

STATE PARTY EXAMINATION OF UZBEKISTAN'S THIRD AND FOURTH PERIODIC REPORTS

63RD SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Contents

Opening Comments.....	1
General Measures of Implementation.....	2
Definition of the Child	4
General Principles	5
Civil Rights and Freedoms.....	6
Family Environment and Alternative Care.....	6
Basic Health and Welfare	7
Education, Leisure and Cultural Activities	9
Special Protection Measures	10
Concluding Remarks	11

Uzbekistan ratified the Convention on the Rights of the Child (CRC) on 29 June 1994. On 7 June 2013, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic reports of Uzbekistan. It was last examined on 30 May 2002.

Opening Comments

The delegation of Uzbekistan was led by H.E Dr Akmal Saidov. He was supported by a small level delegation consisting of representatives of the Ministry of the National Human Rights Centre, the Council of the Federation of Trade Unions, and the Ministry of Foreign Affairs.

Mr Saidov highlighted that the State party had attained the Millennium Development Goal in relation to universal primary education and stated that the World Bank had ranked the State as having the highest level of literacy in the world at 99.7 per cent. Mr Saidov highlighted that this in turn had led to a reduction in maternal and child mortality as well as an increase in life expectancy with women having an average life expectancy of 73 and men having a life expectancy of 75. It also had been placed in ninth place for providing the best health care for its future generations.

Mr Saidov highlighted that during the last five years, the State had passed 15 important and wide ranging laws which had promoted the rights of the child and covered areas such as trafficking, neglect and the family businesses. Additionally, the Family Code, the Criminal Code and the Code on Administrative Responsibility had all been tailored to the recommendations of the Committee on the Rights of the Child.

Additionally, the budget for preschool and primary education had been increasing every year and Mr Saidov highlighted that in 2012, 60 per cent of the budget had been allocated to financing the social sphere and social protection measures, whilst 14.5 per cent had been dedicated to the area of health care. Mr Saidov further stated that a broad network of non-governmental organisation existed for the protection of the rights of the child.

Furthermore the State had ratified seven international human rights related treaties and highlighted that the State was in the process of developing a specialised juvenile justice system in coordination with UNICEF experts and scholars.

Mr Saidov highlighted that the State faced many challenges such as the global recession, environmental problems, geopolitical difficulties as well as internal and political difficulties in terms of its transition to democracy.

Ms Hertzog welcomed the discussion as an opportunity to explore the promotion and protection of children's rights within the State party. Ms Hertzog noted that the State had developed as a dynamic economy despite the global recession however highlighted that many families remained in vulnerable situations. Although poverty had been reduced, inequalities continued to exist and there was limited infrastructure to provide job opportunities and accommodate for large families. Ms Hertzog said that the State was a culturally diverse state and therefore acceptance and inclusion were essential ingredients to complementing development and protecting children.

Additionally, Ms Hertzog expressed concern about the high level of corruption within the State and stated that this could adversely affect the services delivered to children, particularly in terms of healthcare.

General Measures of Implementation

Legislation

The Committee commended the State on its ratification of several relevant human rights conventions, however noted that it was only a signatory to the Convention on Persons with Disabilities and that hardly of the Optional Protocols to such Conventions had been ratified. It asked the delegation to elaborate on the reasons why this was the case. The Committee also inquired about whether the State planned to ratify the third Optional Protocol to the CRC on a Communications Procedure.

The Committee asked how the CRC had been incorporated into national legislation and asked if the courts were able to directly apply the CRC. Additionally the Committee asked about why the law on normative acts did not include the names of treaties and whether this was a gap in the legislation. It asked if the Committee had any plans to revise this area to make it more straight forward.

The delegation explained that the State was an extremely multicultural state and that when applying the CRC, it was necessary to maintain tolerance towards all cultures. In terms of status, the delegation highlighted that international treaties had precedence over national law and that this principle had been enshrined in all legislation including the Family Code and the laws on the rights of the child.

With regards to the application of the CRC at domestic level, the delegation confirmed that it was used to a large extent by judges in decisions. Although the delegation had no specific examples, it highlighted that the State had proposed undertaking a mission in collaboration with UNICEF to train judges on the application of the CRC. Furthermore, standards had been introduced to address socially vulnerable children which the judiciary would have to attach great importance to.

Additionally the delegation stated that it was aware about the issues relating to the law on normative acts and that although the delegation agreed with the Committees concerns, the

State party had been unable to reach a consensus on including the names of international treaties in its newly adopted law.

The delegation stated that the ratification of the Convention on Persons with Disabilities would be a gradual step-by-step process so as to ensure for the successful implementation of the Convention within the State. It highlighted that thus far; the Convention had been translated into the Uzbek language and was being disseminated throughout the State.

The delegation stated that it was considering the ratification of the third Optional Protocol to the Convention on the Right of the Child.

Allocation of resources

The Committee commended the State on its high allocation of resources to the health care and education sectors, and inquired about if there were any barriers regarding the allocation of resources in other areas.

The Committee stated that a new General Comment had been created regarding the obligation on States to ensure for children in business conditions. The Committee asked the delegation how this area had been regulated to ensure that businesses complied with the terms and what resources had been made available in this regard.

Coordination and monitoring

The Committee inquired whether a special department had been created for children's rights issues with specially trained staff. The Committee also asked if a complaints mechanism existed in the State, and if so, whether there were any statistics regarding the number of complaints received from children and how such complaints had been resolved. The Committee also asked whether children were able to access institutions and information and whether they enjoyed the right to confidentiality.

The delegation stated that the parliament oversaw the legal structure of the implementation of the CRC whilst the administrative issues were dealt with by a special committee within the Parliament which advised on laws regarding the rights of the child and future ratifications. The delegation further stated that the coordination of children's rights had been strengthened by the coordination council which was attached to the Prime Minister's cabinet; as well as by the Working Group on Justice for Children and the Coordination Council for the protection of motherhood and infancy.

Dissemination and awareness raising

The Committee highlighted that there had not been enough awareness raising and dissemination of the CRC within the State. The Committee inquired about why this was the case and asked whether there were any obstacles to dissemination. The Committee inquired about the measures the State planned to take to resolve these issues. The delegation was also asked about the role that non-governmental organisations had in terms of disseminating the CRC. The Committee inquired about whether any of the General Comments had been translated.

The delegation stated that with regards to dissemination and raising awareness the State party had published a book regarding monitoring the rights of the child, which has been translated in Russian, Uzbek and English. It was also designed to be utilised as guidance on implementing laws on the rights of the child. The delegation stated that none of the General Comments had been translated and expressed the hope that UNICEF would assist them in this matter, however was willing to do so itself if UNICEF was unable to do so.

The delegation also highlighted that the CRC had been widely disseminated alongside relevant books and handbooks and stated that a centre on public opinion had been created.

The role of non-governmental organisations

The Committee observed that there were 19 non-governmental organisations in the State and expressed concerns about the number of obstacles which restricted their functioning. It noted that a complicated process existed for non-governmental organisation and some were often placed in a six month temporary arrangement. The Committee asked about how illegal non-governmental organisations were defined within the State. The Committee also expressed concern about the threats that civil society members and human rights defenders were subjected to in the country and asked what safeguards were made available for such individuals.

The Committee asked about the role that non-governmental organisations and the extent of autonomy they had in the protection of children's rights as it appeared that this area was regulated by the State.

The delegation confirmed that there was a strong civil society presence within the State and that civil society involvement was a key priority for the State. Additionally, the State itself had been promoting civil society involvement and had created a special institutional entity to coordinate non-governmental organisations to bring issues forward. Furthermore, statistics indicated that there was a growing presence of non-governmental organisations in the State and highlighted that the number of these had increased from 2300 in 2000 to 6400 in 2013. The delegation also stated that special resources had been allocated for the development of civil society organisations and that it had created a draft law on social control and monitoring of non-governmental organisations. The delegation highlighted that it had been gearing the social activity of its citizens towards a human rights culture approach.

Child Parliament

The Committee inquired about how members were appointed within the Child Parliament and about the level of follow-up was given by national parliament. The Committee also asked whether any of the appointed members included children from minorities and asked the delegation to elaborate on some of the key priorities that the Child Parliament had identified.

The delegation stated that 220 children had been elected from various regions as members of the Child Parliament and stated that it worked closely with the national parliament. Elections were held in a democratic systematic way. Amongst topics discussed, one of the most important priorities for children was the right to love whilst other areas such as healthy lifestyle, drug addictions, HIV/AIDS, malnutrition and preventing diseases were focal points of discussions.

Definition of the Child

The Committee highlighted that there appeared to be gender inequalities between girls and boys in terms of the age of marriage and asked the delegation to comment on this. Although the Committee welcomed the draft law to change the marriage age, this had been done over a year ago and the delegation was asked to explain the reasons for the delay. It also asked the delegation about the circumstances where marriage age could be reduced by law.

The delegation stated that the State had spent the last three years considering sociological studies on the age of marriage. New data indicated that 70 per cent of the population were aware of the accurate age of marriage for boys and girls. Special talks had been held for reducing the marriage age where a girl was pregnant so as to ensure she would be part of a family. Furthermore, the delegation stated that the public had been against the reduction of marriage age for girls by one more year.

General Principles

Non-discrimination

The Committee stated that although the principle of non-discrimination had been established in the Constitution, de facto discrimination remained widespread. It also noted that as a result of gender inequalities, girls were less competitive in school and were consequently more involved in domestic work. The Committee asked the delegation to comment on the law it had drafted on equal opportunities which had yet to be adopted.

The delegation stated that it had a long standing history which had promoted diverse multiculturalism and tolerance which promoted and respected the range of languages, customs and religions. Legislation stipulated that all citizens were regarded as equals and acts promoting national, social and religious hatred had been banned. Furthermore, to enable equal rights for all, legislation had been translated in all the official languages of the State.

Additionally, 144 cultural centers had been created throughout the country which allowed Sunday classes and provided citizens with the opportunity to study in their native language. Newspapers were also published in eight languages which had existed for decades.

With regards to gender inequality the delegation stated that the Commission to establish equality for men and women had 48 per cent of women; whilst the number of women in high state occupations had increased. Gender experts had created reports to ensure that there were dignified rules for women in the work place.

Best interest of the child

The Committee asked about how the State ensured that the best interest principle was the only guiding principle in decisions regarding children. The Committee also asked whether this principle was also applied to children from marginalised groups and for both boys and girls. It also asked the delegation to elaborate on how the best interest principle was defined within the State and if any guidelines regarding its application were used.

The delegation stated that all policies had been tailored to include the best interest principle in all activities regardless of whether the body was public or private. Such bodies included the offices under the President, the Ombudsman and the Human Rights Centre which all had their own competencies regarding the rights of the child.

In terms of the application of the best interest principle, the delegation stated that it considered that it was upheld through a range of legal and educational measures which enabled the best interests of the child. Furthermore, the delegation stated that monitoring mechanisms existed to assess whether the best interests of children were upheld.

Survival and development

Steps to maximise the survival and development for example to prevent children from being subject to the death penalty, infanticide and suicide.

Respect for the views of the child

The Committee commended the State on its efforts to establish a Child Parliament to express their views however stated that children still appeared to not have a full understanding of their rights within the State and were unable to freely express their views in school settings. The Committee stated that this was an area that the State needed to work on overturning stereotypes of repeating information rather than allowing children to freely express themselves. The delegation was asked about the measures that the State had taken in this regard.

The delegation highlighted that there were provisions which guaranteed the expression of the child's opinion within the family as well as in administrative and judicial proceedings. It noted that the Family Code made provisions in cases of adoption which enabled children to voice their opinions. In order to step up its efforts to encourage child participation it stated that it had held an annual forum for children in the State since 2008.

Civil Rights and Freedoms

Birth Registration and citizenship

The Committee noted that the issue of birth registration was regulated by the Ministry of Health and the Ministry of Justice and highlighted that many discrepancies in each ministry had led to several children being unregistered. The Committee expressed concern about the high fees for birth registration which equated to the minimum monthly wage and stated that this was often too high for low-income families. The Committee inquired about the measures the State had taken to prevent children suffering from social exclusion and lack of access to services. The delegation was also asked about the steps that the State had taken to eradicate statelessness.

The delegation explained that the Ministry Health and the Ministry of Justice dealt with separate types of registration, with the former dealing with birth itself and the latter dealing with the civil documents. It stated that it was hoping to harmonize the two processes. Additionally, the delegation highlighted that a seminar had been held in parliament in coordination with UNICEF which had focused on the difference between birth registration and receiving birth registration. The delegation stated that the two systems did not conflict with the child's right to a certificate and there were no delays associated with the process.

Freedom of thought, conscience and religion

The Committee asked about how people were able to exercise their right to religion and whether specific building sites had been created to promote religion.

Torture and deprivation of liberty

The Committee expressed concern regarding the State's definition of torture which had also been subject to criticism by the Human Rights Council*. The Committee asked what steps the State had taken to address this issue and comply with its international obligations.

The delegation disagreed with the comments regarding torture and highlighted that the Sir Nigel Rodge, former Rapporteur on Torture, had corroborated that there had been no compelling evidence to suggest this.

Family Environment and Alternative Care

Adoption

The Committee inquired about whether there was a formal system of adoption in the State party and how the process of selecting parents was done. The Committee also asked about if any initiatives or campaigns had been conducted to encourage adoption.

The delegation further highlighted that the State had been examining legislation and best practices of adoption in other countries, in coordination with UNICEF. The Committee highlighted that there was a complaints procedure where children could appeal placements and stated that this had received 240 complaints over the last three years.

Institutionalisation

The Committee stated that institutionalisation remained high within the State, with almost 40,000 children being placed in institutions; of which most were children with a disability.

The Committee asked how this issue had been addressed and what had been done to ensure that children remained with their biological families.

The delegation highlighted that there were only 2,500 orphans that had been placed in homes and that normally children without parents were taken in by close relatives. The delegation stated that deinstitutionalisation measures had been put in place and that children's villages were being created.

It stated that each orphan without family care had been given housing at the expense of the State and that a reduction had been noted in terms of institutional care. The delegation highlighted that every effort was made to place orphans or children without competent guardians; with immediate family. Regional bodies and local authorities were responsible for coordinating such issues.

It also stated that policy was being geared towards strengthening the family so that children in difficult financial situations were able to support children instead of abandoning them at institutions. It highlighted that the institutionalisation was used to establish guardianship and custodianship, and that it was a measure of last resort. The delegation further explained that this was an area it would continue to work on in the future.

Family Services

The Committee highlighted that there was a shortage of child rearing services available for the family and asked whether the State had any plans to strengthen family services and provide additional support for staff.

Polygamy

The Committee stated that although polygamous marriage had been prohibited by law, the legislation appeared to have a loophole as it was limited to situations where a man lived with two or more women; and highlighted that it was not clear whether polygamy was permissible were such individuals lived separately. It also requested further information on how children were protected from situations and whether children from such family situations enjoyed the same legal status.

The delegation clarified that polygamy had been banned and that children born in such situations were considered to have equal rights. The State had been paying great attention to this area and had been trying to ban the practice bride selling.

Forced Marriage

The Committee welcomed the legislation that prohibited forced marriage however remained concerned that it continued to be practiced and asked whether awareness had been raised about its consequences.

The delegation stated that forced marriage had been prohibited under the law; however acknowledged that some cases continued to exist in practice and the State had conducted awareness-raising about the negative consequences of such practices. A State programme also existed to raise awareness regarding the adverse effects of early marriage. The delegation further highlighted that a trend had been observed with regards to the age of marriage, which had increased to an average age of 22. Furthermore, only one per cent of marriages occurred between individuals under the age of 18.

Basic Health and Welfare

Children with a disability

The Committee stated that children with a disability continued to be subjected to stigmatisation within society and asked what measures had been taken to promote the positive image of children and adults with disabilities. Furthermore, the delegation was asked if any organisations promoting the rights of children with a disability were involved in any campaigns. The Committee asked what the procedures were for identifying children with a disability and if any positive discrimination existed to encourage increased opportunities for such children.

The delegation highlighted that according to statistics there was a total of 84,000 children with a disability within the various regions of the State that were under the age of 16; of which 35,000 lived in cities and 39,000 were girls. The delegation further stated that in terms of legislation, children with a disability had been defined according to the Convention on the Rights of Persons with Disabilities. Although progress had been made in this respect, the delegation acknowledged that this was an area that needed further examination. Furthermore, seven articles of its legislation had addressed the needs of children with a disability and included the rights to integration, housing, social and medical assistance and education.

The State also provided monthly payments for children under the age of 16, provided they could provide medical proof that they were entitled to such assistance. In addition, provisions had been introduced in small businesses to strengthen the guarantees for children with disabilities through the imposition of significant fines. Businesses had to therefore modify the working environment to accommodate for their needs.

Child abuse and neglect

The Committee asked whether child abuse had been criminalised as per its recommendation in 2006. The Committee also inquired about the steps that the State had taken to ensure that children were not suffering as a result of abuse and neglect. Furthermore, the delegation was asked about what happened where complaints had been made regarding domestic violence but failed to be corroborated with evidence. The Committee inquired about the services that were available for both offenders and victims; and whether there were any initiatives to raise awareness on issues such as positive parenting. Additionally, the delegation was asked what services were available to children that were subjected to violence within the family settings.

The Committee asked whether the delegation had any data on the extent of child abuse and neglect in the State.

The delegation stated that non-governmental organisations in coordination with local authorities had established crisis centres for women and children in difficult life situations and that a practical centre for the family existed. Additionally, assistance was being provided to low-income families and the delegation highlighted that 60 per cent of the annual budget had been allocated to the social sphere, including this sector.

Adolescent health

The Committee expressed concern that 1/3 of students asked about the harmful effects of alcohol appeared to have a limited understanding regarding this due to the lack of teaching and information. The Committee inquired about the types of programmes that had been created to tackle the issue of substance abuse and about the level of protection that was offered to children in terms of confidentiality.

The delegation stated that a special programme had been introduced in secondary schools to encourage a healthy lifestyle. Furthermore, contraceptive and information on pregnancies was available in the State and awareness raising courses existed in all schools. The delegation further confirmed that all services were entirely confidential.

Sexual exploitation

The Committee requested further information regarding the penalties for offences of sexual exploitation and child prostitution. It also asked how the State had been targeting children at risk of such exploitation.

Mortality rates

The Committee expressed concern that there was a high mortality rates amongst new-borns and mothers and requested further information on the types of care that were available in the State and how accessible these were. The Committee noted that reports from the World Health Organisation indicated that maternal and infant deaths had been from preventable causes and asked whether the State a preventative programme existed to prevent such deaths.

The delegation stated that maternal mortality rates had been reduced from 35 per cent to 10 per cent whilst maternal mortality had dropped from 5 per cent to 4.6 per cent in 2012. Furthermore, congenital abnormalities had dropped by 14 per cent.

Breastfeeding

The Committee requested further information regarding the marketing of formula and whether a code existed for free distribution of this. The Committee noted that only 26 per cent of women exclusively breastfed within the first six months, and the delegation was asked how the State had been addressing this issue.

The delegation stated that efforts had been made to focus on child nutrition and two specific programmes had been developed: “Growth and Development for Young Children” and “Breastfeeding”. As a result, 80 per cent of children under six months of age in the last ten years had been breastfed.

Helplines

The Committee asked about whether the State had any plans to establish a national helpline and whether this would be accessible for both children and parents.

Education, Leisure and Cultural Activities

Education

The Committee commended the State on its free education and expressed concern regarding the hidden cost of education and the lack of reliable data regarding dropout rates. The Committee stated that dropout rates had been linked to child involvement in cotton harvesting. It also asked how the State ensured access to education for all children.

The Committee stated that education in the State remained segregated and asked the State about the measures that had been taken to make education inclusive. It also asked the delegation whether it was possible to accommodate for every child’s linguistic needs at local level or whether children wanting to study in a particular language would have to attend schools in a different locality.

The delegation highlighted that education was inclusive and was currently being conducted in seven languages to encourage children to be taught in the language they were the most comfortable with. Additionally, 125 specialised preschool education facilities existed and preschool divisions had been created to address children with severe mental disabilities. The delegation highlighted that 80 schools has been created for children with disabilities, whilst special correctional schools, regular education and individual homeschooling was also available.

Availability of the Internet

The Committee asked about the extent of the availability within the State and whether any restrictions existed regarding use.

The delegation stated that the Internet was widely available and that there were no restrictions on its use.

Right to leisure

The Committee stated that although there appeared to be many collective programmes within the State for children, there appeared to be no efforts to create programmes promoting individual activities. The Committee also asked whether cultural activities were taught using minority languages as well.

AIDS and HIV

The Committee expressed concern that there was no sexual health education in school settings and that AIDS/HIV remained a taboo subject within the State.

Special Protection Measures

Street children

The Committee noted the high dropout rates in the State and asked the delegation to comment on whether children living in street situations existed in the State. The Committee also asked whether children living in street situations were being detained and whether there were services to rehabilitate such children.

Child labour

The Committee commended the State for reports that there were no longer children involved in work in the cotton fields, however noted there were reports that teachers were now being involved in such practices instead of teaching children. As a result, there had been reports that children had been grouped into large classes which compromised the quality of education. The Committee requested further information regarding this area and asked the delegation to elaborate on the current situation in the State. The Committee also asked whether the State would object to the ILO monitoring the harvest season to ensure no children were involved in cotton harvesting.

The delegation stated that it had introduced legislation regarding private business codes which had been disseminated among both the public and private sectors. The new labour codes stipulated that children under the age of 18 were allowed to work a maximum of 36 hours and that children were guaranteed the right to rest. Furthermore, labour that compromised the morality of the child had been prohibited.

With regards to labour work in the cotton fields, the delegation stated that an independent UNICEF mission had confirmed that no school pupil had been involved and highlighted that it believed the situation to be the same in the future. In addition, it had firmly cooperated with the ILO on this issue and that an interdepartmental working group had been created. In 2012, the State had taken the initiative to host a seminar regarding the implementation of ILO Convention 182.

Juvenile justice

The Committee welcomed the drafting of legislation in relation to juvenile justice however highlighted that eight years later there still had been no change or progress regarding juvenile justice. The Committee expressed concern that there were still no specialised courts and noted that there were only 33 juvenile justice lawyers in the State and asked whether the State had plans to expand this further.

The delegation stated that all juvenile offences were dealt with by the Supreme Court and stated that special legislation existed for the protection of minors. The delegation also highlighted that it had been training judges, lawyers and personnel on this area. The delegation further highlighted that due constraints on resources it had been unable to establish specialised courts.

Non-legal return of children from abroad

The delegation stated it had taken significant steps regarding the non-legal return of children from abroad and highlighted that this was an issue inherently linked to the trafficking of human beings. It had adopted a national plan of action in 2010 and acknowledged the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Refugee children

The Committee asked the delegation to comment on the protection available in the State for refugee children.

The delegation highlighted that in line with its obligations under the International Covenant on Civil and Political Rights and the Convention on the Right of the Child, it had made provisions for incoming refugees who had mostly come from Afghanistan. It highlighted that all child refugees had been entitled to free education and health care. In 2006 it had received 762 refugee children; in 2008 it had receive 224 children; and in 2009, it had received 119

Concluding Remarks

Ms Khazova, Country Rapporteur, stated that it had been a fruitful discussion and reassured the delegation that every State had been subject to the same level of scrutiny. She expressed the hope that the State would consider the Committee's recommendations and make the relevant changes for the protection and promotion of children's rights.

Mr Saidov thanked the members of the Committee for their useful and practical recommendations. Mr Saidov recognised that no State in the world had ideal conditions for children and that the State would take all the essential steps to improve the situation for children. Mr Saidov further stated that the State would make every effort to work broadly with civil society organisations and would coordinate its efforts with its international partners. Additionally, it planned to translate all the General Comments into Uzbek.