

## STATE PARTY EXAMINATION OF UZBEKISTAN'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVMENT OF CHILDREN IN ARMED CONFLICT

**63<sup>RD</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**27 MAY – 14 JUNE 2013**

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*Uzbekistan acceded to the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 23 December 2008. On 5 June 2013, the Committee on the Rights of the Child (the Committee) examined the initial report of Uzbekistan. The State party has a declaration in relation to article 3(2).*

### Opening Comments

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

Dr. Saidov thanked the Rapporteurs for their professional analysis of the report submitted, as well as the written replies.

Mr Madi, the Country Rapporteur, thanked the delegation for submitting its report. Ms Winter, Co-Rapporteur for the OPAC, welcomed the fact that there was currently no armed conflict and no evidence of the use of child soldiers in Uzbekistan.

### General Measures of Implementation

#### **Legislation**

The Committee welcomed the fact that the minimum age for compulsory and voluntary recruitment into the armed forces was 18. It asked whether underage recruitment was explicitly criminalised in law, both in cases of recruitment by the State's armed forces as well as by non-State armed groups.

The Committee noted that there was currently no non-State armed group active on the territory of Uzbekistan; however, because of its location in a region of armed conflict, the Committee was concerned that non-State armed groups active in neighbouring countries could attempt to recruit Uzbek children. The Committee explained that the introduction of an explicit criminalisation of recruitment of children into armed forces, State or non-State, would act as a preventive measure and would not imply that non-State armed groups were present in the country. The delegation answered that the risk of recruitment of children from armed groups from neighbouring countries was an issue to be addressed at the regional level.

The delegation explained that there was no armed conflict in the country; however, it understood the concern of the Committee given the geopolitical situation of the country. The State was concerned about the impending withdrawal of international security forces from Afghanistan in 2014 and recognised that the inclusion of an article explicitly prohibiting the recruitment of children could be helpful as a measure of prevention.

### ***Data Collection***

The Committee considered that data relevant to OPAC had not been collected in an incorrect way. The delegation agreed that the collection of data and statistics was problematic. The National Committee for Statistics had been strengthened to bring the system of data collection in line with international obligations.

### ***Independent monitoring***

The Committee welcomed the intention of the government to establish an independent Ombudsman for Children and asked whether the draft law that would establish this institution would be shown to the Committee. The delegation indicated that the draft law had been elaborated with the support of UNICEF and non-governmental organisations.

## **Prevention**

### ***Military schools***

The Committee understood that the minimum age for entering military academies was 18. It asked whether there were military schools in the country and if so, what the minimum age was for entry into them. The delegation answered that no children under 18 could enter military academies or the armed forces and that there were no military secondary schools in operation. A one-month military training was regularly organised for young people to be included on the list of reserves. Summer camps of various natures were organised by non-governmental organisations, including some camps specialised on military activities and sports, which adolescents under the age of 18 could choose to attend. An organisation working on defence issues also worked closely with State bodies on homeland protection and carried out military and patriotic events.

The Committee noted that optional courses on peace education and conflict prevention were provided in military schools and asked whether the State intended to make them compulsory for all children. Uzbekistan was actively working with the International Committee of the Red Cross for the introduction and expansion of international humanitarian law in the curriculum of military academies.

### ***Illicit transfer of weapons***

The Committee asked whether there were a mechanism in place to monitor and prevent the illicit transfer of weapons by non-State groups, especially those that might be operating in the

border regions, as some groups could provide weapons to children. The Committee also asked whether the State had any statistics on the investigation and prosecution of such cases. The delegation indicated that Uzbekistan had placed an embargo on the transfer of arms to Afghanistan and had been a firm opponent of all arms transfers to Afghanistan.

Uzbekistan was not a country exporting weapons and supported the idea of making Central Asia a nuclear-free zone. It had developed policies to prevent any involvement of Uzbekistan in other countries' conflict situations.

## **Prohibition and Related Matters**

### ***Extraterritorial jurisdiction***

The Committee asked whether the State's judicial mechanisms had the competence to exercise extraterritorial jurisdiction over crimes included in the OPAC.

### ***Extradition***

The Committee observed that double criminality was a condition for extradition of the author of a crime encompassed in the OPAC; it asked whether the State had any intention to remove this condition. The delegation confirmed that the law included the condition of double criminality to extradite criminals and agreed that it should be removed. However, this was not a requirement in bilateral agreements that Uzbekistan had signed with second countries.

The Committee noted that 45 persons had been extradited to other countries between 2008 and 2011 and asked whether perpetrators of crimes defined under OPAC were among those. The delegation indicated that there was no information as to the crimes for which these people had been extradited for and that the figures had never been analysed through the perspective of the OPAC.

## **Protection, Recovery and Reintegration**

### ***Immigration and identification of child soldiers***

The Committee asked whether the State had created a mechanism aimed at identifying migrant, refugee or asylum-seeking children that might have been involved in an armed conflict abroad. This question was especially relevant given the geopolitical situation of the country. The Committee particularly enquired whether those children were provided with all the necessary support for rehabilitation and reintegration, and whether this support was provided by trained professionals.

The delegation agreed that the early identification and support to children previously involved in armed conflicts abroad were necessary. There had been cases of Afghan children coming to Uzbekistan in recent years; however there remained only a small number. Children from Tajikistan and Kyrgyzstan had also been returned to their countries of origin. These children had been provided with assistance by the State, including medical, legal and psychosocial assistance. According to UNHCR, 30 to 40 children were currently in this situation in Uzbekistan and had received appropriate assistance. They were treated in a humanitarian manner, in accordance with all human rights treaties, as were all foreigners. The issue was not problematic in Uzbekistan.

The Committee asked what measures would be taken if children that would have been involved in an armed conflict abroad arrived in Uzbekistan in the future. The delegation

answered that all necessary measures would then be taken to identify and assist those children.

In addition, according to the constitution, foreign citizens and stateless people enjoyed the rights and freedom pursuant to norms and standards of international law. The State also worked with children on voluntary repatriation and with those who wished to go to Europe or the United States. Some people also integrated the Uzbek society; the question was now to define in legal terms their right to remain in the country:

The Committee also asked whether there had been cases where a refugee or asylum-seeking child had been investigated and charged for terrorism offences.

## **Concluding Remarks**

Mr Madi, the Country Rapporteur, stated that the State was still at an early stage of implementation of the OPAC. He thanked the delegation for understanding the Committee's concerns and for its commitment to take the Committee's comments into account for their next report. He considered that the dialogue had been constructive and demonstrated mutual understanding.

Dr. Saidov thanked the members of the Committee for their openness and constructive approach to conduct the dialogue. It valued the Committee's understanding of the implementation of the OPAC. He recalled that no country around the world had a perfect situation in terms of protection of the rights of the child. However, it stated that the government shared the Committee's concerns and that it was mostly up to the State to protect the children of Uzbekistan.

Dr. Saidov added that a broad awareness campaign would be conducted about this session in the media, at the Parliament and through non-governmental organisations. He recalled the importance of the Parliament in the implementation of the OPAC. He concluded by assuring the Committee that the government would work with the entire society and non-governmental organisations to implement the OPAC and would address the recommendations of the Committee together with the 40 child rights recommendations received the previous month during Uzbekistan's Universal Periodic Review.