



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Pre-sessional working group

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Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues to be taken up in connection with the consideration of the initial report of Turkmenistan concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/TKM/1)

I. General information

1. Please provide recent data, disaggregated on the basis of the prohibited grounds of discrimination, on a yearly comparative basis, on the implementation of the rights enshrined in the Covenant. Please also provide updated data on ethnic minorities living in Turkmenistan since the 1995 census.
2. Please clarify the status of the Covenant in the domestic legal system. To what extent have the rights contained in the Covenant been invoked by national courts, either as a ground for a case or as interpretative guidance for legal norms (core document, HRI/CORE/TKM/2009, paras. 70-74). In the absence of a Constitutional Court, please indicate which judicial body in the State party has interpretative authority regarding the status of the Covenant in the domestic legal order. What steps are being taken to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies?
- 3.. Please provide additional information on measures taken by the State party to increase awareness of the provisions of the Covenant among the public at large, including within ethnic minorities in their native languages. Please also indicate steps taken to increase awareness of the Covenant among judges, teachers, police officers and other public authorities.
4. Please indicate whether there is a National Human Rights Institution in line with the principles relating to the status of national institutions (The Paris Principles) (General Assembly resolution 48/134 of 20 December 1993).
5. Please indicate what mechanisms are in place to monitor progress towards the full realization of the Covenant rights, including identification of indicators and related national benchmarks in relation to each Covenant right taking into account the framework and tables

of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3).

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 2, paragraph 2 - Non-discrimination

6. In addition to the constitutional prohibition of discrimination, please provide information on specific anti-discrimination legislation the State party has enacted, if any, including in the areas of employment, social security and social services, health care, education and housing (E/C.12/TKM/1, para. 13). Please provide information on the specific measures taken to protect ethnic minorities from discrimination and marginalization, particularly in the areas of employment and education.

7. Please provide information on the number of refugees, asylum-seekers, and undocumented persons and indicate to which extent they enjoy the rights set out in the Covenant.

Article 3 - Equal rights of men and women

8. Please indicate whether the State party has considered passing legislation guaranteeing equality between women and men, and whether it has implemented a comprehensive strategy to modify and eliminate negative traditional attitudes and practices and deep-rooted stereotypes that discriminate against women in the family and in society at large. Please indicate progress made to eliminate direct and indirect sex-based discrimination in relation to the Covenant rights, including through the National Action Plan for the period 2005-2010 to implement the Declaration and Beijing Platform for Action (E/C.12/TKM/1, para. 30).

9. Please provide information on measures taken, including temporary special measures, to increase the representation of women in public and political life, decision-making positions, as well as in higher education.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 - The right to work

10. Please provide information on progress made to ensure that ethnic minorities have the right to equal participation in the labour force.

11. Please provide information, on the informal economy in the State party, including working conditions, and the measures taken to ensure access by informal workers, in particular daily-wage workers, to basic services and social protection.

Article 7 - The right to just and favourable conditions of work

12. Please indicate measures taken to comply with the various employment-related obligations in the ILO Conventions ratified by the State party.

13. Please indicate whether the State party intends to collect data on wages in the private and public sectors. Please also indicate how the minimum wage is determined and whether it allows the workers and their families to lead a decent living in line with the Covenant.

14. Please provide detailed information on measures taken by the State party to combat discrimination against women in the workplace and ensure equal pay for work of equal value. Please also provide detailed information on measures taken to address sexual harassment in the workplace, including legislation prohibiting it. Please provide information on cases that have been heard by the courts, if any.

Article 8 - Trade union rights

15. Please provide more detailed information on labour dispute resolution in law and in practice, and on the right to strike.

Article 9 - The right to social security

16. Please provide detailed information on the social security system in place in the State party, including categories of workers who are covered and benefits. Please also indicate measures undertaken to protect workers in the informal economy, in particular in relation to health care, maternity and old age.

17. Please provide information regarding unemployment benefits. Please also indicate what social benefits are available for locally hired employees of foreign companies?

18. Please indicate to what extent non-nationals benefit from non-contributory schemes for income support, access to health care and family support.

Article 10 - Protection of the family, mothers and children

19. Please indicate social services that enable older persons and persons with disabilities to remain in their normal living environment for as long as possible and to receive adequate health and social care when they are dependent.

20. Please indicate whether the State party has adopted specific legislation on domestic violence, including marital rape. Please also indicate measures taken by the State party to protect women and girls who are victims of violence.

21. Please indicate whether there is legislation in the State party that specifically criminalizes trafficking in persons and the mechanisms in place to monitor its strict enforcement. Also indicate the number of reported trafficking cases from, to and through the State party, as well as the sentences imposed on perpetrators; and whether there is a national plan of action to combat trafficking and the measures taken to support victims, including medical, social and legal assistance.

Article 11 - The right to an adequate standard of living

22. Please indicate what measures are taken by the State party to combat poverty, including the adoption of a national action plan. Please also provide information on the effort undertaken to provide adequate water sanitation and access to potable water throughout the country, in particular in rural areas.

23. Please indicate what measures are taken to provide alternative accommodation and compensation to ethnic minorities victims of forced displacement.

24. Please comment on reports of forced eviction of property owners, without adequate compensation, in the context of a beautification campaign in Ashgabat.

Article 12 - The right to physical and mental health

25. Please indicate which steps the State party has taken to increase the budget allocation to the health sector. Please indicate how the State party ensures access to adequate health care for the most disadvantaged and marginalized individuals and groups, including older persons, persons with disabilities, and persons living in rural areas.

26. Please also provide information on the measures taken to address the high maternal mortality rate, including information on services which the State party offers to ensure sexual and reproductive health, as well as educational programmes on sexual and reproductive health.

27. Please indicate measures taken by the State party to ensure that public hospitals outside the capital remain open, as well as measures to address the lack of supplies and emergency medicines in hospitals?

Articles 13 and 14 - The right to education

28. Please indicate steps taken to increase the number of female students in higher education and provide incentives for young women to enter male-dominated fields of study.

29. Please provide detailed information on school attendance and dropout rates.

30. Please provide information on the availability of vocational training programmes for young people, with the view of facilitating their future access to the labour market.

31. Please indicate whether the State party covers the costs of schooling apart from fees (such as for stationery, transportation and uniforms) for poor families.

32. Please indicate what measures are taken by the State party to facilitate access to education for the most disadvantaged and marginalized groups, regardless of sex, ethnicity, disability, and other factors impeding such access.

Article 15 - Cultural rights

33. Please indicate the measures taken to protect cultural diversity, promote awareness of the cultural heritage of the various ethnic groups, and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

34. What measures have been taken to ensure free access to diverse sources of information, including the knowledge of other cultures and media, as well as the Internet?
