Corporal punishment of children in Turkmenistan

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Child population 2,152,000 (UNICEF, 2020)

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

Prohibition of corporal punishment

Home

Corporal punishment is unlawful in the home. Article 24 of the Law on Guarantees of the Rights of the Child 2002 states (unofficial translation): "(2) Parents (legal representatives) of the child shall care, sponsor, create conditions for growth, development and enhancement of the child, to bring it up in the spirit of humanity .... (3) Humiliation of the child's dignity, corporal punishment, other physical abuse harmful for the child's mental or physical health are inadmissible." The Family Code 2012 states in article 85(2): "Humiliation of the dignity of the child, intimidation, corporal punishment, other physical abuse harmful for the child's mental or physical health are inadmissible." Article 89(2) states: "When implementing parental rights, parents shall not do injury (harm) to the physical and mental health of the child, its moral development. Methods of education shall exclude neglectful, cruel, ... degrading treatment...." The Government has confirmed that these provisions are interpreted as prohibiting all corporal punishment, "however light it may be".[1]

Alternative care settings

Corporal punishment is unlawful in alternative care settings under the Law on Guarantees of the Rights of the Child 2002 (art. 24) and the Family Code 2012 (art. 85) (see under "Home").

Day care

Corporal punishment is unlawful in early childhood care and in day care for older children under the Law on Guarantees of the Rights of the Child 2002 art. 24) and the Family Code 2012 (art. 85). In preschool provision, the prohibition in article 17 of the Education Act 2013 is also applicable (see under "Schools").

Schools

Corporal punishment is unlawful in schools under the Education Act 2013, article 17(6) (unofficial translation): "Discipline in educational institutions is maintained on the basis of respect for the human

[1] Correspondence with the Global Initiative, 13 January 2013

dignity of pupils, students and graduates. The application of physical and mental abuse in relation to students and pupils is prohibited." The prohibition in the Law on Guarantees of the Rights of the Child 2002 (art. 24) is applicable to all persons with parental authority over a child (see under "Home").

Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions under article 24(3) of the Law on Guarantees of the Rights of the Child 2002 (see under "Home").

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in criminal law.

Universal Periodic Review of Turkmenistan's human rights record

Turkmenistan was examined in the first cycle of the Universal Periodic Review in 2008 (session 3). No recommendations were made concerning corporal punishment of children.

The second cycle review took place in 2013 (session 16). The following recommendation was made and was accepted by the Government:[2]

> "Prohibit all forms of corporal punishment of children in all settings, including alternative care settings (Republic of Moldova)."

Third cycle examination took place in 2018 (session 30). No recommendations were extended on the issue of corporal punishment of children.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(16 September 2024, CRC/C/TKM/CO/5-6, Advance Unedited Version, Concluding observations on fifth- sixth report, para. 23)

"Recalling its general comment No. 8 (2006) on corporal punishment and concerned about the persistent physical punishment experienced by children, the Committee urges the State party to:
a) Establish protocols and procedures to address corporal punishment, including child-sensitive and confidential complaint mechanisms, particularly in schools and alternative care settings, to ensure safe reporting to competent authorities;
b) Continue to promote positive, non-violent and participatory forms of child-rearing and discipline by implementing evidence-based programs and evaluating their outcome on a regular basis;
c) Intensify awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change within the family and the community with the aim to end corporal punishment of children."

Committee on the Rights of the Child

(4 February 2015, CRC/C/TKM/CO/2-4 Advance Unedited Version, Concluding observations on second-fourth report, paras. 34 and 35)

"While taking note of the existence of a legal ban on corporal punishment of children, the Committee is concerned that the concept of corporal punishment is not fully understood and that corporal punishment as a form of disciplining children is still practised in the home setting.

"With reference to the Committee's General Comment No. 8 (2006) on corporal punishment the Committee recommends that the State party:

a) take all necessary actions to implement the ban on corporal punishment on children in all settings;

b) emphasize through child rights education programmes and awareness-raising activities that

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[2] 5 July 2013, A/HRC/24/3. Report of the working group, para. 112(28)

corporal punishment is illegal and contrary to children's rights and inform children about complaints mechanisms; and

c) carry out public educational campaigns, directed towards parents, about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline."

Committee on the Rights of the Child

(2 June 2006, CRC/C/TKM/CO/1, Concluding observations on initial report, paras. 46 and 47)

"The Committee, while noting that article 24(3) of the Rights of the Child (Guarantees) Act seems to prohibit corporal punishment, expresses concern that it is nevertheless a common practice to discipline children.

"The Committee recommends that the State party, taking into account its general comment No. 8 (2006) on the Right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, introduce and enforce legislation and procedures explicitly prohibiting all forms of corporal punishment of children in all settings. The State party should also conduct public and professional awareness-raising and education campaigns against corporal punishment and promote non-violent, positive and participatory forms of childrearing and education, including in the home, schools, institutions and in the society."

Prevalence/attitudinal research in the last ten years

A survey conducted amongst 9,612 children in 2019 found that in the past month 68.6% of children between the age of 1-14 years were subjected to at least one form of violent discipline method. 58.1% experienced psychological aggression, while 48.8% were subjected to physical punishment and 0.8% of children were subjected to severe physical punishment. Only 30.3% experienced nonviolent discipline method. Amongst 4,125 mothers/caretakers of children between the age of 1-14 years, 8.7% of them believed that a child needs to be physically punished.

> (The State Committee of Turkmenistan for Statistics and UNICEF (2020) 2019 Turkmenistan Multiple Indicator Cluster Survey. Survey Findings Report. Ashgabat, Turkmenistan: State Committee for Statistics of Turkmenistan and UNICEF)

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