

Committee on the Application of Standards

Date: 26 May 2023

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 22 May 2023.

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

Turkmenistan (ratification: 1997)

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

The Government has provided the following written information.

As a member of the ILO since 1993, Turkmenistan is committed to its policy of creating conditions for decent work and social justice for all, including preventing and eliminating the risks of forced labour, in particular in the cotton sector, to confirm its compliance with the principles set out in the Convention. This is evidenced by the continuing active cooperation with the ILO in improving the legislative and regulatory framework governing labour, employment and social protection.

During the visit of the ILO mission to Turkmenistan on 9 March 2023, the Ministry of Foreign Affairs of Turkmenistan hosted a round table with representatives of the Parliament of Turkmenistan, ministries, departments, the National Trade Union Centre of Turkmenistan, and the Union of Industrialists and Entrepreneurs of Turkmenistan to discuss the Legislative Review on the prevention and prohibition of forced labour.

The joint work resulted in the adoption in March 2023 of the Roadmap for Cooperation between the ILO and the Government for 2023. This Roadmap includes the following activities:

- completion of a complete list of activities for the components of the draft concept note, *Promoting fair employment during the cotton harvest in Turkmenistan*;
- follow-up action on the results of the ILO review of Turkmenistan's legislation;
- situation analysis on recruitment for cotton picking;
- regulation of seasonal work and contractual arrangements;
- technical assistance to improve labour inspection;
- ILO–Turkmenistan review of the 2023 cotton harvest;
- enhancing the dialogue between the Government of Turkmenistan and the ILO.

1. Policy review and administrative framework governing the cotton harvest

In light of the ILO recommendations presented in the Review of Turkmenistan's legislation on preventing and prohibiting forced labour, the Parliament, the ministries and departments concerned, and also the social partners represented by the National Trade Union Centre of Turkmenistan and the Union of Industrialists and Entrepreneurs of Turkmenistan, have carried out an analysis of the current legislation and regulatory framework with regard to application of the standards contained in the Convention.

As a result of the analysis, the relevant ministries and departments have drafted Bills to amend and supplement, in particular, article 8 of the Labour Code in terms of eliminating discrepancies in the concept of forced labour on the list of occupations excluded from the concept of forced labour, and also exempting from the concept of forced labour minor work of a social nature. On article 23 of the Labour Code, on hiring children for employment or other work, clarification has been provided of the procedure for their dismissal. In addition, a clarification was made in the regulatory legal act developed in accordance with article 255 of the Labour Code of on employment of children in harmful or hazardous working conditions, in particular, in agricultural work relating to the cotton harvest.

It should be noted that in March 2023, regular elections of deputies to the Parliament of the new convocation were held, and the composition of its Committees, determined. Consideration is currently being given to submitting the Bills to the working groups established by the relevant Parliamentary Committees.

2. Improvement of labour inspection and law enforcement

Turkmenistan previously provided information on the situation in the country with regard to labour inspection. Specifically, according to the labour legislation, state oversight and monitoring of compliance with Turkmenistan's labour and related legislation are carried out by:

- the Ministry of Labour and Social Protection;
- the main state service, Turkmenstandartlary, and other state bodies active **in the area of occupational safety**;
- ministries and departments, within the limits of their competence in relation to their subordinate enterprises;
- local state authorities and local government bodies;
- trade unions, as well as technical and legal labour inspectorates under their authority.

Pursuant to the Labour Code and the Act of Turkmenistan on Employment, persons guilty of violating the law, or obstructing the activities of bodies overseeing and monitoring compliance with legislation, shall be liable in the manner established by national legislation.

The Code of Administrative Offences establishes administrative liability and provides for the imposition of penalties and sanctions for an administrative offence.

Certain articles of the Criminal Code of Turkmenistan provide for criminal liability for violations of labour relations legislation.

Consideration is currently being given to the expediency of Turkmenistan's accession to the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection

Convention, 1947 (No. 81), which has been submitted for discussion at the regular meeting of the Tripartite Commission for the Regulation of Social and Labour Relations.

In this context, in early April 2023, the Ministry of Labour and Social Protection hosted an online meeting of stakeholders with Mr Nikita Lyutov, an international expert in international standards in Central Asia and Eastern Europe at the ILO. Emphasis was placed on an analysis of compliance of Turkmenistan's legislation and law enforcement practices with Conventions Nos 81 and 129 concerning labour inspection.

In order to provide effective technical assistance from the ILO in improving labour inspections and preparing relevant analysis, the international expert requested information on the questionnaire he had submitted to familiarize himself with the legal instruments regulating labour inspections, as well as data on the actual situation regarding the functioning of labour inspections in Turkmenistan.

Discussion of the information received is expected to be held in a tripartite format with representatives of the Ministry of Labour and Social Protection and the social partners represented by the National Trade Union Centre of Turkmenistan and the Union of Industrialists and Entrepreneurs of Turkmenistan.

3. Promotion of full, productive and freely chosen employment in the cotton sector

Work is currently under way with ILO representatives on the implementation of item 3, Situation analysis on recruitment for cotton picking, of the Roadmap for Cooperation between the ILO and the Government for 2023, regarding a qualitative study on recruitment practices for the cotton harvest in Turkmenistan. The terms of reference for this study have been prepared, the main objectives of which are to understand the hiring practices and procedures used in the cotton industry, and also to study cotton pickers' experience and perceptions of the hiring process, including the factors influencing their decision to work in the cotton fields.

In accordance with the terms of reference, there are plans to hire a national consultant who will begin work shortly on the above study. The ILO mission is expected to arrive in Turkmenistan in early-July this year to advise on the situation analysis on recruitment for cotton picking.

A quantitative study is planned as part of the household survey to assess the trends in the cotton harvest over the past five years. On 19 May 2023, an online meeting was held with ILO representatives with the participation of specialists from the State Statistics Committee on the issue of conducting a quantitative and qualitative study on the topic under consideration, at which further steps to conduct the above studies were discussed, and these issues will also be considered during the forthcoming ILO mission in early-July this year.

In accordance with item 6 of the Roadmap (a review of Turkmenistan's cotton harvest), a discussion is also taking place with ILO representatives on the Concept Note, the main purpose of which is to establish a joint mechanism to improve working conditions and prevent forced labour during Turkmenistan's cotton harvest. The review includes visits to the cotton fields during the harvesting period to monitor working conditions systematically.

4. Improvement of cotton production and harvesting

The widespread use of the latest generations of cotton harvesters in the country's agricultural sector, with little change in the area of cotton fields under cultivation and volume of cotton harvested, has contributed to a significant reduction in the rates of manual

harvesting. At the same time, Turkmenistan is committed to its policy of creating conditions for decent work and social justice for all, including those engaged in the cotton harvest.

The amount of agricultural machinery in use has increased significantly, from 464 machines in 2016 (2017 – 948, 2018 – 1,076, 2019 – 1,322, 2020 – 1,322, and 2021 – 1,600), to 11,600 in 2022. This bears testimony to the fact that the State is prioritizing the use of mechanized cotton harvesting.

The country's efforts are also focused on training and educating 1,710 machine operators.

5. Design and implementation of awareness-raising activities

The Parliament, represented by the deputies, is actively engaged in awareness-raising activities aimed at, *inter alia*, raising public awareness of the prevention and prohibition of forced labour.

The activities conducted by the trade unions in the *etrap*s [districts] also include awareness-raising workshops involving stakeholders and civil society focused on national and local tripartite stakeholders and civil society, to ensure an open dialogue on the problems, frameworks and response mechanisms to resolve issues relating to fair employment of workers. For example, in 2021–22, more than 200 awareness-raising meetings and round-table seminars were held throughout the country on this issue, with broad participation. Forty articles and publications were issued on the topic of legal regulation of labour relations in various sectors, including agriculture.

6. Promotion of social dialogue in cotton production

As a party to the Tripartite Commission for the Regulation of Social and Labour Relations, the trade unions of Turkmenistan exercise public oversight and monitoring of the observance and implementation of labour standards. Tripartite consultations enhance cooperation between the partners and help to find necessary common ground.

Trade unions work systematically to assist the Government in implementing ILO Conventions and international labour standards. In this regard, we would like to note the increased activity of trade unions in developing a system of social partnership in the field of labour, and in implementing the principles of tripartite cooperation between trade unions, employers and the Government.

As part of their statutory tasks, trade unions shall take the necessary measures to prevent violations of labour standards. Public monitoring measures exercised by trade unions include inspections and the issuance of appropriate instructions by the legal and technical inspectorates. In addition, trade unions also act as third-party interveners on behalf of employees in the courts, protecting workers' rights and interests.

Despite the lack of official complaints from citizens about the use of forced labour in the agricultural production and processing sectors, trade unions carry out monitoring, and conduct special courses, training sessions and seminars for specialists of various levels, as well as producers and processors of agricultural products.

Most of the seminars are currently held by territorial trade union associations in local authorities and *dehkan* farmers' associations, with tenants, entrepreneurs and agricultural producers. The seminars and meetings are attended by representatives of territorial trade union bodies, local representative state authorities, executive and local government authorities, local labour and employment bodies, law enforcement agencies, etc.