



BULAN INSTITUTE
for PEACE INNOVATIONS

Kyrgyzstan

Submission to the UN Universal Periodic Review

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Introduction and Summary

The Bulan Institute for Peace Innovations is a non-profit and non-governmental organization with two offices: in Bishkek and Geneva. We work to promote human rights and peace through research and advocacy but the Bishkek office works mainly on children`s right thus our submission is being devoted to children`s right in Kyrgyzstan. The Bulan Institute in Bishkek has been working to protect children`s right to civic education in light of poverty, growing Islamization and child labor in the country. In the submission, the Bulan Institute raises the following issues: violence against children, protection of children`s right to school education and child marriage.

Right to education. Article 45 of the Constitution of Kyrgyz Republic stipulates that every child needs to go to school and receive education. Other legal norms also confirm this norm. “Law about Education of Kyrgyz Republic” has several provisions about compulsory education in school, which means that both government and parents are obliged to guarantee children`s right to civic education. However, there is an urgent need to take appropriate measures to guarantee and realize children`s right to civic education that has been affected mainly by three factors. First, there is growing Islamization in Kyrgyzstan and different religious movements. Some parents join religious movements which are against civic education thus deprive their children from school education. A number of street and working children are increasing rapidly in Kyrgyzstan due to difficult economic and social situations in the country. It creates family relation problems, alcoholism and violence against children even though the Criminal Code (Article 124) stipulates charge for the exploitation of child labor. The number of working children has been increasing many of which do not go to school. Ministry of Education and Science of Kyrgyz Republic says that the number of out-of-school children in Kyrgyzstan for the current school year reached 2700 children, however this number differs from numbers given by UNICEF and other organizations. The Bulan Institute also asserts that the number of out-of-school children is much higher than the official data provided by Ministry of Education.

Violence against children. In Kyrgyzstan, violence against children has been widespread and children of migrants left behind have been exposed to physical and psychological violence. As UNICEF confirms, children of labour migrants who are left behind with relatives, acquaintances or put into institutions are extremely vulnerable to abuse and violence¹. There are dozens of cases that occur frequently when 2 years old boy beaten to death or five years

¹ <https://www.unicef.org/kyrgyzstan/press-releases/unicef-calls-guardianship-children-migrants>

girl was raped while being left with relatives. Trauma caused physical and psychological violence has irreversible damages on children's development and also deprive them opportunities to get school education. According to the data of UNICEF, over 277,000 children have been left behind by their parents in Kyrgyzstan for labour migration and there is an increase on some of the indicators, such as the number of children left behind by parents by 16% over the last 4 years: from 239,100 in 2014 to 277,500 in 2018. There is no actions or policies have been taken by the government of Kyrgyz Republic to stop violence against children and to reduce sufferings of children of migrant children. The Bulan Institute supports the call of the UNICEF to start building a system of guardianship of children left behind by migrants. There should be put on place other legal and social measures to decrease the number of children left behind by labor migrants and to control the living conditions of children so to eradicate violence. The Kyrgyz government has to start working closely with international organizations and NGOs to build special institutions to take care and protect these children and also adopt more strict legal norms to prevent and punish perpetrators.

Child Marriage. Kyrgyzstan has committed to eliminate child, early and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals. Kyrgyzstan acceded to the Convention on the Rights of the Child in 1994, which sets a minimum age of marriage of 18, and acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1997, which obligates states to ensure free and full consent to marriage.

Even though Kyrgyzstan has taken significant steps to strengthen its laws to stop bridekidnapping and child marriage, there are still child marriage in remote villages when girls under 18 have been forced to marry. According to UNICEF, 12% of girls in Kyrgyzstan are married before their 18th birthday and 1% are married before the age of 15. Thus more work needs to be done in the prevention and prosecution of perpetrators as well as ensuring the protection of victims. There are two actors that participate and their involvement can be seen as a major deterrent.

First, parents make pressure on their daughters insisting that she should marry instead of studying. Pressure from relatives and parents heightens the helplessness felt by many child brides as the family may represent the child's primary support network and few have received education on their rights or on existing legal provisions which ban child marriage. Child marriage is very frequently arranged by parents and parents never have been brought to justice for forcing their daughter to marry. The next actors that have been playing an important role in child marriage are mullahs who marry minors through religious ceremonies despite the fact that it is illegal. In November 2016, Kyrgyzstan amended its Family Code and Criminal Code to ban religious marriages of minors. The newly added article 155 of the Criminal Code allows the prosecution of violators of Kyrgyz legislation on the marriage age and prescribes punishment upon conviction of prison sentences of three to five years for any adult person who marries a minor, of the religious worker who performed the marriage ceremony with a minor, and of the parents of the marrying minor. However, even though the amendment outlawed religious marriages with minors, there is no decrease in the statistics of

such cases since its adoption. However, before the amendment such religious ceremonies had become widespread in some regions, especially in Osh, Batken and Jalalabad, as the official state registration of marriages involving minors is prohibited by law. The Kyrgyz government should take more strict enforcement measures to bring into practice the recent positive legal amendments such as the prohibition of religious registration of weddings with minors and the criminal punishment for bride kidnapping.