

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

35th Session (New York, 15 May to 2 June 2006)

Reports of States

Turkmenistan (Combined initial and 2nd periodic report)¹

Information submitted to the committee

Information submitted by the Government

In its combined initial and second periodic report as well as its reply to questions raised by the Committee², Turkmenistan highlighted the achievements of Turkmen women and emphasised the importance of motherhood in Turkmen society. The report emphasised *de jure* equality, maintaining, as stated in paragraph 45 of the State Party report that, “[i]n independent Turkmenistan, no laws, resolutions, or practices discriminating against women have existed or do now exist”. The report is less systematic in its coverage of *de facto* equality. Although accounts of women’s success are given in a number of areas, statistics do not feature prominently in this report and disaggregated statistics are provided in only a narrow selection of areas making it difficult to ascertain women’s actual enjoyment of the rights outlined in law. Despite statements in the report indicating the absence of gender stereotypes, the manner in which women and their roles are described in many instances throughout the report, appear to highlight or reinforce specific gender norms. Women are predominantly depicted in the context of home and family and their functions in this context are emphasised, for example page ten of the report reads, “[o]ne of the most important cultural traditions of the Turkmen people is the sacred tradition of honouring mothers as keepers of the domestic hearth and guarantors of family stability”.

Information submitted by non-governmental organisations

A shadow report, prepared by International Women’s Rights Action Watch (IWRAP) was presented to the Committee³, and a representative from this group made statements to the Committee on 16 May 2006. This statement and report highlighted the general absence of statistics and difficulty in accessing information on most aspects of women’s lives in Turkmenistan and, as such, relied primarily on interviews. In contrast with the State report, the shadow report highlighted traditional practices that place women in a disadvantageous position, such as bride price (*qalit*), which was stated to have a detrimental affect on women’s power relations within the extended family. The parallel report also quoted passages from the *Ruhnama* (a spiritual work promoted by the President), which emphasised a wife’s subservience to her husband. The report and oral presentation placed emphasis on the issue of domestic violence, noting that it was not mentioned in the State party report and that no law existed to address it directly. The report described domestic violence as a “pervasive social problem” akin to a societal norm, noting that one interviewee, “estimated the prevalence of domestic violence to be close to 100 percent”⁴. The report argues that there is a virtual absence of non-governmental organisations (NGOs) and that the primary women’s organisation is closely linked to the Government. The report also noted a number of health concerns, indicating that Turkmenistan was the worst off of all former Soviet Central Asian republics in this regard.

Turkmenistan has no reservations to the Convention and is not a party to the Optional Protocol.

*Themes and Issues*⁵

1 <http://daccessdds.un.org/doc/UNDOC/GEN/N04/634/76/PDF/N0463476.pdf?OpenElement>

2 <http://www.un.org/womenwatch/daw/cedaw/cedaw35/pdf/TKM0634525E.pdf>

3 <http://iwrap.igc.org/publications/countries/turkmenistan.htm>

4 <http://iwrap.igc.org/publications/countries/turkmenistan.htm>

5 For a complete account of the proceedings please see:
<http://www.un.org/News/Press/docs//2006/wom1558.doc.htm>

Content, Timing and Presentation

In both the session and the Concluding Comments⁶, the Committee raised concerns with respect to the content, timing and presentation of the report. Specifically, the Committee indicated that the report did not give precise statistical data and was missing information on key issues including domestic violence, rape, sexual abuse and health indicators. Without such information, the Committee noted, it was very difficult to assess compliance. The Committee also commented that the initial report should have been submitted in 1997, and that it was customary to have representation from the nation's capital, as opposed to from the embassy.

The head of the delegation, Ambassador Ms. Aksoltan Ataeva, noted the need to submit reports on time, citing technical difficulties as the reason for the delay and expressed interest in obtaining technical assistance in preparing the report. She further noted that Turkmenistan was in the process of introducing disaggregated data collection and was receiving assistance from the World Health Organisation (WHO) in the area of health statistics. The Committee highlighted Turkmenistan's natural wealth and suggested that the Government utilise some of this wealth to fund data collection.

Civil Society

Under Articles 1 and 2, the Committee raised several questions with respect to civil society and the number, membership, and role of women's human rights organisations. The Government delegate made chief reference to the Union of Women of Turkmenistan, whose membership exceeds one million. The Committee questioned the degree to which the organisation was independent of Government, noting, for example that the organisation appeared to have a Government web address. The Government delegate insisted that this group was non-governmental and had the right to put pressure on the Government. Apart from unions, she was unable to provide examples of women's rights protection by other non-governmental groups.

Violence Against Women

Committee Member Ms Victoria Popescu Sandru requested statistics, information on programs regarding violence against women, and methods of recourse available to women. The Government's reply indicated that statistics were not available and that, although women were entitled to present themselves to the court, they tended not to either because the problem was not widespread or, because they preferred to use traditional conciliatory methods such as consultation with elders. The lack of widespread domestic violence was also stated as the reason that there are no women's shelters in Turkmenistan. The Government delegate noted, however, that should the problem increase the Government would consider developing such shelters. The Committee indicated that domestic violence was widespread in all parts of the world and that it would be very surprising if that were not the case in Turkmenistan.

Human Trafficking

The Government delegate indicated that there was no specific provision regarding trafficking under Turkmen law, but that there was no evidence that trafficking had occurred and that there were no moral or other conditions that would lend to this occurring. However, the shadow report submitted to the Committee, cited several reports from individuals who had been trafficked out of Turkmenistan, although it did not provide detailed statistics on this topic.

Employment

The Committee voiced concerns with respect to references in the Government delegate's comments to "men's work and women's work" and with respect to the tendency to pay higher wages to workers in traditionally male fields as those jobs were seen as "harder". The Government delegate agreed that jobs dominated by women such as teaching and nursing were also difficult, however, no concrete commitment was made to wage equity. Committee members also raised concerns about cutbacks in the areas of healthcare and education as these fields tended to disproportionately employ women. The substantial differences in unemployment rates

6 <http://daccessdds.un.org/doc/UNDOC/GEN/N06/383/73/PDF/N0638373.pdf?OpenElement>

given in the State report (2 percent) and shadow report (70 percent) were noted in questions raised by the Committee. The State put a great deal of emphasis on maternity provisions, however, despite indicating in one response that both parents shared child rearing responsibilities no mention was made of paternity provisions. The delegate agreed to consider the Committee's suggestion that the State consider paying maternity wages in lieu of the employer to avoid discrimination in hiring.

Education

Questions were raised with respect to access to higher education for rural women and minorities, reproductive health education, closure of Russian language schools, and the shortening of compulsory education. The Government indicated that quotas existed for rural women in institutes of higher education but not for minorities and the "dissatisfaction of national minorities had not been recorded". It was indicated that some Russian language schools were closed due to a declining population and that reproductive health classes were available to girls, but were not compulsory. In their Concluding Comments the Committee noted the important role education plays in the empowerment of women and non-discrimination against minority women.

Marriage and Family

Concern was raised over the age of marriage (16) and the Committee suggested both in the dialogue and Concluding Comments that it be raised to 18 in compliance with the Convention on the Rights of the Child and with CEDAW General Recommendation 21. The Government delegate indicated that this was not currently being reviewed. The delegate indicated that bride price was forbidden in Turkmenistan and that it "virtually does not occur" stating that there was no need for recourse to additional conditions.

Under article 5, the Committee raised questions regarding the role of women in Turkmenistan and prevalent social stereotypes. The Committee noted that the country report focused heavily on women's traditional role as caretaker of the family and the home and indicated that the woman's role was to obey her husband. The emphasis was on women's reproductive role and not different roles she might have. The Government delegate stated that she regretted if it appeared that there is an imbalance between men and women in Turkmenistan, or that women's role is confined to motherhood, and underlined that this was not the case.

Conclusions and Next Steps

Emphasised throughout the committee meeting was the difference between legal and substantive equality and, in Committee member Ms Magalys Arocha's words it is, "not sufficient to prohibit discrimination on the basis of gender..." the State also needs to "ensure opportunities to make all of this possible". Highlighted under article 3, but raised throughout the Committee's evaluation of Turkmenistan, the Committee repeatedly emphasised the difference between direct and indirect discrimination and called upon the Government to collect more data. It is possible, given that this was Turkmenistan's first report to the Committee, that the Government was to some degree unaware of the importance of detailed data outlining how *de jure* equality had been implemented in practice. This point, however, was emphatically outlined throughout the constructive dialogue and in the Concluding Comments and there is a clear expectation that this will be addressed and rectified in subsequent reports.

In its Concluding Comments⁷, the Committee commended the State party for its widespread ratification of human rights documents, cooperation with UN agencies and for its translation of the Convention into the Turkmen language. The Committee, however, was emphatic in expressing its dissatisfaction with the form and content of the report, the Government's representation at the Committee, answers to written questions and the "lack of precise and reliable statistical data disaggregated by sex". The Committee called for a data collection system to be implemented "expeditiously" in order to measure progress towards *de facto* equality. The Committee also

7 <http://daccessdds.un.org/doc/UNDOC/GEN/N06/383/73/PDF/N0638373.pdf?OpenElement>

called upon the State to both ensure that the Convention is made fully applicable in the domestic legal system and to clarify its current position within it. Strong criticism was meted out with regard to the lack of a national mechanism on gender equality and the Committee called upon the State to establish one. Turkmenistan was urged to ratify the Optional Protocol and the amendment to Article 21, paragraph one. The Committee also called for action in the areas of: education, employment, gender stereotypes, human trafficking, civil society, political representation and domestic violence, among others.