

Committee on the Application of Standards

Date: 20 May 2021

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2021.

▶ Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Turkmenistan

Abolition of Forced Labour Convention, 1957 (No. 105)

(Ratification: 1997)

The Government has provided the following written information.

The Government of Turkmenistan, having carefully studied the Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), namely General Report and observations concerning particular countries, has the honour to provide the following information and request to bring it to the attention of the Committee on the Application of Standards (CAS) of the 109th International Labor Conference.

Response to the observations of the ITUC

Observations of the International Trade Union Confederation (ITUC) on widespread use by the State of forced labor in cotton harvesting are groundless and don't reflect the real situation and, most importantly, recent achievements in law and in practice aimed at:

1. preventing forced labor in general and in particular in cotton harvesting;
2. mechanization of cotton harvesting to reduce manual harvesting. Information on undergoing work on both dimensions is provided below.

Clarification on the State of Emergency Law

The Act on the legal regime governing emergencies of 1990 was voided by the State of Emergency Law of 2013. However neither the Act on the legal regime governing emergencies of 1990 nor the State of Emergency Law of 2013 refer or use the notion «needs of economic development», which is mentioned in CEACR's observations.

Preventing forced labor.

Legal norms.

An important step in this direction is the fact that the Constitutional law of 2016 introduces in the new version of the Constitution of Turkmenistan a rule prohibiting forced labor and the worst forms of child labor.

National program documents.

National Plan of Action on Human Rights for 2021-2025.

By the decree of the President of Turkmenistan on 16 April 2021 National Action Plan on Human Rights for the period of 2021-2025 (NAPHR) was adopted.

Lessons from the Plan for previous five years (2016-2020) period and international best practices were taken into account while drafting the Plan – the process which involved wide range of stakeholders, including government agencies, non-governmental organizations, civil society organizations, academia and international organizations.

Current NAP includes special section «Freedom of Labor» in Chapter «Social, Economic and Cultural Rights» which foresees measures aimed at:

- improving legislation on prohibition of forced labor;
- cooperation with the International Labor Organization on the issues of preventing forced labor;
- development of measures to prevent the use of forced labor, including by ensuring compliance with legislation and strengthening control over its observance;
- ensuring the rights of workers to join trade unions;
- bringing trade union legislation in line with the provisions of the International Covenant on Economic, Social and Cultural Rights;
- ensuring the prosecution of employers who violate labor legislation in terms of compliance with labor safety rules and compensation for damage to injured workers.

Official presentation of the NAP to stakeholders including international organization took place on 19 May 2021.

Government of Turkmenistan expresses its readiness and invites ILO for cooperation in implementation relevant provisions of the National Action Plan on Human Rights for 2021-2025.

Plan of cooperation with international organizations for 2021-2023.

Another national document which provides bases for cooperation with ILO on issues of mutual interest is the Plan of Cooperation with International Organizations for 2021-2023 adopted by the decree of the President of Turkmenistan on 30 April 2021.

One of the provisions of this plan suggests introducing new form of cooperation with ILO namely by development of yearly cooperation programme on specific topics. Cotton industry might be the one of the priority items to start with cooperation programme, where we can

envisage measures aimed at increasing cotton industry efficiency and ensuring compliance with international labor norms.

We have already had a preliminary discussion with ILO Moscow Office and Office of the UN Resident Coordinator in Turkmenistan on ways of cooperation on cotton issues and suggested to bring in international financial institutions like World Bank to the discussions.

International cooperation.

Cooperation framework on sustainable development

Cooperation Framework between the Government of Turkmenistan and the United Nations on Sustainable Development is an important legal base to cooperate between Turkmenistan and ILO on promoting international labor norms.

This document was signed on 14 March 2020.

All key strategic directions of the Cooperation Framework are closely related to the SDG goals and indicators adopted by Turkmenistan, and provide for further interaction between Turkmenistan and the UN in various areas, including maintaining economic stability and growth, protecting the social rights of the population, improving the health care system and maintaining an ecological balance.

The joint implementation of the Cooperation Framework in practice involves a significant number of UN agencies, including the ILO.

Mechanization of cotton harvesting.

The cotton industry, namely export of cotton and textile products in 2020 constituted only 1% of country's GDP. In 2015 this figure was equal to 1,8% of GDP (**see Table 1**).

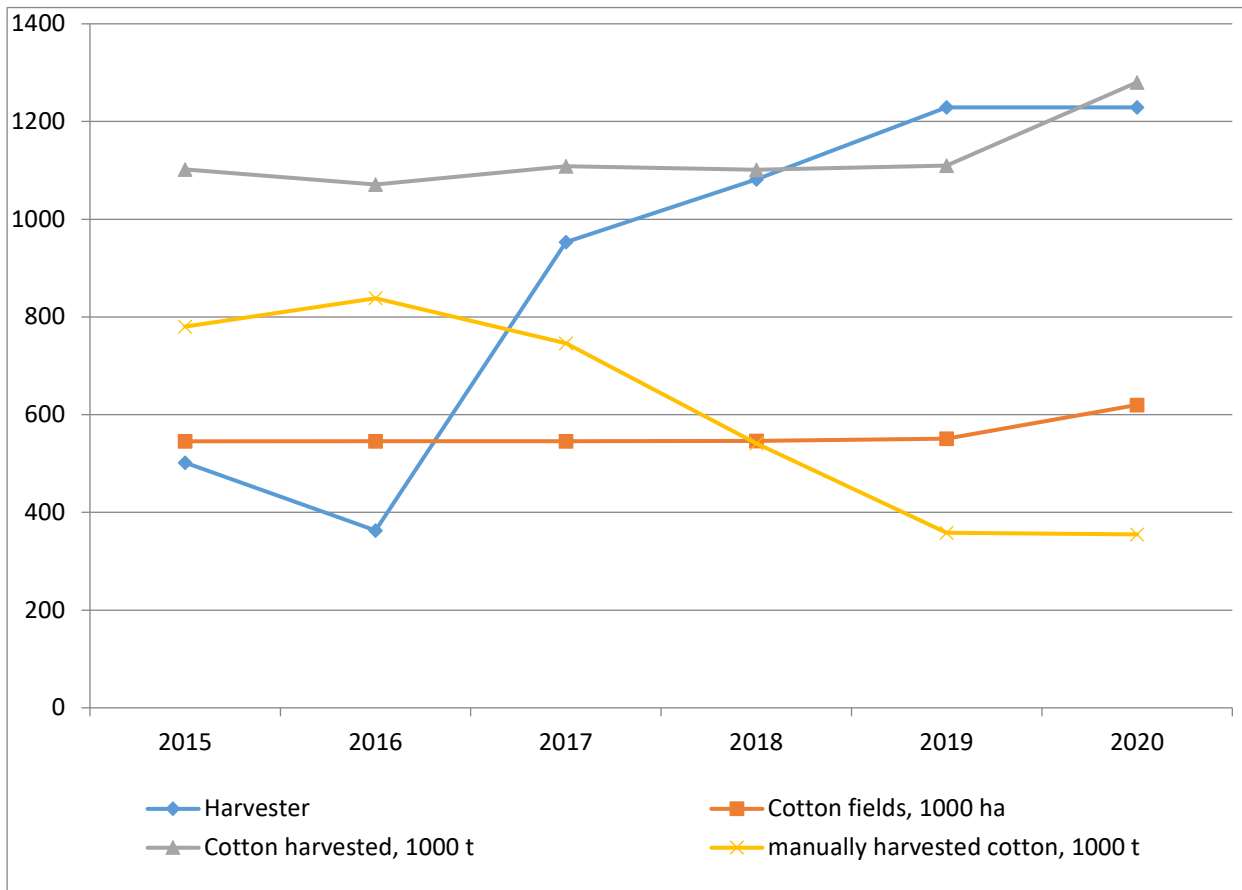
Export of cotton fiber, cotton yarn and textile products during the 2015-2020 (million USD)

	2015	2016	2017	2018	2019	2020
Cotton fiber	421,0	335,3	277,4	170,1	38,6	8,8
Textile products, total	227,9	251,1	252,6	310,4	439,1	434,2
<i>including:</i>						
Yarn	131,6	165,1	127,9	174,9	224,5	220,8

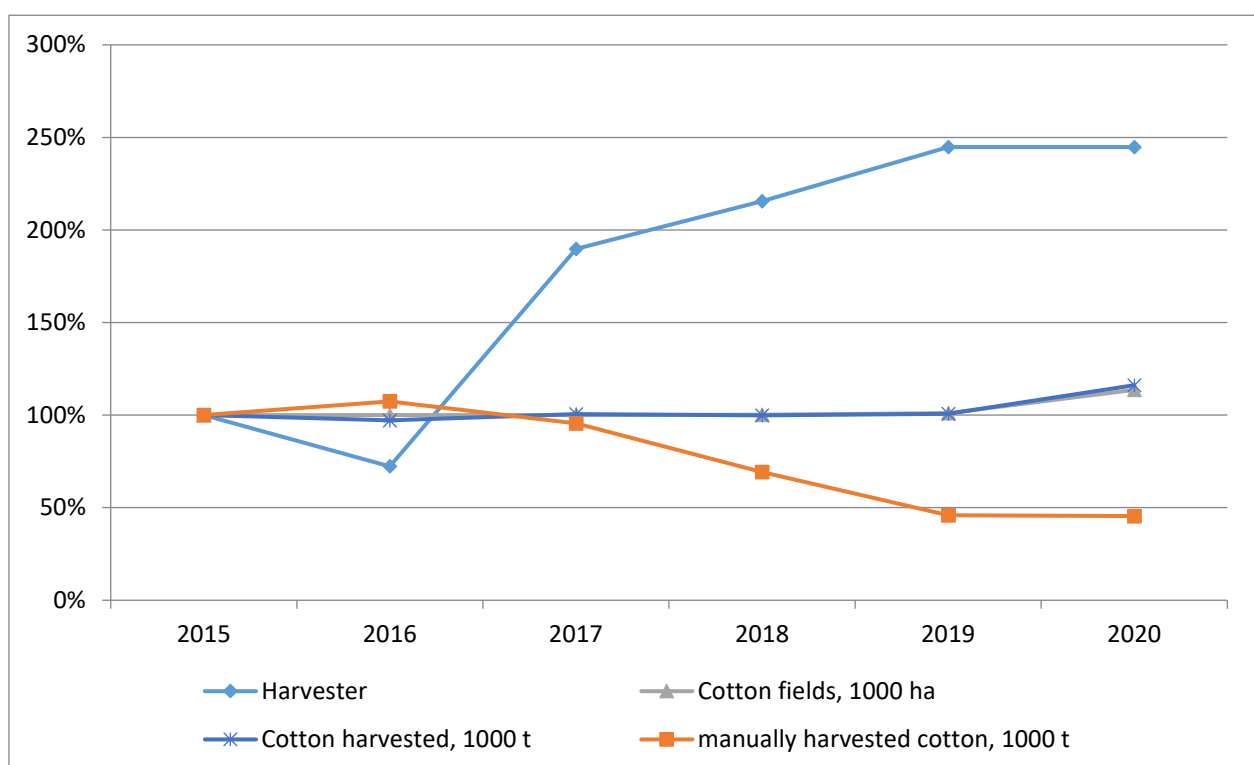
Fabrics	47,3	46,5	89,1	86,0	123,6	112,4
Other textile products	49,1	39,5	35,7	49,5	91,0	101,0
Export, total	648,9	586,3	530,0	480,5	477,7	443,0
Ratio to GDP (%)	1,8	1,5	1,3	1,1	1,0	1,0

However cotton industry is still one of the important sectors of the national economy of Turkmenistan. Its importance mainly consists in its ability to create jobs in textile mills, etc., but not in cotton harvesting.

Turkmenistan introduces practical measures to reduce manual harvesting of cotton. Diagram below gives statistical data of harvesters (more than 90% are from Case New Holland and John Deere), cotton fields, harvested cotton during the period of 2015 and 2020.



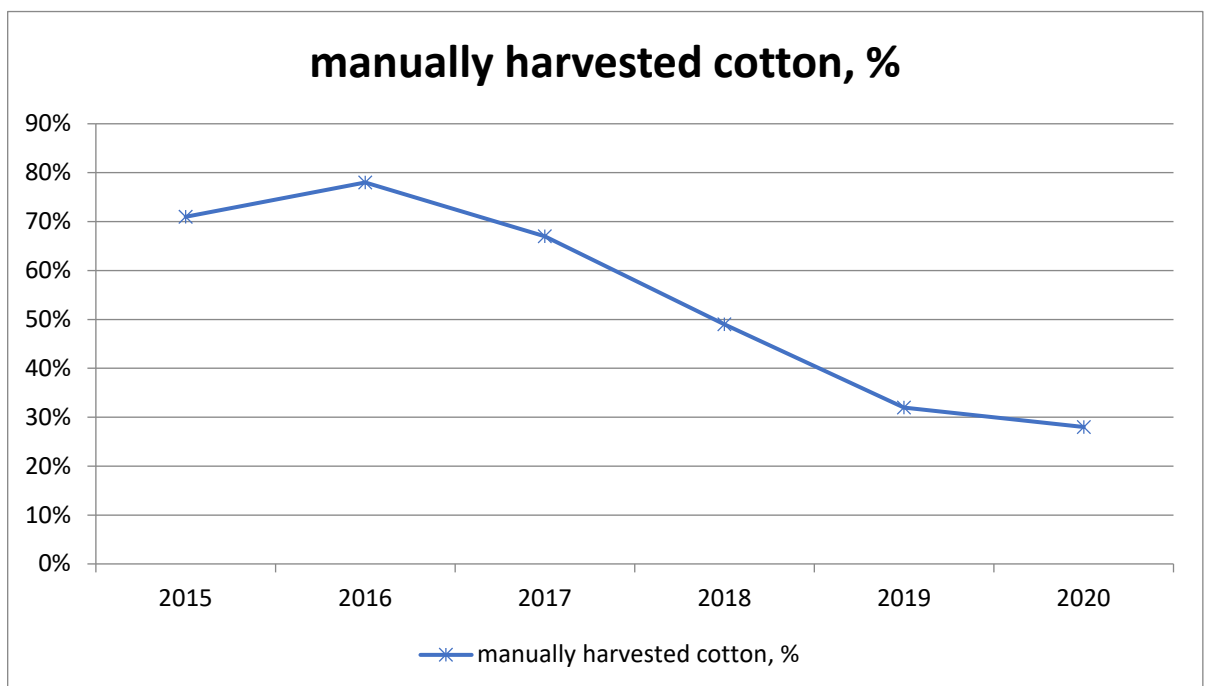
Next diagram illustrates changes in percentage of those parameters for the same period of time given that the year of 2015 as a starting point.



This table demonstrates that the cotton fields and volume of harvested cotton are changing slightly, whereas number of harvesters has been increased significantly.

The widespread use in the country's agricultural sector of the latest generation of cotton harvesters in the process of picking cotton, demonstrates the absence of the need to massively involve human resources in this process.

Diagram below shows that the percentage of manually harvested cotton dropped from 71% in 2015 down to 28% in 2020.



Figures of cotton industry provided above are prove that the Government is undertaking all measures in order to reduce manual harvesting of cotton and that the accusations of ITUC are baseless.

In order to fulfill its obligation on preventing forced labor in cotton harvesting state authorities are taking appropriate measures. Regarding the comments of the Committee on the issues on enforcement of teachers, medical stuff, employees of municipal services and communal enterprises, etc. to the forced harvest of cotton, violations of sanitary standards, violations of the rules for their transportation in vehicles not provided for these purposes, it should be noted that based on the results of inspections carried out by law enforcement agencies of Turkmenistan, the above information has not been confirmed. Statements on these issues, as well as materials regarding the coercion of payments by citizens of funds intended for the cotton harvesting have not been registered.

The personnel of the Police Department of Road Surveillance of the Ministry of Internal Affairs of Turkmenistan constantly serve in rural areas, including on the roads adjacent to farmland, where they responsibly approach the issues of preventing the transport of people, namely, in trucks that are not intended for these purposes.

In addition, the personnel of the traffic police, as well as employees of the firefighting units of the Ministry of Internal Affairs of Turkmenistan, during the harvest season, are instructed on compliance by tenants, persons engaged in the harvesting and transportation of agricultural products, as well as farm managers and local authorities with the rules of observance of the road traffic, technical serviceability of vehicles and agricultural machinery, as well as fire safety rules.

The above activities and ongoing work in the prevention of forced labor, the use of illegal methods of forcing citizens to perform duties that are not within their scope of activity show the state's commitment to the implementation of universally recognized norms and provisions, within the framework of international agreements and treaties acceded by Turkmenistan, as well as continued implementation the obligations assumed under the adopted resolutions of the UN institutions.