



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **TURKMENISTAN**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 3<sup>rd</sup> session, 2008**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Turkmenistan, including the limitations of the prohibition in the Rights of the Child (Guarantees) Act, and the recommendation of the Committee on the Rights of the Child to enact and enforce prohibition. We hope the Review will question Turkmenistan on the prohibition in the Act, and strongly recommend clear and explicit prohibition of *all* corporal punishment, however "light".**

## **1 Legality of corporal punishment in Turkmenistan**

1.1 Corporal punishment is lawful in the **home**. According to the state party's initial report to the Committee on the Rights of the Child in 2005 (CRC/C/TKM/1, paras. 100, 135 and 178), corporal punishment is prohibited in all settings, including in the home, under article 24 of the Rights of the Child (Guarantees) Act (2002). The Committee took note of this but nevertheless recommended prohibition (see below). In fact, the Act prohibits corporal punishment which is "harmful for the child's mental and physical health". This falls short of full prohibition because it suggests that there may be some degree or kind of corporal punishment which does not cause harm.

1.2 Corporal punishment is reportedly unlawful in **schools** under education legislation and article 24 of the Rights of the Child (Guarantees) Act. The prohibition in the Act is limited to corporal punishment that is considered harmful. Primary education legislation does not prohibit corporal punishment, but it is explicitly prohibited in education regulations (information unconfirmed).

1.3 Article 24 of the Rights of the Child (Guarantees) Act, prohibiting corporal punishment considered to be harmful, also applies in **alternative care settings**, but there is no explicit prohibition of all corporal punishment in any other relevant law. The near universal acceptance of corporal punishment in childrearing would mean that a certain degree of corporal punishment is permitted.

1.4 Corporal punishment is unlawful in the **penal system**.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 In its concluding observations on the state party's initial report, the **Committee on the Rights of the Child** noted that article 24 of the Rights of the Child (Guarantees) Act "seems to prohibit corporal punishment", but then recommended that the state party "introduce and enforce legislation and procedures explicitly prohibiting all forms of corporal punishment of children in all settings" (CRC/C/TKM/CO/1, paras. 46 and 47).