



Global Initiative to
**End All Corporal Punishment
of Children**

KYRGYZSTAN

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 8th session, 2010

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Kyrgyzstan despite the repeated recommendations of the Committee on the Rights of the Child and the Human Rights Committee. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings.

1 Legality of corporal punishment in Kyrgyzstan

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in Law No. 62 “On the social and legal protection from family violence” (2003), the Criminal Code (1997) and the Code of the Kyrgyz Republic on Children (2006) are not interpreted as prohibiting all corporal punishment of children.

1.2 According to a statistical review by UNICEF, 36% of children aged 2-14 experienced minor physical punishment in the home in 2005-2006, although a smaller percentage of mothers/caretakers (8%) believed that children need to be physically punished. The same review reported that 38% of girls and women aged 15-49 believed that a husband or partner is justified in hitting or beating his wife under certain circumstances.¹

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

1.3 In **alternative care settings**, corporal punishment is unlawful in residential institutions, but there is no explicit prohibition of corporal punishment in foster care and other alternative care settings. Article 161 of the Criminal Code (see above) applies.

2 Recommendations by human rights treaty monitoring bodies

2.1 In its concluding observations on the state party’s second report in 2004, the **Committee on the Rights of the Child** recommended that the state party explicitly prohibit corporal punishment in the family, school, institutions and other care settings (CRC/C/15/Add.244, para. 46). The Committee made similar recommendations following examination of the initial report in 2000 (CRC/C/15/Add.127, para. 40).

2.2 In 2000, following examination of the state party’s initial report, the **Human Rights Committee** recommended prohibition of corporal punishment of children (CCPR/CO/69/KGZ, para. 19).

¹ UNICEF (2007), *Progress for Children: A World Fit for Children – Statistical Review, Number 6, December 2007*