convention in the 10 years since its ratification is indicative of the lack of knowledge about the Convention in the State party and the lack of its enforcement. The Committee notes with concern that a lack of effective procedural law hinders women's access to justice and that women find it difficult to present cases in court. In addition, it is concerned about women's limited knowledge of their rights and lack of capacity to claim them.

67. The Committee calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of the education and training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It invites the State party to introduce all necessary procedural laws to ensure women's access to justice, as well as to enhance women's awareness of their rights through legal literacy programmes and legal assistance so that they can claim all their rights. It encourages the State party to disseminate and raise awareness about the Convention, in particular the meaning and scope of direct and indirect discrimination, and formal and substantive equality, among the general public so as to create awareness of women's human rights. The Committee invites the State party to expand its online infrastructure and promote the use of media and information and communication technologies to facilitate access to the Convention and other information about women's human rights and formal and substantive equality, including through the introduction of universal access policies. It encourages the State party to support training and capacity-building for women and girls in the use of information and communication technologies, in particular in rural areas.

68. The Committee is deeply concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society in Turkmenistan. Such stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. The Committee expresses its particular concern about the stereotyping of women primarily as mothers, caregivers and homemakers and that they are steered to educational and employment choices that are considered suitable for women.

69. The Committee urges the State party to address directly stereotypical attitudes about the roles and responsibilities of women and men, including the hidden patterns that perpetuate direct and indirect discrimination against women and girls in all areas of their lives, embracing the areas of education and employment, in accordance with articles 2 (f) and 5 (a) of the Convention. This effort should include educational measures at all levels, beginning at an early age, the revision of school textbooks and curricula to promote equality of women and men and awareness-raising campaigns directed at both women and men.

70. The Committee is concerned about the absence of a specific national machinery for the advancement of women, although the creation of a mechanism for the coordination of actions at the local, national and international levels was foreseen as one of the priorities of the National Plan of Action of 1999.

71. The Committee urges the State party to put in place an institutional mechanism that recognizes the specificity of discrimination against women and is exclusively responsible for the promotion of formal and substantive equality and the monitoring of the practical realization of the principle of substantive equality of women and men. It calls upon the State party to endow at the highest political level such a mechanism with the necessary authority and human and financial resources to promote effectively the implementation of the Convention and enjoyment by women of their human rights across all fields by coordinating and monitoring gender mainstreaming in all areas. It encourages the State party to establish gender focal points in different ministries, provide them with adequate gender training and link them with the national machinery.

72. The Committee is concerned about the limited scope of the National Plan of Action of 1999 and the insufficient information provided about its precise content. It also notes with concern that no assessment or impact analysis has been conducted of past policies, programmes and action plans on gender equality and that necessary corrective measures have not been taken.

73. The Committee urges the State party to review the status of its National Plan of Action and include comprehensive measures for implementation of the Convention and the critical areas of concern contained in the Beijing Platform for Action. It calls upon the State party to undertake an assessment of its past policies and programmes on gender equality with a view to identifying shortcomings, gaps and lack of progress and use that assessment in any updating of the Plan. It also calls upon the State party to monitor systematically the implementation of its gender equality policies and programmes, assess their impact and the extent to which stated goals are achieved and undertake corrective measures whenever necessary. Moreover, it requests the State party to include, in its next periodic report, information on the impact of policies and programmes.

74. While noting the work of the Union of Women of Turkmenistan, the Committee is concerned about the lack of information about civil society organizations, such as women's and human rights organizations, and their role in the promotion of gender equality and implementation of the provisions of the Convention.

75. The Committee urges the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations to promote implementation of the Convention.

76. The Committee is concerned about the State party's apparent lack of understanding of the purpose of and need for temporary special measures in accordance with article 4, paragraph 1, of the Convention.

77. The Committee recommends that the State party establish the need for temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors as part of a necessary strategy to accelerate the achievement of de facto equality between women and men. It calls upon the State party to consider implementing

measures such as quotas, benchmarks, targets and incentives, in particular with regard to articles 7, 8, 10, 11 and 14 of the Convention.

78. The Committee is concerned that the State party does not seem to be aware of the urgency of the existence of violence against women and that, as a result, there is a lack of specific legislation to deal with all forms of violence against women, including domestic violence, and a lack of protection measures and of services for victims, as well as an absence of prevention efforts. It notes with concern that there is no information on the incidence of violence against women.

79. The Committee draws attention to its general recommendation 19 on violence against women. It urges the State party to acknowledge the existence of violence against women and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results in its next periodic report. It recommends that the State party adopt specific legislation on domestic violence, including marital rape, that ensures that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. It invites the State party to accord priority attention to the training of health and social workers, teachers, the judiciary and law enforcement personnel about violence against women so that they can respond effectively to it. Moreover, it encourages the State party to see to the provision of shelters and counselling services for victims of violence.

80. The Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, particularly at the local government level. It notes with concern the absence of pro-active measures to increase women's participation in political and public life.

81. The Committee draws the attention of the State party to general recommendation 23 on the participation of women in public life and urges full implementation of the measures recommended therein. It urges the State party to take temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 and to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making positions.

82. The Committee is concerned about the lack of policies and programmes for ethnic and national minority women and girls who remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life. In this respect, it notes with concern the closure of Russian schools.

83. The Committee urges the State party to implement effective measures to eliminate discrimination against ethnic and national minority women who, in fact, may suffer from multiple forms of discrimination and to enhance their enjoyment of human rights through targeted policies and programmes. It requests the State party to provide, in the next periodic report, a comprehensive picture of the de facto situation of ethnic and national minority women in the areas of education, health, employment and participation in political and public life, and of the efforts of the Government to eliminate discrimination against such women.

84. The Committee welcomes the fact that general secondary education is compulsory and free, but expresses concern that compulsory education has been reduced from 11 to 9 years and that the implications of that reduction for girls and women have not been assessed, nor has the impact this may have had on the employment of teachers, who are mainly women. It also notes with concern the low percentage of women in higher education and the persistent stereotyping that results in women pursuing careers in areas traditionally seen as suitable to them. It notes further with concern that reproductive health education is not a compulsory subject in schools.

85. The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women. It invites the State party to reconsider the reduction of years of compulsory education, in particular in light of its impact on women's educational and professional opportunities. It calls upon the State party to take temporary special measures to increase the number of women in higher education and to provide incentives for young women to enter male-dominated fields of study. It recommends that the State party include age appropriate reproductive health education in school curricula at all levels and channels of formal and non-formal education, taking into account the rights and the needs of adolescents. The Committee also recommends that teachers receive adequate training in this area.

86. The Committee expresses concern that insufficient information was provided about women's de facto situation in the formal and informal labour markets. In particular, it lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, vertical and horizontal occupational segregation and their ability to benefit from new economic opportunities. The Committee is concerned about discrimination against women as reflected in hiring processes and pay gaps. It notes with concern that women were disproportionately affected by the elimination of jobs in the health-care and education sectors.

87. The Committee requests the State party to take concrete measures to eliminate occupational segregation and to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention. The Committee calls upon the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.

88. The Committee is concerned that the Labour Code of Turkmenistan, which is overly protective of women as mothers and restricts women's economic opportunities in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

89. The Committee requests the State party to address the practical and legal impediments women face in the labour force, in particular in light of article 11, paragraph 3, of the Convention. It encourages the State party to take effective measures to support the reconciliation of family and work responsibilities and to promote the sharing of domestic and family responsibilities between women and men.

90. The Committee is concerned about the lack of information on women's health and implementation of article 12. It expresses concern that women's access to health-care services is not monitored and that there are no data to establish the de facto impact of measures taken in that area. The Committee notes the establishment of Health Houses in rural areas following a series of health reforms, but expresses concern about the cutbacks in the health sector, the closure of hospitals outside the capital and the effectiveness of the Health Houses.

91. The Committee recommends that a broad framework for health services for women, in line with the Committee's general recommendation 24 on article 12 of the Convention, be put in place and that access to such services by women be monitored. It also recommends that the State party provide information, in its next periodic report, on women's health situation and their access to health-care services.

92. The Committee is concerned about the situation of rural women and regrets that the report did not provide sufficient information on their de facto situation in all areas, including education, health and employment, and in regard to their access to credit, arable land and drinking water. It expresses its particular concern about the negative impact of customs, especially with regard to access to land and inheritance, which adversely affects the advancement of rural women and implementation of article 14 of the Convention.

93. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto situation of rural women in all areas and on concrete measures taken to implement article 14 of the Convention, including information on rural women's access to credit, and the impact of the decree of the President of Turkmenistan, dated 2 February 1993, on the right to own and use land in Turkmenistan, regarding women's access to land. It also requests the State party to provide information, in its next report, on the impact of village projects on women.

94. The Committee expresses concern that although polygamy is illegal, it is nonetheless practised in some regions without being met by legal or social sanctions. While noting that the Marriage and Family Code establishes equal rights for women and men when they enter into marriage and equal responsibility for the care of children after divorce, the Committee notes with concern that there are no laws protecting women involved in polygamous situations. It is also concerned that the legal age of marriage in Turkmenistan is 16.

95. The Committee calls upon the State party to enforce its laws penalizing polygamy and to take comprehensive and effective measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations. It urges the State party to raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.

96. The Committee is concerned about the lack of information about the exploitation of women in prostitution and of efforts to combat that phenomenon. It is also concerned about the lack of information regarding the extent of trafficking in women and measures taken to address that issue.

97. The Committee urges the State party to pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution, facilitate the reintegration of prostitutes into society and

provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. It requests the State party to provide detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.

98. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

99. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the Convention. In that regard, the Committee encourages the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including UNDP, the United Nations Development Fund for Women, UNFPA, the World Health Organization, OHCHR and the Statistics Division and Division for the Advancement of Women in the Department of Economic and Social Affairs of the Secretariat.

100. The Committee encourages the State party, as necessary, to seek training and capacity-building for the preparation of its next periodic report. It urges the State party to establish a consultative mechanism to ensure the wide participation of all ministries and public bodies in, and hold consultations with a broad range of non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.

101. The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention and the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

102. The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

103. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, it encourages the Government of Turkmenistan to consider ratifying the treaty to which Turkmenistan is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

104. The Committee requests that the present concluding comments be widely disseminated in Turkmenistan, in Turkmen and all local languages, in order to make the people of Turkmenistan, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It also requests the

State party to disseminate widely, in particular to women's and human rights organizations, the Convention, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", in Turkmen and all local languages.

105. Emphasizing the relevance of timely submission of periodic reports for the protection and promotion of women's rights, the Committee requests the State party to submit its third periodic report, due in May 2006, and its fourth periodic report, due in May 2010, in a combined report in 2010. It also requests the State party to respond in that combined report to the concerns expressed in the present concluding comments. The Committee calls upon the State party to include in its delegation for consideration of that report representatives who have expertise in the broad range of areas covered by the Convention so as to ensure a constructive and fruitful dialogue.