



Global Initiative to
End All Corporal Punishment
of Children

**BRIEFING ON TURKMENISTAN FOR THE COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – March 2012**

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The human rights obligation to prohibit corporal punishment of girls and boys

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

This briefing describes the legality of corporal punishment of children in Turkmenistan. In light of General Recommendation No. 19 on Violence against women (1992) and the links between corporal punishment of children and all other forms of violence including gender-based violence, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Turkmenistan, asking what progress has been made towards ensuring that the law prohibits all corporal punishment of children, without exception, and**
- **recommend to Turkmenistan, in the concluding observations on the third/fourth state party report, that legislation is enacted and enforced which prohibits all corporal punishment, without exception, in all settings.**

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

The report of Turkmenistan to CEDAW

As at 27 January 2012, the third/fourth report of Turkmenistan to CEDAW (17 February 2011, CEDAW/C/TKM/3-4) is available only in Russian.

Corporal punishment of children in Turkmenistan

In Turkmenistan, it appears that only corporal punishment which is considered to cause harm is prohibited.

Article 24(3) of the Rights of the Child (Guarantees) Act (2002) states: “Humiliation of the child's dignity, intimidation, corporal punishment or other physical abuse harmful for the child’s mental and physical health is inadmissible....” The Government has indicated that this prohibits all corporal punishment by parents but we have yet to establish whether this includes even light corporal punishment or only corporal punishment which is perceived to cause harm. There appears to be no confirmation in the Criminal Code (1997) of a “right” of parents to discipline children.

Corporal punishment is considered to be unlawful in schools and in penal institutions, though we have yet to identify explicit prohibition in legislation. Corporal punishment which is considered to cause harm is unlawful under article 24(3) of the Rights of the Child (Guarantees) Act (see above). In alternative care settings, corporal punishment which reaches the threshold of being considered harmful is prohibited under the same provision but there is no explicit prohibition of all corporal punishment.

Corporal punishment is unlawful as a sentence for crime under article 23 of the Constitution, the Criminal Code and the Criminal Procedure Code (2009).

Recommendations by human rights treaty bodies

In its concluding observations on the state party’s initial report in 2006, the Committee on the Rights of the Child noted that article 24(3) of the Rights of the Child (Guarantees) Act appears to prohibit corporal punishment but expressed concern that it continues to be imposed on children and recommended the introduction and enforcement of legislation explicitly prohibiting all corporal punishment in all settings (CRC/C/TKM/CO/1, paras. 46 and 47).

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children

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