

BRIEFING FROM GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

BRIEFING ON TURKMENISTAN FOR THE COMMITTEE AGAINST TORTURE

STATE EXAMINATION – May/June 2011

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TURKMENISTAN (initial report – CAT/C/TKM1)

With regard to corporal punishment in the **home**, 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 parents¹ but we have yet to establish if this includes light corporal punishment or if it applies only to 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**, 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).

Corporal punishment is unlawful in **schools** and in the **penal system**.

There is no explicit prohibition of corporal punishment in **alternative care settings**. 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 2006, the **Committee on the Rights of the Child** noted that article 24(3) “seems to prohibit corporal punishment”, but expressed concern that it is nevertheless commonly used in childrearing and recommended that the state party introduce and enforce legislation prohibiting corporal punishment of children in all settings (CRC/C/TKM/CO/1, Concluding observations on initial report, paras. 46 and 47).

We hope the Committee Against Torture will question the Government of Turkmenistan in detail on the extent to which the law prohibits all corporal punishment of children and recommend, as appropriate, the enactment and implementation of legislation prohibiting all forms of corporal punishment of children in all settings.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ 5 December 2005, CRC/C/TKM/1, *Initial report to the Committee on the Rights of the Child*, para. 135