



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

TAJIKISTAN

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 12th session, 2011

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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 as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Tajikistan 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 prohibiting all corporal punishment of children in all settings, including in the home and schools, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in Tajikistan

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Criminal Code (1998), the Family Code (1998) and the Constitution (1994) are not interpreted as prohibiting corporal punishment in childrearing. According to statistics from UNICEF on violence in the family, 74% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006.¹

1.2 In **schools**, article 39 of the Education Act (2004) protects students from humiliating and other unlawful acts against their dignity, but the Act does not explicitly prohibit corporal punishment.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited as a disciplinary measure in penal institutions.

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

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended that Tajikistan prohibit corporal punishment of children in the home, schools and institutions – in 2010 following examination of the state party's second report (CRC/C/TJK/CO/2, paras. 40) and in 2000 on the initial report (CRC/C/15/Add.136, para. 35).

2.2 In 2005, the **Human Rights Committee** expressed concern at the use of corporal punishment in schools and recommended prohibition (CCPR/CO/84/TJK, Concluding observations on initial report, para. 23).

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF