

TURKMENISTAN (2017)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	YES.	
	Involvement of Employers' and Workers' organizations in the reporting process	2017 AR: YES. According to the Government: the Union of Industrialists and Entrepreneurs of Turkmenistan (UIET) and the National Trade Union Centre of Turkmenistan (NTUCT) have been consulted through the communication of the Government's reports in accordance with established procedure.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Turkmenistan has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2017 AR: The Government specified that there are national policies and plans of action for preventing all forms of forced labour and for combatting trafficking in human beings.	
	Measures taken or envisaged for systematic and coordinated action		
	Measures taken or envisaged to prevent all forms of forced labour	<p>2017 AR: The Government stated that Turkmenistan's national legislative framework, legal system and human rights system are currently being brought into line with international standards. One of the main areas in which the laws and regulations of Turkmenistan are being improved is with regard to ensuring citizens' rights and freedoms in respect of employment and occupation, which are extremely important human rights.</p> <p>The revised version of the Constitution was approved by the Constitutional Act of Turkmenistan of 14 September 2016. Article 49 of the revised version of the Constitution states that everyone has a right to work, to a choice of profession, type of occupation and place of work at their discretion, and to healthy and safe working conditions. Forced labour and the worst forms of child labour are prohibited. Article 7 of the Labour Code of Turkmenistan adopted on 18 April 2009 prohibits discrimination in labour relations in Turkmenistan. It is impermissible to restrict labour rights, or to receive any privilege in their exercise, on grounds of nationality, skin colour, race, sex, origin, property or official status, place of residence, language, age, attitude to religion, political convictions, membership or non-membership of any party, or other circumstances unrelated to the capacity for work and performance of workers. The Constitution gives precedence to generally recognized principles of international law. This is a natural consequence of Turkmenistan's membership of respected international organizations and our country's accession to fundamental international treaties and conventions. Certain articles of the Main Section of the Constitution were expanded, allowing for implementation of the norms of international human rights conventions, in particular those concerning the prohibition of forced labour and the worst forms of child labour. The Basic Law [the Constitution] also embodies a constitutional guarantee of the establishment in Turkmenistan of the</p>	

		<p>institution of Human Rights Commissioner in accordance with the Paris Principles adopted by the United Nations General Assembly. On 23 November 2016 the Ombudsman Act of Turkmenistan was passed, which will serve to strengthen the protection and guarantees of citizens' rights and legally protected interests. Through his/her activities the Ombudsman complements the State's existing resources to protect human and civil rights and freedoms, without in any way restricting the authority of other government bodies that are working to protect human and civil rights and freedoms in accordance with the Constitution and other laws and regulations of Turkmenistan.</p> <p>The National Action Plan for Gender Equality in Turkmenistan for 2015-2020 was approved in January 2015 by a Presidential Decision. This action plan provides for various measures to ensure that women enjoy the same political, economic, social, labour, cultural and other rights and freedoms as men. The National Action Plan for Human Rights in Turkmenistan for 2016-2020 was approved in January 2016 by a Presidential Decision. This action plan provides in particular for the drawing up of specific programmes to achieve objectives in such areas as: the right to an adequate standard of living; the right to health; the right to education; the right to work, including the right to fair and favourable working conditions; the right to social security; and the right to participate in cultural life.</p> <p>The relevant authorities are currently examining a draft National Action Plan for Children which was also produced within the framework of the National Action Plan for Human Rights in Turkmenistan for 2016-2020, in cooperation with the United Nations International Children's Emergency Fund (UNICEF).</p> <p>Another priority of the Government of Turkmenistan's Government is to achieve economic results by making better use of labour and increasing labour productivity. In this regard, the adoption in June 2016 of the Employment Act and the Programme on Improving the Employment System and Creating New Jobs which will run until 2020 is seen as an important development.</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2017 AR: According to the Government, with a view to fulfilling the goals stemming from the National Action Plan for Human Rights for 2016-2020, the National Action Plan to Combat Trafficking in Persons for 2016-2018 was approved by a Presidential Decision in March 2016. This action plan calls for closer cooperation among government institutions, including law enforcement bodies and local government authorities, civil society associations, and international organizations working to combat trafficking in persons, in line with international humanitarian law and with the aim of ensuring human rights and freedoms, strengthening the social and legal protection of the population, and improving the work being carried out in this area. This comprehensive document sets out specific measures aimed at preventing trafficking in persons, and indicates which government bodies are responsible for performing the tasks identified. It also provided for the drafting of the Act on Preventing Trafficking in Persons. Guided by the provisions of the relevant ILO Conventions and other international legal standards, and taking into account the suggestions and recommendations made by international organizations and experts concerning the Act on Combatting Trafficking in Persons, which entered into force in 2007, the Act on Preventing Trafficking in Persons was passed on 15 October 2016 at a regular session of the Mejlis, Turkmenistan's parliament. This Act sets out the main thrust of government policy on the prevention of trafficking in persons, and also establishes an organizational and legal framework to prevent trafficking in persons.</p> <p>The Human Trafficking Act of 2016 provides a range of measures to protect rehabilitate and assist victims of trafficking, which also cover the prosecution of persons engaged in trafficking. In addition, the Act defines the powers of the Cabinet of Ministers of Turkmenistan, government bodies, and civil society organizations and international organizations which are engaged in preventing the trafficking of</p>

		<p>persons, and which, acting within their competence, take measures to trace and prosecute those who are engaged in trafficking in persons, to identify and eliminate the causes and conditions that encourage trafficking in persons and related offences, and to protect and rehabilitate victims of trafficking. The Act introduces rules on the identification of victims of trafficking and the procedure for assigning the status of a victim of trafficking to people who have suffered this criminal act. Also new is the inclusion in the Act of provisions regulating the procedures for the establishment and functioning of specialized institutions to support and assist victims of trafficking and to repatriate foreign citizens and stateless persons who are victims of trafficking. Separate articles of the Act address the social rehabilitation of victims of trafficking, the provision of assistance to victims, and measures to protect victims. The specific requirements of providing assistance to child victims of trafficking are taken into consideration. In accordance with the National Action Plan to Combat Trafficking in Persons, an Interdepartmental Working Group tasked with fleshing out the plan has started drafting standard operational procedures for identifying victims of trafficking. The objective of this work is to ensure that victims of all forms of human trafficking, including domestic trafficking, are identified so that their rights can be restored and observed. The plan is, in the very near future, to come up with draft legislation on a mechanism for referring victims of trafficking to the specialized institutions providing assistance, and on a mechanism for ensuring the safety of victims of trafficking, including minors, and other measures. Responsibility for coordinating the successful implementation of the measures envisaged by the National Action Plan to Combat Trafficking in Persons for 2016–2018, and for compliance with international obligations to combat trafficking in persons, has been assigned to the Interdepartmental Commission on Turkmenistan’s Compliance with its International Human Rights Obligations and International Humanitarian Law. This body, which was established by a Presidential Decision, is attached to the Turkmen National Institute of Democracy and Human Rights, operating under the aegis of the President of Turkmenistan.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2017 AR: According to the Government: Under article 1291 of the revised version of the Criminal Code of Turkmenistan, adopted on 10 May 2010, trafficking in persons, i.e. the recruitment, transportation, transfer, concealment or reception of an individual by means of threat, coercion, deceit, abuse of the trust or vulnerable position of the victim of trafficking, or bribery of a person on whom they are dependent, as well as the sale or purchase of an individual or conducting in respect of an individual other illegal transactions which view them as property, irrespective of the victim's consent and for the purposes of their exploitation, is punishable by deprivation of liberty for a term of between four and ten years. Depending on the specific circumstances (the seriousness of the abetment), this same act is punishable by deprivation of liberty for a term of between eight and 25 years. This article defines human exploitation as forcing a person to perform labour or services, slavery or a situation similar to slavery, servitude, or the removal of human organs and (or) tissue, using an individual in armed conflicts, committing acts of a sexual nature in respect of an individual, and other forms of human exploitation. The recruitment, transportation, transfer, concealment or reception of a minor for the purposes of exploitation is deemed to be trafficking in persons even if these acts do not involve the use of any of the means of influence referred to in this article. Under article 3441 of the Code, the unlawful dissemination of information, disclosure of which could endanger the life or health of a victim of trafficking or of persons close to them, i.e. information about victims of trafficking, the offences committed against them, and the safety measures being taken in respect of them, disclosure of confidential information about victims of trafficking, and a failure to provide victims with assistance, are punishable by a fine of from two to five reference units for private individuals, from five to ten reference units for officials, and from ten to twenty reference units</p>

		for legal entities. Moreover, victims of trafficking are exempt from administrative liability for unlawful acts committed as a result of their being a victim of trafficking.	
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out		
	Cooperation with other Member States, international / regional organizations or NGOs	<p>2017 AR: The Government indicated that IOM in Turkmenistan cooperates with the Government of Turkmenistan and Turkmen civil society organizations and associations for the purpose of implementing programmes to prevent trafficking in persons. On the basis of grant agreements with the IOM, Turkmen civil society organizations and associations, such as the National Red Crescent Society of Turkmenistan, Mashgala, Dyap Dessur, Ienme, Ynam Ashgabat Club, Beik Eiyam and the Disabled Persons' Sports Club of Turkmenistan, run awareness-raising campaigns among the population in order to prevent trafficking in persons. They also provide reintegration and rehabilitation support to victims of trafficking. Together with the Ynam Ashgabat Club and the Beik Eiyam association, the IOM Office in Turkmenistan also supports the operation of two helplines in Ashgabat and Turkmenabat. Through consultations, the helplines inform the population proactively of how to avoid the risks of becoming a victim of trafficking. With the support of the IOM Office in Turkmenistan, the Ienme association set up and now runs a shelter in Ashgabat. It provides temporary accommodation and rehabilitation support to victims of trafficking. Support is also given to the activities of a rehabilitation centre, and to the rehabilitation and reintegration of victims. This includes assistance with returning migrant victims [of trafficking] to their home country. Since 2005, 422 victims of trafficking and nine million vulnerable migrants have been identified and assisted with reintegration and rehabilitation.</p>	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	No indication.	
TECHNICAL COOPERATION NEEDS	Request	No Indication.	
	Offer	NIL.	