

# Ending family violence in Uzbekistan – confronting physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women from the Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)), September 2015

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## Introduction: family violence in Uzbekistan and CEDAW’s examination of the fifth state party report

A new law on domestic violence has been drafted in Uzbekistan and is currently under review by the Government and NGOs. But all too often, domestic violence laws fail to protect those most vulnerable and dependent family members – the children – from the form of violence most commonly inflicted on them – corporal punishment. Violent punishment of children has a long and deep rooted history of social and legal acceptance. Even to this day, unless it is severe it is not readily perceived as “violence” per se or as an assault on a child’s human dignity. Except in states where it has been explicitly challenged through law reform and public education and awareness raising, it remains taken for granted in childrearing.

**We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Uzbekistan. In particular, we hope the Committee will:**

- **in its concluding observations on the fifth state party report, recommend that Uzbekistan ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit domestic violence against all family members, including clear prohibition of all physical punishment of children.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Uzbekistan and immediate opportunities for reform
  2. Treaty body and UPR recommendations on the issue made to Uzbekistan to date.
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## 1 Laws on domestic violence and corporal punishment of children in Uzbekistan and immediate opportunities for prohibiting violent punishment of girls and boys

### *Summary*

1.1 In Uzbekistan, legal reform in recent years has strengthened prevention of and protection from physical punishment of children, but it has so far failed to clearly prohibit all forms of violent punishment. The current drafting of legislation to combat domestic violence provides an immediate opportunity to enact clear prohibition of all physical punishment in the home and other care settings and thus to ensure that national legislation enshrines the right of girls – and boys – to violence-free relationships.

## Detail

- 1.2 The Family Code 1998 states that the child has the rights “to education by their parents, ensuring its interests, full development and respect for human dignity” (art. 65) and “to be protected from abuse by parents” (art. 67); article 75 states: “In the exercise of parental rights, parents have no right to harm the physical and mental health of children, or their moral development. Methods of educating children must exclude neglectful, cruel or degrading treatment, abuse and exploitation.” Failure by parents or guardians with regarding to childrearing and educational responsibilities for their children is punishable under the Code on Administrative Responsibility 1994 (art. 47); more severe corporal punishment is punishable under and the Criminal Code 1995. According to article 10 of the Law On Guarantees of the Rights of the Child 2008, the state shall protect the child from “all forms of exploitation, including physical, mental and sexual abuse, torture or other cruel, brutal or degrading treatment”; article 11 states that the child “has the right to be protected from abuse by parents or persons replacing the parents” (unofficial translation).
- 1.3 It is unclear as to whether or not the law is interpreted as prohibiting all corporal punishment in childrearing. Under examination by the Committee on the Rights of the Child in 2013, the Government stated that corporal punishment is prohibited “in the private sphere” but did not confirm that this includes by parents in the home:<sup>1</sup> the Committee went on to recommend that Uzbekistan “ensure that its legislation *explicitly* prohibits corporal punishment in all settings, including in the home and alternative care” (emphasis added).<sup>2</sup> In May 2014, the Government informed the Committee on Economic, Social and Cultural Rights that corporal punishment was prohibited in all settings, including the home, but gave no details and similarly the Committee went on to recommend prohibition.<sup>3</sup> In reporting to the Human Rights Committee in 2015, the Government stated that Uzbekistan “follows a policy of prohibiting the corporal punishment of children” but in terms of law referred only to regulations for schools and institutions and to provisions in the Guardianship and Custody Act of 2 January 2014 on monitoring the conditions of care and upbringing of children.<sup>4</sup> This Act protects children from situations which pose a risk to their life or health or when parents do not fulfil their obligations towards their children, and sets out the rights and obligations if guardians and custodians and the rights of wards – including the rights to “respectful and humane treatment” and to “care of their maintenance, upbringing, education and health” (art. 33, unofficial translation) – but there is no clear prohibition of all corporal punishment in childrearing.

### **1.4 Protecting children from violent punishment in the home in Uzbekistan requires clear prohibition of all corporal punishment. A draft new domestic violence law is under discussion: this provides an immediate opportunity for explicitly prohibiting corporal punishment of children by parents and thereby sending a clear message that the family home is a place where no form of violence is tolerated.**

## **2 Recommendations by human right treaty monitoring bodies**

- 2.1 Uzbekistan has received recommendations concerning prohibition and elimination of corporal punishment of children from the Committee on the Rights of the Child (2013, 2006, 2001)<sup>5</sup> and the Committee on Economic, Social and Cultural Rights (2014).<sup>6</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>1</sup> 11 June 2013, CRC/C/SR.1799, Summary record of 1799<sup>th</sup> meeting, para. 54

<sup>2</sup> 10 July 2013, CRC/C/UZB/CO/3-4, Concluding observations on third/fourth report, para. 41

<sup>3</sup> 16 May 2014, E/C.12/2014/SR.24, Summary record, para. 57

<sup>4</sup> 9 March 2015, CCPR/C/UZB/Q/4/Add.1, Reply to list of issues, paras. 104, 105, 106 and 107

<sup>5</sup> 10 July 2013, CRC/C/UZB/CO/3-4, Concluding observations on third/fourth report, paras. 38, 39, 40 and 41; 2 June 2006, CRC/C/UZB/CO/2, Concluding observations on second report, paras. 44 and 45; 7 November 2001, CRC/C/15/Add.168, Concluding observations on initial report, paras. 39, 40, 45 and 46

<sup>6</sup> 23 May 2014, E/C.12/UZB/CO/2 Advance Unedited Version, Concluding observations on second report, para. 20