

Kyrgyzstan: Military use of children

Observations on the combined Fifth and Sixth Periodic Report of Kyrgyzstan under the Convention on the Rights of the Child (August 2023)

Summary

- **Child recruitment.** While Kyrgyz law prohibits military recruitment below the age of 18 years, students aged 17 at a military school are deemed members of the armed forces, subject to military discipline and law, and expected to continue in service after graduation.
- **Safeguards.** Safeguards for such recruitment appear to fall short of the consent requirements of article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC).
- **Military schools.** A second military school providing 'enhanced military... training' enrolls students from age 14. The overworking of its students to exhaustion has been reported by Kyrgyz human rights activists.
- **Military training in mainstream schools.** It has been standard practice to put all civilian students aged 15-16 years through three days of military training, including weapons training.

Introduction

These comments focus on follow-up to Kyrgyzstan's OPAC report of 2006. They are presented by Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) as part of their project to monitor progress towards the implementation of OPAC worldwide.

Country situation

Background

Following the break-up of the Soviet Union, the former Kirghiz Soviet Socialist Republic gained independence and was admitted as a Member State of the United Nations in 1991.

Since then, Kyrgyzstan has experienced little armed conflict with the exception of a major outbreak of violence between Kyrgyz and Uzbeks in the south of the country in 2010. In view of the killing of more than 200 people, the Committee on the Rights of the Child (the Committee) expressed concern 'about the considerable number of children killed during the violence... and the inability of the State party to protect them during the conflict'. The Committee also criticised 'the failure of the State party to investigate those killings expeditiously and bring those responsible to justice'.¹

Kyrgyzstan ratified both the Convention on the Rights of the Child and OPAC in 1994. The initial OPAC report was examined by the Committee in 2007. Seven years later in 2014, the Committee

¹ [CRC/C/KGZ/CO/3-4](#), 2014, para 22.

regretted 'the lack of information on the implementation of its concluding observations' on the OPAC Report.²

Military recruitment system

Under the 1992 Law On Compulsory Military Service, military service is obligatory for males aged 18 to 27, normally for a year but reduced to nine months for university graduates.

Voluntary enlistment is possible only for 'men who have completed national service or alternative service, and eligible reservists who have attended a training course for reserve officers at a higher educational institution' or 'women [aged 19 or above] with medical or other special training'.³

Country information

Population (2022, estimated):	6 million ⁴
Armed forces (2022, estimated):	10,900 ⁵
Other security forces⁶:	- Border Guard (5,000, mostly conscripts) - Paramilitary troops (3,500) - National Guard (1,000)
Minimum recruitment age:	18 in law, 17 in practice
OPAC:	Acceded 2003; report submitted 2006; reviewed 2007

Issues arising

Child recruitment

While the binding Declaration made by Kyrgyzstan on OPAC accession and subsequent clarifications made to the Committee unambiguously prohibited all military recruitment under the age of 18 years,⁷ the State Party has continued to classify children in 'military academies' as full members of the armed forces. Such students have therefore been recruited for the national armed forces, contrary to the State Party's Declaration and, in the absence of necessary consent safeguards, also contrary to OPAC article 3:

² Ibid., para 65.

³ [CRC/C/OPAC/KGZ/1](#), 2006, p. 3.

⁴ *The Military Balance 2023* (International Institute of Strategic Studies, London).

⁵ Ibid.

⁶ Ibid.

⁷ Binding Declaration made on ratification of OPAC: 'In accordance with the Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in New York, 25 May 2000, I have the honour to declare that in the Kyrgyz Republic the minimum age for recruitment of its citizens (men) to an active military service is limited by the age of 18 years (Article 10 of the Law of the Kyrgyz Republic "On the general military service of citizens of the Kyrgyz Republic").'

The state Party's OPAC report further stated that '[t]here are no laws or regulations in Kyrgyzstan that make it possible to lower the age at which military service must be performed' ([CRC/C/OPAC/KGZ/1](#), 2007, p. 2) and that this applied also to voluntary enlistment. The Committee welcomed this clarification ([CRC/C/OPAC/KGZ/CO/1](#), 2007, para 5).

'Pursuant to article 11 of the Compulsory Military Service Act, male citizens desiring to pursue their studies at a military academy may be admitted to such an institution at the age of 17 or if they turn 17 in the year they enter the academy. [Note: this implies a minimum admission age of 16.] Citizens admitted to military academies are deemed to be national servicemen and shall be called cadets. They shall be subject to the same obligations as those prescribed for national servicemen.'⁸

At the time of its OPAC report in 2006, the State Party was admitting children from age 17 to the Lieutenant-General Kalyinur Usenbekov Higher Military Academy in Bishkek, an armed forces training institution for officer cadets. 27 students at the academy were aged 17.⁹

The State Party's OPAC report made clear that cadets at the academy cannot be deployed in their first year, but did not explain whether they are free without penalty not to embark on a military career upon graduation. According to the report, 'all graduates continue their military service at officer rank... except for those discharged from military service for reasons of health or family circumstances'.¹⁰

Safeguards

During its OPAC review, the State Party assured the Committee that, under the law applying to military schools, 'applicants signing contracts on the performance by them of military service must produce a written certificate from one of their parents or a guardian, tutor or adoptive parent'.

This implies that children may be enlisted into military service by only one person with parental responsibility, and in some cases none (e.g. by any school teacher). It is also unclear how the certificate is verified.

The State Party did not provide information on the procedure for informing parents and potential recruits of the hazards and obligations of military service, as required by OPAC article 3, or whether child recruits at the academy have the right to register a conscientious objection, should they wish to do so.

Other military schools

In addition to the academy in Bishkek, a second school under the control of the Ministry of Defence, the Dair Asanov Kyrgyz State Military High School, admits children from age 14, according to the State Party's reply to the List of Issues during its initial OPAC review in 2007.¹¹ Currently, the school accepts 100 students annually, according to the Kyrgyz armed forces website, for 'enhanced military, physical training'.¹² Among its admissions are 'children left without parental care'.¹³

⁸ [CRC/C/OPAC/KGZ/1](#), 2007, p. 2.

⁹ [CRC C OPAC KGZ Q 1 Add.1](#), 2007, p. 2.

¹⁰ Ibid., p. 3.

¹¹ Ibid.

¹² Ministry of Defence of the Kyrgyz Republic, 'Background Information About The Kyrgyz National Military Lyceum', n.d., <https://mil.gov.kg/ru/spravochnaya-informatsiya-o-kyrgyzskom-natsionalnom-voennom-litsei/> [in Russian].

¹³ Ibid.

The school describes itself as a feeder institution for the national armed forces, although whether students are deemed members of the armed forces or subject to military law and discipline is not clear, nor whether they make a binding commitment on enrolment to later military service.¹⁴

Despite efforts to eliminate initiation rituals ('hazing') at this school,¹⁵ mass fighting between second and third year students was reported in 2007.¹⁶ In 2016, 69 students escaped *en masse* complaining of exhaustion, according to Kyrgyz human rights activists in the organisation Kylym Shamy.¹⁷

Military training in civilian schools

According to Kyrgyzstan's OPAC review in 2007, it was standard practice to put all civilian students aged 15-16 years through three days of military training, including weapons training.¹⁸

Recommendations

We urge the Committee to ask the State Party:

- 1. How many cadets under the age of 18 years on enrolment are currently admitted to the Lieutenant-General Kalyinur Usenbekov Higher Military Academy, disaggregated by age and ethnic background.**
- 2. Does the State Party intend to cease this practice, in view of its binding Declaration made under OPAC which states that no persons under the age of 18 shall be recruited for military service?**
- 3. What information about the obligations and hazards of a military career is made available to potential juvenile cadets at the academy and their parents/guardians?**
- 4. Are cadets at the academy subject to military law? If so, is any special allowance made for those aged under 18?**
- 5. Are cadets graduating from the academy able without penalty to choose not to pursue a military career?**
- 6. How many children are enrolled at each other military school in the State Party, and at what ages?**
- 7. What action has been taken to implement the Committee's recommendation that children attending all military schools 'be provided with access to complaint and investigation mechanisms'?**¹⁹
- 8. Does the State Party still deliver military training including weapons training to 15 and 16 year-olds in mainstream schools?**

We suggest that the following recommendations be made:

- 1. Cease the formal enlistment of children at the Lieutenant-General Kalyinur Usenbekov Higher Military Academy.**

¹⁴ Ibid.

¹⁵ [CRC/C/SR.1220](#), para 25.

¹⁶ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008* (London, 2008), p. 203.

¹⁷ Alina Pak, 'General Staff: Cadets ran away from the rehearsal to complain to relatives', 2016, <https://kloop.kg/blog/2016/08/11/genshtab-kursanty-sbezhal-i-s-repetitsii-s-tselyu-pozhalovatsya-blizkim/amp/> [in Russian].

¹⁸ [CRC C OPAC KGZ Q 1 Add.1](#), 2007, p. 3.

¹⁹ [CRC/C/OPAC/KGZ/CO/1](#), 2007, para 14.

- 2. While such recruitment continues, ensure that all potential juvenile recruits and all persons sharing parental responsibility for them are fully informed of the hazards and obligations of military service in advance.**
- 3. Guarantee in law that no person under the age of 18 may be deployed on military operations.**
- 4. Remove all activities involving the handling of weapons from the civilian education system, and include human rights and peace education, consistent with the Convention, in particular articles 28 and 29, and General Comment No. 1 on the aims of education.**