

Turkmenistan: Children and the military

Pre-session

Submission to the Committee on the Rights of the Child on the
combined fifth and sixth periodic reports of Turkmenistan
(October 2023)

Summary

- **OPAC declaration.** Turkmenistan's OPAC declaration needs updating to reflect 18 years as the minimum age for military recruitment.
- **Deficient reporting.** The State party report does not respond to the Committee's Concluding Observations on its OPAC report.
- **Military secondary schools.** Approximately 1,500 children are reported to attend three military secondary schools in the State party based on a mixed military and civilian curriculum. Enrollment begins from age 12 or 14 years and draws on economically deprived areas.
- **'Higher military academies'.** Children aged 17 in this category of military school are classified in law as members of the armed forces.
- **Criminalisation of child recruitment.** The State party has yet to provide information on whether child recruitment has been criminalised in Turkmenistan.
- **Suggested questions.** The submission closes with suggested questions for the List of Issues.

Introduction

The Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) present these comments as part of their project to monitor progress made by states parties in implementing the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict (OPAC).

Country situation

State background:

The former Turkmen Soviet Socialist Republic declared its independence from the Soviet Union in October 1991 and was admitted to UN membership in 1992.

Population (2022):	5.6 million.
Armed forces personnel (2022):	36,500.
Military service:	Obligatory for all males: 24 months.
Conscientious objection:	No provision; conscientious objectors can be subject to repeated imprisonment.
OPAC ratified:	2002.
OPAC report:	Received 2013 , reviewed 2015 .
CRC reviews since OPAC report:	None.

This is the Committee's first opportunity to review the state party's implementation since its Report under OPAC in 2015.

Issues arising

Minimum recruitment age

Turkmenistan's OPAC declaration needs updating.

Although the state party amended its military legislation in 2010 to set a minimum age of 18 for military recruitment,¹ its declaration made on ratifying OPAC specifies that conscripts may elect to begin their compulsory military service at age 17.²

Males are still required to register from the age of sixteen, and may be called up once they reach 18.³

There have been no allegations of juvenile recruitment in recent years.

Military schools

Children in certain military education institutions are classified as members of the armed forces.

Types

Turkmenistan's OPAC report mentions two categories of military education institutions: secondary schools that include military training for boys, and military academies for males and females, including children from age 17.

¹ Parahat, '[Law of Turkmenistan on military duty and military service](#)', 2010, Article 17.1.

² 'A citizen of male sex at the age of 18 to 30 years, who has no right to discharge or deferment from conscription, is subject to a call to military service. Decision on conscription of a citizen to a military service can be adopted after he has reached 18 years of age. Decision to call a citizen to a military service can be adopted after achievement by him of 17 years of age after his personal application for voluntary military service.' UN Treaty Collection, [Chapter IV: Human Rights \(11b\)](#), 2023.

³ Parahat, '[Law of Turkmenistan on military duty and military service](#)', 2010, Article 10.1.

'Conscription and Military Service Act 2010, Article 14 specifies that upper secondary schools which include military training in addition to the normal course of study are set up under the Ministry of Defence according to national regulations with the aim of giving boys an all-round education while preparing them for military service' (para 19)

'Article 32 of the Act establishes the right of citizens, including women aged from 17 to 21 who have completed their secondary education, to attend military academies. Women who enrol voluntarily in such academies, upon reaching the age of 18 and completing their first year of training, take a pledge to do military service. In doing so, they reaffirm that the decision to enlist is voluntary. It should be noted that the regulations also explicitly state that military academies must furnish students with a curriculum that includes military and civilian components...' (para 21)

While the 'pledge to do military service' described above is voluntary, refusal is penalised. Students who do not wish to enter such obligation are expelled.⁴

Location and size

According to the Turkmen Initiative for Human Rights (TIHR), three military secondary schools operate in the State party, in Dashoguz, Mary, and since 2012, in the capital Ashgabat; each has approximately 500 children. All are boarding schools.⁵

According to TIHR, the schools' catchment areas suffer economic deprivation; a primary incentive for enrollment is the free board and lodging provided.

Age and status of students

In reply to the State party's OPAC report, the Committee's List of Issues, paragraphs 2 and 3, sought detailed information about both categories of military education institutions. The State did not respond, but some information was forthcoming during the dialogue.

In military secondary schools:

- The minimum age for enrolment was 14 years (according to TIHR, the minimum age is currently 12 years).⁶
- No fees were charged for board and lodging.
- The curriculum was based on 'basic theoretical and preparatory military studies for two hours a week', as well as civilian subjects including human rights.
- No weapons training or military discipline was administered.⁷

In higher military training academies, which accept students from age 17:

- Complaints mechanisms were available to students.⁸

⁴ Ibid.

⁵ TIHR, private communication, 2023.

⁶ TIHR, private communication, 2023.

⁷ Committee on the Rights of the Child, Summary Report on the 1939th Meeting, 14th January 2015, paras 27, 29, 54.

⁸ Ibid, para 56.

In addition, Turkmen law deems students in higher military academies as ‘military cadets’, who ‘are given the status of military personnel undergoing conscription military service’.⁹

Observations and recommendations of the Committee

Despite the State party’s partial assurances, the Committee’s Concluding Observations on its OPAC report (para 14) expressed concern

‘that students below 18 years of age enrolled in specialized military schools or higher military academies may be subjected to military discipline and punishment and that discipline is not administered in a manner consistent with the child’s human dignity.’

The Committee further noted the lack of data on military education institutions in the State party and of disaggregated demographic information on their students, and of genuinely independent complaints processes. Accordingly, it recommended (para 15) that the State party:

‘a) Provide systematic information and data on the number of specialized military schools and higher military academies in the State party, as well as on students attending these military schools and academies;

(b) Establish an independent complaints and investigation mechanism.’

The State party report for the present reporting cycle does not address these points.

Criminalisation

In Paragraph 17 of the Concluding Observations on OPAC:

‘The Committee recommends that the State party enact in its legislation the explicit prohibition and criminalization of the recruitment and use of children under the age of 18 years in hostilities both by State armed forces and non-State armed groups. Furthermore, the Committee recommends that the State party define and punish the recruitment of children under the age of 15 years as a war crime, and consider ratifying the Rome Statute establishing the International Criminal Court.’

The State party report in the current reporting cycle makes no reference to this recommendation.

Suggested questions for the List of Issues

- 1. Further to paragraphs 14 and 15 of the Concluding Observations on the State party’s OPAC report:**
 - a. Please list all military academies in the State party, and supply data for each such institution on the student body, disaggregated by age and gender, region, rural/urban areas and social and ethnic origin.**

⁹ Parahat, [‘Law of Turkmenistan on military duty and military service’](#), 2010, Article 32.3.

- b. Please list and supply similar information also for all institutions of secondary education managed by the armed forces.**
 - c. For both categories of institution, please specify the minimum age of admission, specify whether students under the age of 18 years are deemed members of the armed forces, and give details of any independent complaints and investigation mechanism available to students.**
- 2. Please give details of any steps taken towards the explicit criminalisation of any recruitment or use in hostilities of children aged under 18 years, and towards defining and punishing the recruitment of children below the age of 15 as a war crime, as recommended in paragraph 17 of the Concluding Observations on OPAC.**