

Corporal punishment of children in Kyrgyzstan: Briefing for the Universal Periodic Review, 49th session, Apr./May 2025

From End Corporal Punishment, October 2024

This submission provides an update on the legality of corporal punishment of children in Kyrgyzstan since its review in the third cycle UPR in 2020. Corporal punishment prohibition is still to be fully achieved in the home, alternative care settings and day care in Kyrgyzstan

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Kyrgyzstan, corporal punishment of children is lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child and other human rights treaty bodies.

We hope the Working Group will note with concern the legality of corporal punishment of children in Kyrgyzstan. We hope states will raise the issue during the review in 2025 and make a specific recommendation that Kyrgyzstan accelerates its efforts to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defence allowing its use, as a matter of priority.

1 Review of Kyrgyzstan in the 3rd cycle UPR (2020) and progress since

1.1 Kyrgyzstan was reviewed in the third cycle of the Universal Periodic Review in 2020 (session 35). A recommendation to prohibit corporal punishment in all settings was made¹ and supported by the Government.²

¹ 4 February 2020, A/HRC/WG.6/35/L.1 Unedited version, Draft report of the Working Group, para. 140(192)

² 27 August 2020/A/HRC/44/4/Add.1, Report of the working group, para. 65

1.2 Following the review, in July 2021, a draft Child Code aiming to prohibit corporal punishment in all settings was adopted by the Parliament.³ It was due to come into force following the President's signature. However, in 2023, it was announced that the new Child Code would no longer be signed and would be revoked. We have no information about any other draft legislation which would explicitly prohibit corporal punishment of children in all settings.

1.3 We hope the Working Group will note with concern the legality of corporal punishment of children in Kyrgyzstan. We hope states will raise the issue during the review in 2025 and make a specific recommendation that Kyrgyzstan resume its efforts to enact a law which would prohibit all corporal punishment of children, however light, in every setting of their lives, as a matter of urgency.

2 Legality of corporal punishment in Kyrgyzstan

Kyrgyzstan commitment to prohibiting corporal punishment

Kyrgyzstan expressed its commitment to prohibiting corporal punishment in all settings by accepting clearly the recommendation to do so made during the Universal Periodic Review of Kyrgyzstan in 2015.

Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, alternative care settings and day care.

There appears to be no confirmation in legislation of a "right" of parents and other to impose corporal punishment on children, such as a right to inflict "reasonable chastisement" or a "power to correct". However, the near universal acceptance of a certain degree of violence in the name of discipline necessitate clarity in law that all forms of corporal punishment are prohibited, without exception.

Alternative care settings – Prohibition should be enacted in legislation applicable to all alternative care settings, including foster care, placed of safety, emergency care, etc.

Day care – Corporal punishment should be prohibited in all early childhood care (nurseries, preschools, crèches, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc).

2.1 ***Home (lawful):*** Corporal punishment is lawful in the home. There is no clear prohibition in law of all forms of corporal punishment in childrearing.

³ Information provided by UNICEF Kyrgyzstan (July 2021)



- 2.2 The Code on Children 2012 includes as one of the basic principles of child protection “ensuring protection of the child from all forms of violence” (art. 4, unofficial translation); it defines violence/abuse as “any action in relation to the child which violates or endangers its physical or mental development” (art. 5). Article 7 states that the child has the rights to “care from parents and persons replacing them” and to “respect for his/her human dignity”. Article 16(1) states: “Every child has the right to honour and dignity, and security of the person. The state provides personal security of the child, and protects him/her from physical and mental, sexual violence, cruel, brutal, inhuman or degrading treatment....” The Code does not explicitly prohibit all corporal punishment, however light, in childrearing.
- 2.3 The Family Code 2003 states in article 59(2) (unofficial translation): “... The child has the right to education by the parents, ensuring its interests, full development, and respect for human dignity....” Article 61(2) protects the child from abuse by parents; article 70 states: “In the exercise of parental rights, parents have no right to harm the physical and mental health of children, their moral development. The methods of raising children should exclude neglectful, cruel or degrading treatment, abuse or exploitation of children.” But the Code does not explicitly prohibit all corporal punishment, however light, in childrearing.
- 2.4 A draft Child Code aiming to prohibit corporal punishment of children in all settings was under discussion.⁴ Article 5 of the draft Code lays out key principles, including a “ban on corporal punishment and other acts degrading the human dignity of the child everywhere in all forms and manifestations” (unofficial translation). Corporal punishment is defined in article 6 as “any punishment of a child with the use of physical force and the intention to inflict physical pain on him to any degree” (unofficial translation). Another Bill amending the Code of misdemeanours makes corporal punishment an offence punishable by a fine or “public works”. Both texts were introduced to Parliament in December 2019. In July 2021, the Child Code aiming to prohibit corporal punishment in all settings was adopted by the Parliament.⁵ It was due to come into force following the President’s signature. However, in November 2023, we were informed that the new Child Code would no longer be signed and would be revoked. Instead, the Government would work toward merging the Family Code 2003 with the Code on Children 2012.⁶ We have not further information about the new draft code and whether it will include prohibition of corporal punishment of children in all settings.
- 2.5 **Alternative care settings (lawful):** Corporal punishment is unlawful in residential institutions. In clause 31 of Regulation No. 489 “On the state children’s home (residential institutions) of the system of the Ministry of Education, Science and Culture of the Kyrgyz Republic” 1998, corporal punishment is not included as a permitted measure of discipline. There is no explicit prohibition of corporal punishment in foster care and other alternative care settings, though children are protected from some corporal punishment under the protection from “cruel, brutal, inhuman or degrading treatment” in article 16 of the Code on Children 2012.
- 2.6 **Day care (lawful):** There is no explicit prohibition of corporal punishment in day care settings, though children are protected from “cruel, brutal, inhuman or degrading treatment” in article 16 of the Code on Children 2012. The Law on Preschool Education 2009 states that

⁴ [2019], CRC/KGZ/5-6, Fifth/sixth report, pages 8-10; information provided by UNICEF Kyrgyzstan (December 2019)

⁵ Information provided by UNICEF Kyrgyzstan (July 2021)

⁶ Information received by End Corporal Punishment in November 2023



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children in preschool education have “the right guaranteed by the state ... to be protected from all forms of exploitation and actions that are harmful to their health, as well as physical and psychological abuse, humiliation of dignity” (art. 18, unofficial translation), but it does not explicitly prohibit all corporal punishment.

- 2.7 **Schools (unlawful):** Corporal punishment is unlawful in schools, though there appears to be no explicit prohibition. The Law on Education 2003 states in article 29 (unofficial translation): “... Teachers shall ... not apply methods of physical and moral abuse in relation to students.” The Law on the Status of the Teacher 2001 states in article 15: “The teacher shall ... respect the honour and dignity of pupils.” Article 16 of the Code on Children 2012 protects children from “cruel, brutal, inhuman or degrading treatment”.
- 2.8 **Penal institutions (unlawful):** Corporal punishment is considered unlawful as a disciplinary measure in penal institutions but it is not explicitly prohibited. There is no provision for corporal punishment among the permitted disciplinary measures in the Criminal and Executive Code 1999 (arts. 39-15 and 87), but the Law on Bodies and Organisation of Criminal and Executive (Penitentiary) System 2003 states in article 28 that staff may use physical force if nonviolent methods are ineffective. Article 16 of the Code on Children 2012 protects children from “cruel, brutal, inhuman or degrading treatment”.
- 2.9 **Sentence for crime (unlawful):** Corporal punishment is unlawful as a sentence for crime. It is not among permitted sentences for offenders under 18 in article 78 of the Criminal Code 1997. The Code on Children 2012 includes among the principles underpinning juvenile justice “prohibition and prevention of all forms of violence in case of administration of law concerning children in conflict with the law” and “prohibition of torture, cruel, inhuman or humiliating treatment or punishment of the minor” (art. 90). The cases of crimes committed by children are often heard in aksakal (traditional village) courts. Corporal punishment is not included in the measures available to these courts under articles 28 and 29 of the Law on Courts of Aksalals 2002; article 28 also states that the court has no right to impose punishments degrading to human dignity.

3 Recommendations by human rights treaty bodies

- 3.1 **CRC:** On four occasions, the Committee on the Rights of the Child has recommended to Kyrgyzstan that legislation be enacted to explicitly prohibit corporal punishment in all settings: in its concluding observations on the state party’s initial report in 2000,⁷ on the second report in 2004,⁸ on the third-fourth report in 2014,⁹ and on the fifth-sixth report in 2023.¹⁰
- 3.2 **CAT:** In its 2013 concluding observations on the state party’s second report, the Committee Against Torture recommended that legislation be enacted to explicitly prohibit corporal punishment in all settings.¹¹

⁷ 9 August 2000, CRC/C/15/Add.127, Concluding observations on initial report, paras. 33, 34, 39 and 40

⁸ 3 November 2004, CRC/C/15/Add.244, Concluding observations on second report, paras. 37, 38, 43, 44, 45 and 46

⁹ 7 July 2014, CRC/C/KGZ/CO/3-4, Concluding observations on third/fourth report, paras. 32 and 33

¹⁰ 26 September 2023, CRC/C/KGZ/CO/5-6, Concluding observations on the combined fifth and sixth report, paras. 24, 40

¹¹ 26 November 2021, CAT/C/KGZ/CO/3, Concluding observations on third report, paras. 28 and 29



3.3 **HRC:** On two occasions, the Human Rights Committee recommended that the Government prohibit corporal punishment in all settings: in its concluding observations on the state party's initial report in 2000¹² and on the second report in 2014.¹³

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¹² 24 July 2000, CCPR/CO/69/KGZ, Concluding observations on initial report, para. 19

¹³ 23 April 2014, CCPR/C/KGZ/CO/2, Concluding observations on second report, para. 21