

STATE PARTY EXAMINATION OF TURKMENISTAN'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
12 JANUARY – 30 JANUARY 2015

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Turkmenistan ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 29 April 2005. On 14 January 2015, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Turkmenistan.

Opening Comments

The delegation of Turkmenistan was led by Ms. Lyudmilla Amanniyazova, Deputy Head of the State Statistics Committee. She was supported by a delegation of representatives from the Ministry of Education, the Ministry of Internal Affairs, the Ministry of Healthcare and Medical Industry, the National Institute of Democracy and Human Rights and the Permanent Mission of Turkmenistan to the United Nations Office at Geneva.

Ms. Lyudmilla Amanniyazova stated that Turkmenistan did not experience war since its independence and stated that there were no specific measures on the rights of children at war.

Mr. Gehad Madi, the Country Rapporteur for the OPAC, welcomed the Turkmen multidisciplinary delegation (the delegation) and the ratification of the OPAC by the State.

General Measures of Implementation

Legislation

The Committee acknowledged the absence of armed groups in the State party but expressed concerns regarding the absence of explicit criminalisation of the recruitment and the use of

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children in hostilities in the State party's legislation. The delegation confirmed that there was no reference to recruitment of children in the Criminal Code of the State.

The Committee welcomed that the minimum age for recruitment was set to 18 years old and asked for additional information if the system was the same for children's voluntary recruitment.

The Committee further asked if the recruitment of children under the age of 15 was considered and defined as a war crime in the State party. The Committee reminded the delegation that recruitment of children could also occur via Internet and recommended the delegation to criminalise the activities of recruiters' in all settings.

Dissemination and training

The Committee asked whether training on the OPAC was included in schools' curricula. The delegation said that training on human rights, children's rights and legal issues was provided in military schools.

The Committee asked if international humanitarian law and human rights were part of the curriculum of education for the members of the armed forces of the State party. The delegation replied that these topics were included in the programmes of the appropriate higher education institutions.

Prevention

The Committee asked about the functioning of military schools and the proportion of civil and military subjects taught in these institutions. The delegation answered that regular teachers were in charge of teaching civil subjects and that pupils received a two hours class per week taught by military staff. The delegation also stated that children were free to choose their higher education after completing their secondary education in these military schools. The Committee further asked whether children were taught to handle weapons while studying in such schools. The delegation said that students of these schools only received theoretical knowledge on the use of weapons.

The Committee asked about the existence of complaint mechanisms in military schools. The delegation said that pupils could submit complaints for issues arising in military schools.

Prohibition and related matters

The Committee inquired on the prohibition of arms trade in the State party, including small arms. The delegation affirmed that only people holding valid permissions could undertake activities involving the trade and moving of weapons. The Committee asked if there was any specific prohibition of providing military assistance to countries where children were involved in armed conflict. The delegation indicated that there were no armed conflicts in neighbouring countries and that the State party was not producing weaponry. The use of light arms was exclusive to the armed forces and that any other training on handling weapons was prohibited in the State.

Protection, recovery and reintegration

The Committee asked if refugee children who were involved in armed conflicts abroad received both physical and psychological assistance. The delegation said that there were only 37 refugees in the country at present but that appropriate assistance to a large number of

refugees had been provided in the past. The Committee asked about the situation of children seeking asylum and about the existence of facilities to receive them when arriving in the country. The delegation explained that there were specific facilities for the reception of adults and juveniles asylum seekers, where investigation on their identity was taken place.

The Committee insisted on the importance of early tracking and identification of former child soldiers, as they particularly needed psychological rehabilitation.

International assistance and cooperation

The Committee asked if extraterritorial jurisdiction existed in the law for the commission of crimes defined in the Optional Protocol. The delegation answered that general extradition was based on bilateral treaties between countries. The Committee asked if the OPAC could be used as a basis of extradition in the absence of a specific bilateral treaty. The delegation said that article 106 of the Constitution of the State party gave priority to international conventions and protocols over domestic law.

Concluding remarks

Mr. Gehad Madi, the Country Rapporteur, thanked the delegation and insisted on the importance of adopting legislation on the criminalisation of recruitment of children, which would not affect the peaceful situation of Turkmenistan.

The delegation thanked the Committee for the dialogue and acknowledged the need for further work on the State's legislation.