

UZBEKISTAN

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 16th session, 2013

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

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.

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 also 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 as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children is lawful in Uzbekistan, despite the Government’s acceptance of recommendations to promote the rights of the child made during the UPR in 2008 and the repeated recommendations to prohibit corporal punishment in the family and in institutions by the Committee on the Rights of the Child.

We hope the Working Group will note with concern the legality of corporal punishment in Uzbekistan. We hope states will raise the issue during the review in 2013 and recommend to Uzbekistan that legislation is enacted to explicitly prohibit all forms of corporal punishment of children in all settings, including the home, as a matter of priority.

1 The initial review of Uzbekistan by the Human Rights Council (2008)

1.1 Uzbekistan was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 3). The issue of corporal punishment of children was included in the compilation of UN information¹ and the summary of stakeholders' information.² No recommendations were made specifically concerning corporal punishment of children, but the following recommendations were made and were accepted by the Government:³

“Continue with positive work to ensure the progress of the rights of children and their full wellbeing (Cuba);

“Continue to dedicate resources to promote the right to education and the rights of children (Philippines)”

1.2 Prohibiting corporal punishment of children in all settings, including the home, is an obligation of states under the Convention on the Rights of the Child and other international human rights treaties, though it is an obligation frequently ignored or evaded by governments. Since the review in 2008, the Government of Uzbekistan has acknowledged the inadequacy of domestic law in relation to corporal punishment by parents and persons *in loco parentis* and reported initiating work to amend the Family Code to prohibit violence against family members.⁴ Nonetheless, the legality of corporal punishment of children in Uzbekistan is the same now as it was at the time of the review in 2008: it is unlawful in schools and in the penal system but it is lawful in the home and alternative care settings.

2 Legality of corporal punishment in Uzbekistan

2.1 Corporal punishment is lawful in the **home**. According to article 10 of the Law “On Guarantees of the Rights of the Child” (2007) the state must protect children from torture and other cruel, inhuman or degrading treatment: such acts are punishable under the Criminal Code (1994). Further protection from violence is given in the Family Code (1998). But there is no explicit prohibition of all forms of corporal punishment in childrearing.

2.2 Corporal punishment is considered unlawful in **schools** under the Law “On Guarantees of the Rights of the Child” but this Law does not explicitly prohibit it. In its third/fourth report to the Committee on the Rights of the Child, to be examined at a future session, the Government states that as part of national policy corporal punishment is prohibited in “specific provisions in the relevant regulations, standard rules and statutes”.⁵ We have yet to confirm the relevant details.

2.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime. Under articles 1-10 of the Criminal Code, punishment and other legal sanctions are not intended to cause physical suffering or to degrade human dignity. However, minors who commit offences are often dealt with by the mahallyas (associations of families living in the same area acting as organs of local authority) rather than the courts. We have been unable to ascertain if this includes the use of corporal punishment.

¹ 25 September 2008, A/HRC/WG.6/3/UZB/2, Compilation of UN information, para. 24

² 16 September 2008, A/HRC/WG.6/3/UZB/3, Summary of stakeholders' information, para. 12

³ 6 March 2009, A/HRC/10/83, Report of the Working Group, paras. 104 (16) and 104(22)

⁴ 19 October 2009, CEDAW/C/UZB/Q/4/Add.1, Written reply to the Committee on the Elimination of Discrimination Against Women, Q11

⁵ 26 January 2012, CRC/C/UZB/3-4, Third/fourth report to the Committee on the Rights of the Child, para. 702

2.4 Corporal punishment is unlawful as a disciplinary measure in penal institutions, though it is not explicitly prohibited.

2.5 There is no explicit prohibition of corporal punishment in **alternative care settings**.

3 Recommendations by human rights treaty monitoring bodies

3.1 In its concluding observations on the state party's initial report in 2001, the **Committee on the Rights of the Child** recommended to Uzbekistan that corporal punishment be prohibited within the family, schools and institutions.⁶ On examining the second report in 2006, the Committee again recommended that corporal punishment be prohibited in the family and in institutions.⁷

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⁶ 7 November 2001, CRC/C/15/Add.168, Concluding observations on initial report, paras. 39, 40, 45 and 46

⁷ 2 June 2006, CRC/C/UZB/CO/2, Concluding observations on second report, paras. 44 and 45