

UZBEKISTAN

## **Supplementary NGO Report**

*on the implementation of the  
Convention on the Rights of the  
Child in the Republic of Uzbekistan*

**Tashkent - 2001**

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## **Table of content**

<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>SUPPLEMENTARY REPORT OF NGOs</b>	
GENERAL MEASURES OF IMPLEMENTATION	12
Dissemination of the principles and provisions of the Convention	13
Reports of the State Parties on the Convention	14
DEFINITION OF THE CHILD	14
GENERAL PRINCIPLES	14
Non-discrimination	14
Best interests of the child	15
Right to life, survival and development	15
Child's right to express opinion	16
CIVIL RIGHTS AND FREEDOMS	17
Freedom of expression and information	17
Protection of privacy	17
Torture and capital punishment	17
FAMILY ENVIRONMENT AND ALTERNATIVE CARE	18
Protection from abuse and neglect	18
Protection of a child without family	18
Adoption and Fostering	19
BASIC HEALTH AND WELFARE	20
Disabled children	20
Health and health services	21

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Social security	23
Standard of living	23
EDUCATION, LEISURE AND CULTURAL ACTIVITIES	24
Education	24
Leisure and cultural activities	27
SPECIAL PROTECTION MEASURES	28
Children in situations of emergency	28
Refugee children	28
Recovery and reintegration	28
Children in conflict with the law	29
Administration of juvenile justice	29
Torture, capital punishment, and children in prisons	31
Recovery and reintegration	32
Children in situations of exploitation	32
Protection from economic exploitation	32
Sexual exploitation	33
List of NGOs contributions to the report	34
References	35
Annex 1	36

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## **EXECUTIVE SUMMARY**

The Convention on the Rights of the Child (CRC) was one of the first international instruments to which the Republic of Uzbekistan acceded, and with parliamentary ratification on 9 December 1992, the Republic of Uzbekistan entered into a commitment to observe all the provisions of the CRC and to shoulder its responsibility before the international community. As a result various legislative, administrative and other steps have been taken by the government of the Republic of Uzbekistan with a view to bringing the State policy and legislation on children to be in line with the provisions as enshrined in the Convention on the Rights of the Child. The Constitution incorporates the fundamental provisions of the Universal Declaration of Human Rights. At the current stage in the restructuring of the country's social and economic development, solid foundations have been laid for the conduct of significant democratic reforms based on a recognition of the innate worth of the individual (including the child) and of the unconditional respect of his or her rights and freedoms.

Until recently, the State acted as the main guarantor of the provision of all social services, however the process of the transition (political/economic) to a market economy has entailed the development of new economic relations with a reduction in the allocation of state resources for the provision of social services to children. The efforts of the government made so far to bring the state policy and legislation on the child to be in line with the provisions enshrined in the convention on the rights of the child are commendable; never the less, the implementations of all these policies and laws into practice needs a lot to desire as there are a number of ongoing child rights violations.

The National Report has fundamentally overlooked a number of child rights privileges enshrined in the CRC that have not yet been realised, or those rights that have been eroded since the independence. These shortcomings need to be noted for consideration so that the state steps up its efforts to enact new laws and/or to enforce the existing rules and regulations required for the protection and implementation of these child rights, and to improve the overall situation for children in the Republic of Uzbekistan.

## **SECTION 1. GENERAL MEASURES OF IMPLEMENTATION**

### **Problems**

- The current national legislation foresees special protection measures for vulnerable categories of children, particularly for disabled children, orphans and children in institutions, but their implementation is not effective, as it can be seen further in the report, and the legislation requires significant improvement. Along with that there are categories of children who are almost not protected by the legislation (children in detention institutions and prisons, children released from prisons, and refugee children who cannot have equal access to education, healthcare services, and opportunities for their social integration due to their uncertain status).
- Another category of children who are abused by the system are those detained in the two special institutions in Samarkand (for boys) and Kokand (for girls). These children are indefinitely detained up to the age of 17-18 for social reasons.

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## Recommendations

- The current national legislation and practice on social services for children should be reviewed and community-based alternatives to institutionalisation and detention of children should be developed.

## SECTION 2. DEFINITION OF THE CHILD

Legal Status of the Child in the legislation of Uzbekistan corresponds with the definition of the child in Article 1 of the Convention on the Rights of the Child. According to Art.22 of the Civil Code of the Republic of Uzbekistan, "Ability of a citizen to get and exercise civil rights by means of his/her actions, to arrange civil responsibilities for himself/herself and fulfil them (capability) shall come in full with the age of majority, after reaching age of 18 years".

## SECTION 3. GENERAL PRINCIPLES

### A. Non-discrimination

#### Problems

- There are cases of discrimination of the rights of disabled children, children in institutions, street children, children released from prisons, and refugee children who due to their status cannot have equal access to education, healthcare services, and opportunities for their social integration.
- The education system discriminates against children with disabilities by excluding them from mainstream schooling
- Street children represent one of the categories of children who are more often exposed to discrimination because of the very few opportunities for their rehabilitation. A street child can be detained and placed in a detention centre, where he or she is held for up to one month before his or her parents are identified.

#### Recommendation

- To develop legislation and system of social services on the basis of inclusiveness.
- The system of detention institutions for children needs to be restructured. Their staff shall consist of qualified social workers, pedagogues, psychologists, and doctors.

### B. Best interests of the child

#### Problems

- There is no Oliy Majlis (Parliament) Commissioner for Child Rights (Child Rights Ombudsman) but there is one on Human Rights who is in no condition to deal specifically with the issues of children. There is working group on child rights in Ombudsman Office, but the members of this group don't have sufficient level of competency in children's issues
- There are no mechanisms developed to periodically review children in institutions, detention centres, prisons without prior notice to ensure they live in conditions favourable for their physical, psychological and spiritual development.

#### Recommendation

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- Ombudsman Office should assign special Oliy Majlis Commissioner for Child Rights with sufficient level of competency in children's issues
  - Legal framework and monitoring system should be developed in co-operation with NGOs to monitor living conditions of children in institutions, detention centres, prisons

### **C. Child's right to express opinion**

#### **Problems**

- There is no respect for a child's opinion at educational establishments. Children's initiatives are not supported.
- In Uzbekistan, children under 18 do not participate in the political life of the state, though it is worth noting that according to the Criminal Code children can be held legally responsible for their criminal behaviour from the age of 13.

#### **Recommendations**

- To involve children starting from age 13 in the social activities related to the policy of the state to make sure that children's interests are considered in the development and adoption of laws that affect their lives.

## **SECTION 4. CIVIL RIGHTS AND FREEDOMS**

#### **Problems**

- The infringement of the right for freedom of expression is more obviously seen at schools where children are not encouraged to express their views and strict discipline rules practised at schools limit children's opportunities to express themselves freely.
- The rights of children to privacy are not recognised in penal colonies and detention centres where sometimes they can be put in the same cell with an adult offender in contradiction with the legislation, and where their correspondence is constantly censored, which is allowed by the law, particularly by article 79 of the Criminal Proceedings Code of Uzbekistan
- There are cases of tortures (beatings) noted particularly towards juveniles held in temporary isolators (special prisons for detainees and suspects), penitentiary colonies and prisons.
- Corporal punishment are also found in families, especially in dysfunctional families, schools and children institutions, e.g. orphanages, where parents, teachers or other relevant staff physically and psychologically abuse children by beating them considering it an educational norm.

#### **Recommendations**

- To introduce the system of children's governing at schools
- To create favourable conditions in special children institutions to ensure children's rights for the protection of privacy are respected and implemented.
- To take necessary measures to ensure juvenile offenders in prisons, colonies and isolators of temporary confinement are kept separate from adult offenders to prevent possible incidents of violence to juveniles and other forms of their abuse. To introduce appropriate sanctions to be used against the aforementioned regulations' violation.

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- To involve NGOs in monitoring juvenile offenders in penitentiary institutions on a regular basis to prevent them from torture, beatings or other humiliating forms of abuse that are prejudicial to their health.

## **SECTION 5. FAMILY ENVIRONMENT & ALTERNATIVE CARE**

### **Problems**

- One of the common problems in Uzbekistan is latent violence used mainly by parents towards their children. In many cases children do not report about the fact of their abuse for some certain reasons
- Preventative work of the guardianship and adoption service is sometimes confined to a mere registration of cases of abuse some of which, should they be brought to court, can result in the denial of parental rights.
- Children deprived of the family environment are usually placed in children institutions, such as orphanages, where they can stay until the age of 16. Afterwards, they must leave the institutional care but the majority of them have nowhere to go and therefore have all the chances of being left on the street.
- There are cases when children's rights to property are violated. While children live in institutions, their apartments or houses that they legally inherit are sold by their relatives
- There are cases of sexually abused girls being sent to detention institutions to cover up the abuser in the family.

### **Recommendations**

- Ideally, children leaving institutional care should be provided with an opportunity for further education and lodging, which was widely practised before the economic reforms.
- To develop an alternative community based care for children without families including fostering and adoption.
- To provide children leaving institutional care with post-institutional support, which includes provision of education in accordance with their preference, legal counselling, and housing.
- To provide transparency of control by appropriate bodies over the guardianship and adoption service to prevent further violation of children's rights to their housing property.
- To introduce a system for social workers monitoring of adopted and fostered children.

## **SECTION 6. BASIC HEALTH & WELFARE**

### **Problems**

- The social support that disabled children are entitled to is dismal and is hardly enough to cover their medical treatment.
- Despite the efforts to improve the situation of disabled children, there are still problems that they encounter with in their social integration. There is no system developed that would provide disabled children with their social integration.
- Those with minor disabilities who are able to work are usually involved in low paid jobs. Some are employed illegally and therefore cannot be entitled to an appropriate social protection.
- Parents of disabled children experience major financial difficulties in terms of medical treatment and medicine procurement, despite the privileges and discounts that they are entitled to.
- Wheel chairs for disabled children are not widely available, the manufacture of them is limited and costs a lot of money.

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- Social allowances for disabled children are small and include no more than three minimum monthly salaries, which is 7,350 soums equivalent to \$22. And even then not all families who are entitled to social allowances get paid either for lack of money in the fund or for other no apparent reason.
  - In order to be eligible for a social allowance it is required to present a long list of official documents, the acquisition of which might be very time consuming and at times humiliating. The documents are required to be renewed on regular basis. This makes social allowances out of reach of many needy families.

### **Recommendations**

- There are laws and legislative acts that consider the protection of the rights of disabled children and the provision of certain privileges and social allowances for them and these laws have to be enforced.
- To develop the system of indications and contra-indications to work for disabled people on the basis of the character and severity of their disability.
- To develop and introduce the system of review of working places for disabled people, which would also deal with their employment opportunities on the basis of their medical recommendations.
- To develop an effective system of medical rehabilitation for disabled children as part of the general system of measures on the protection and rehabilitation of public health to ensure their participation in professional and social life activities.
- To establish the system of control over the dissemination of free medicine for disabled children and their sale on the basis of free prescriptions in drugs stores of all types, whether they are state or private.
- To take measures on the improvement of social allowance eligibility procedures by making them simple and less time consuming.
- To establish control over the correct dissemination of social allowances to the families in need.

## **SECTION 7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **Problems**

- The present system of education in Uzbekistan is facing serious budgetary strains, as it is evident from the state of maintenance of schools, especially in the remote rural areas. In some schools there is no heating system, which is either out of order and cannot be repaired for lack of money or there is no money to pay for fuel. In wintertime some children from rural poor families cannot go to school, as they do not have appropriate winter clothes and footwear.
- The number of pre-school education institutions is constantly decreasing due to budgetary cuts and so is the number of children able to attend them, especially in rural areas.
- Low salary, high level of unemployment, delays in salary and allowance payments make kindergartens unaffordable. As a result, mothers have to stay home to take care of their children, which limits their involvement in family's income raising activities.
- Primary and secondary school education provided by the state is free. The state budget is barely enough to cover teacher's salaries that are significantly low, let alone provide schools with necessary textbooks and educational facilities.
- The level of general secondary and vocational education has declined. General state expenditure on education decreased from 11,6% of GDP in 1993 to 5,5% of GDP in 1998. The number of students admitted in educational institutions dropped from 57,2% in 1993 to 45% in 1999
- There are cases of violation of children's rights to adequate education when medical-pedagogical commissions examine children with low attainment and send them to special institutions for children with learning impairments. As a rule, the curriculum in these special institutions is not up to the standard but simplified, which limits their further educational and job opportunities.

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- Gender indicators in the education of children show that the percentage of girls applying to secondary and higher education institutions went down from 49% in 1992 to 45% in 1998.
  - Corruption in higher education institutions becomes a common problem, though often hidden. There are more and more cases of bribery practised during admissions and examinations of students.
  - There is a problem with the provision of education for Afghan refugee children living in Uzbekistan. Refugee children have either limited or no access at all to education due to their illegal status. Besides, education of refugee children does not take into account their linguistic needs.
  - There are few opportunities created for children's leisure and recreational activities, especially, in rural areas that would be of benefit for their cultural development. Paid clubs and centres of supplementary education are being developed.
  - There are many night entertainment clubs in cities that are initially designed for adults but are willing to provide access to children under 18 as long as the access is paid for. In places like this a child can buy cigarettes, alcoholic drinks and be exposed to other negative forms of influence, particularly on the part of adults. There is usually no control over the age of children entering night entertainment establishments.
  - Summer camps for children that used to be quite common have become less popular and less affordable.

### Recommendations

- To review the education policy to include disabled children in mainstream schools and allocate resources to make this a reality.
- To legalise measures on the creation of a barrier free environment for disabled people, particularly for disabled children.
- To oblige administrations of all educational establishments (pre-school, elementary, secondary and higher education schools, etc.) to take necessary measures on the adaptation of school buildings, classrooms, laboratories, etc. to the needs of disabled children so that they could have easy access to educational facilities.
- To legalise the development and construction of educational establishments that are entirely suitable for the education of disabled children.
- To legalise compulsory reconstruction of the existing educational buildings to make them easily accessible for disabled children and suitable for their education.
- To promote the concept of inclusive education from early childhood for disabled children to ensure a better social integration.
- To take measures on the improvement of pre-school education opportunities by making it more accessible and affordable, especially for children from poor families.
- To improve maintenance of schools, including provision of children with necessary textbooks available in different local languages, modern information technology and other types of facilities promoting children's education.
- To establish control over admission and examination procedures to prevent possible corruption and discrimination against poor students.
- To create favourable working conditions for teachers at schools to ensure their active participation in the education of children.
- To provide vulnerable children (refugee children, street children, children from poor families) with equal access to education.
- To take necessary measures on the restoration of children playgrounds with the help of local authorities.
- To create more art centres, especially at schools, which would be accessible for children of all ages and promote their intellectual and cultural development.
- To establish control over night entertainment establishments to prevent children under 18 from exposure to negative influences such as smoking, drinking, drugs, prostitution, and sexual abuse.

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## SECTION 8. SPECIAL PROTECTION MEASURES

### Problems

- The practice of the administration of juvenile justice in Uzbekistan has a lot of imperfections. There are no special departments of investigation appropriate to deal with juvenile offenders. Cases on juvenile crimes are investigated by general jurisdiction, sometimes even by those who are incompetent and inexperienced to deal with juvenile offenders, which creates delays in investigation that cannot be allowed according to article 20.1 of the Criminal Code of Uzbekistan.
- An infringement of children's rights takes place in the two detention institutions in Samarkand and Kokand where children are detained for uncertain periods for inconsiderable delinquencies.
- Since different departments manage detention centres, guardianship and adoption service, commissions on non-adult issues, there is lack of co-ordination in their activities and this creates undue delays in the work with children.
- Torture of children in prisons, colonies or other similar types of institutions are reported to be common. There are known cases of torture of children by the staff, officials and, worst of all, by other children whose behaviour is initiated by the so-called informal code of behaviour common to juvenile prisons.
- According to paragraph 13.4 of the Criminal Proceedings Code of the Republic of Uzbekistan, arrested juveniles should be kept separate from adults. But many times this regulation is not complied with and as a result children become subject to a negative influence and more likely to abuse from adults.
- There is no effective system on the rehabilitation and reintegration of children released from prisons in Uzbekistan. They have limited opportunities of education and employment.
- Child economic exploitation in Uzbekistan was and still is mainly associated with cotton harvesting season when children are taken from schools to work in cotton fields. During the cotton harvesting season classes in rural schools and provincial higher educational institutions are usually cancelled and those who refuse to work in the fields are subject to academic punishment.
- Poverty and inability of families to sustain themselves makes children leave schools and start working to help raise their families income. In many cases, out of the economic necessity parents themselves force children to work depriving them thus of their educational opportunity.
- Child prostitution is an existing problem in Uzbekistan. However, there is no official data about the age and percentage of children involved in prostitution. Street children and children in institutions, such as orphanages are often coerced in to prostitution, either voluntarily or by force.
- Street girls and children in prisons can often be subject to sexual abuse practised by the prison staff or by their elder peers.
- Uzbekistan is not a State Party to the 1951 Convention on the Status of Refugees and its 1967 Protocol. There is no Law on Refugees in Uzbekistan and the legislation of Uzbekistan does not contain any procedures for obtaining refugee status or asylum.

### Recommendations

- To provide community based alternatives to the detention institutions in Samarkand and Kokand.
- To develop Juvenile Justice system that would specifically deal with juvenile offenders, including juvenile courts, juvenile lawyers, etc.
- To review the Criminal Proceedings Code of the Republic of Uzbekistan to ensure the hand over of the authority on the issue of arrest warrants from prosecutors to juvenile courts.
- To review penal sanctions used towards juvenile offenders by replacing imprisonment, wherever possible, by other more lenient forms of punishment.

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- To co-ordinate the work of detention centres, guardianship and adoption service, commissions on non-adult issues, and other relevant agencies by making them equally responsible for the life of the child.
  - To develop and adopt a law on the public inspection of penitentiary institutions to prevent possible torture and abuse of juvenile offenders.
  - To take necessary measures on the improvement of complaint procedures from detained and arrested juveniles.
  - To provide children released from prison with wider access to education and employment opportunities.
  - To develop a national law that would provide political and social protection for refugee children.
  - To develop a system for recovery and social reintegration of refugee children who became victims of the war.

## ***Supplementary Report of NGOs on the Convention of the Rights of the Child***

### **I. GENERAL MEASURES OF IMPLEMENTATION**

Since the declaration of its independence in 1991 Uzbekistan has ratified a number of international agreements. Among them are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of all forms of Discrimination against Women, International Labour Organisation Convention, and the United Nations Convention on the Rights of the Child which was ratified by Uzbekistan in 1992. Having ratified these important documents the state of Uzbekistan made a serious commitment to ensure the implementation of human rights, and the rights of the child in particular.

After the Republic of Uzbekistan has become a sovereign state, there were a number of reforms initiated in the political, economic, and social life of the state that one way or another affected the implementation of human rights. Despite a set of laws and legislative acts aimed at the implementation of the reforms, there are no appropriate mechanisms developed to bring them in action, which leads to the violation of the law and to the infringement of human rights. The development of a democratic society requires economic changes that should be based on the principles of human rights. But in the course of its economic reforms the government tends to pay little attention to the protection of human rights. As a result, current economic reforms fail to reflect the wellbeing of the majority of Uzbek people.

Normally, transition from a Soviet totalitarian regime to a democratic one has a strong impact on the legislation. At present, many legal institutions in Uzbekistan are in the stage of conception and therefore seem to have a lot of imperfections. Officials are unaware on human rights, as education on human rights in the society is at the low level of development, no clear division of authority between the law enforcement structures. Although formally, the Bar of Lawyers has the same opportunities as the office of prosecutor, de facto role of lawyers is diminished. Some government officials with their old fashioned mentality have the habit of depicting only positive side of the life of the society and that leads to all kinds of concealment of the existing problems.

There is a lack of trust towards the court as the court of justice due to the fact that the juridical power is actually a part of the executive power. Citizens of Uzbekistan are mostly unaware of their rights and that consequently makes them unable to reveal possible infringement of their rights. In cases of charges and penalties announced by

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the court and decision making on what court procedure to use, the preference is usually given to the strictest procedure, even though there are no reasonable grounds for it. In search of help and protection from injustice many citizens cannot resort to law enforcement agencies because of mistrust against them and their unreliability.

Independent media in Uzbekistan just starts to develop. There is not enough of publications of critical content and a lot of articles focusing on success. That leads to false impressions that the state officials and the international society might have about the real state of things.

Poverty in Uzbekistan caused by the economic instability is one of the significant indicators of the human rights violation. As of paragraph 52 of the National Report of the Republic of Uzbekistan poor families are provided with financial support that ranges from 1,5 to 3 minimum salaries a month (\$11-\$22). The amount of a state allowance to disabled children is about \$15. Because of the constant inflation in the market economy this miserable amount is hardly enough to ensure proper nutrition, let alone the procurement of necessary clothes or medicine. Besides, to ensure a proper cultural development of the child, it is important to involve the child into cultural activities such as theatres, museums, exhibitions, etc., which require a certain fee.

Economical problems and low level of community participation has resulted in inappropriate institutionalisation of children and creation of the phenomenon of children living and working on the streets. The harshest institutional conditions are created in two extra-judiciary detention institutions in Samarkand (for boys) and Kokand (for girls). These children are sent to these institutions after decision taken by the commission on minors, sending their cases to the court. The reason for detaining them ranges from being in the street to hooliganism, minor thefts, prostitution, drug abuse, and being sexually abused at home. Sometimes parents initiate their detention because of various reasons, one of which is extreme poverty. These children are detained for indefinite period up to the age of 17 -18. There is no provision for the after release and the families sometimes don't accept them back.

As of paragraph 45 of the National Report of the Republic of Uzbekistan, the Oliy Majlis (the Parliament) has adopted a law on "The Oliy Majlis Commissioner (Ombudsman) of the Republic of Uzbekistan for Human Rights". Administration of juvenile justice by juvenile courts, introduction of the post of the Ombudsman of Oliy Majlis on the Rights of the Child, public monitoring of child rights implementation and public inspection of children institutions of open and closed types without notice are effective methods to introduce the principles of the Convention into the life of Uzbekistan. Publicity should be given to the work of the institutes of Ombudsman in charge of children's problems.

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## **Dissemination of the principles and provisions of the Convention**

Currently, there are local non-government organisations (NGOs) such as those who participated in writing this document who with the help of international organisations are actively involved in the dissemination of the Convention principles through training workshops at schools, children clubs, communities, and organisations directly working with children. These NGOs have established that the education system seriously discriminates against the right to education and integration of disabled children by excluding them from mainstream schools for reason of disability, sometimes even for minor disabilities. A new subject of studying CRC and the Constitution of the Republic of Uzbekistan will be taught from the new academic year of 2001/2002 (under the resolution of the Collegium of the Ministry of Public Education).

## **Reports of the State Parties on the Convention**

According to the National Report of Uzbekistan on the Convention on the Rights of the Child, virtually all the articles of the Convention found legal support on the basis of various legislation articles and certain paragraphs reflected in a number of legal acts of the current legislation. However mechanisms of implementation of those laws are not developed, that is why the quality of their implementation leaves much to be desired.

The National Report of the Republic of Uzbekistan on the implementation of principles and provisions of the Convention does not entirely reflect the existing problems but lists only positive things.

## **II. DEFINITION OF THE CHILD**

Legal Status of the Child in the legislation of Uzbekistan corresponds with the definition of the child in Article 1 of the Convention on the Rights of the Child. According to Art.22 of the Civil Code of the Republic of Uzbekistan, "Ability of a citizen to get and exercise civil rights by means of his/her actions, to arrange civil responsibilities for himself/herself and fulfil them (capability) shall come in full with the age of majority, after reaching age of 18 years."

## **III. GENERAL PRINCIPLES**

### **A. Non-discrimination**

Street children represent one of the categories of children who are more often exposed to discrimination because of the very few opportunities available for their rehabilitation. A street child can be detained and placed in a intermediary reception-distribution centre, which is under the management of the Ministry of Internal Affairs, where he or

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she is held for up to one month before his or her parents are identified. After the identification of parents, the child is simply returned back to the family that he or she ran away from for some certain reasons that are not investigated. The reasons may be related to possible abuse of the child in the family, alcohol or drug addicted parents, etc. When the child is brought back to the family there are virtually no attempts to improve the family environment or try to find some other alternative forms of care to prevent the child from being in the streets again. As a result, some time later the child happens to be in the streets again, being exposed to and sometimes involved in prostitution, drugs, abusive behaviour on the part of adults and other children, begging, etc.

The system of intermediary reception-distribution centres for children needs to be restructured. Their staff shall consist of qualified social workers, pedagogues, psychologists, and doctors. There are cases of discrimination of the rights of disabled children, children in institutions, children released from prisons, and refugee children who due to their status cannot have equal access to education, healthcare services, and opportunities for their social integration. The national legislation foresees special protection measures for these categories of children, particularly for disabled children and children in institutions, but their implementation is not effective, as it can be seen further in the report, and therefore requires significant improvement.

### **B. Best interests of the child**

There are no juvenile courts in the republic. Best interests of the child are not taken into account when juvenile justice is administered by general jurisdiction courts and not by juvenile courts. As it was mentioned earlier, there is no Oliy Majlis Commissioner for Child Rights, but there is one on Human Rights who is in no condition to deal specifically with the issues of children. There is a working group on child rights, but it doesn't have sufficient level of competency in children's issues. Besides, there are no mechanisms developed to periodically review children in institutions, detention centres, prisons without prior notice to ensure they live in conditions favourable for their physical, psychological and spiritual development. Many of those institutions remain inaccessible as their management does not recognise the significance of monitoring and if it does then it is not willing to allow that, and because of lack of regulations on this matter.

The principle of the best interests of the child is ignored in cases of early marriages among girls at the age of 16-17. This in part is associated with local traditions, more practised in rural areas, and in part with financial difficulties that some families hope to solve through marriage when their daughters are married to men from well-off families.

### **C. Right to life, survival and development**

According to the National Report of Uzbekistan on the CRC, programmes have been developed on the alleviating of the consequences of environmental crisis, especially in

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the Aral Sea area, that has negatively affected birth and mortality rates of children in Uzbekistan. Data from the Ministry of Health of Uzbekistan shows that infant mortality rate has substantially decreased for the last few years, from 35.5 per 1,000 live births in 1991 to 22.5% in 1997. But nevertheless, infant mortality rate is still alarmingly high in Uzbekistan, especially in remote rural areas, where there are problems with access to safe drinking water and quality health care because of the infrequency of the medical centres.

Due to economic difficulties, a problem with early childhood development has developed. Few families can afford placing their children in kindergartens. In fact, the number of kindergartens is rather limited, especially in rural areas. Many of them were closed because of the lack of financial support and those that still function are in poor conditions. As a result, a child without a proper pre-school education is likely to have difficulties during primary education. At the same time a system of family kindergartens is developing with the support of the Ministry of Public Education. Education of parents is being arranged as well, in support with NGOs.

Since the average monthly salary rate is around 6,000 soums of local currency which is equivalent to \$8-9, this amount is barely enough to cover some basic needs of the family let alone provide children with quality education and an appropriate health care. Besides, poverty is one of the reasons why children leave schools and start working in markets selling food, cigarettes and other products to help raise the family's income. Many parents encourage their children to work, and sometimes force them to do so for lack of a better alternative. State allowances given to poor families, to one parent families and other disadvantaged families are insufficient to ensure a minimum acceptable level of child development.

#### **D. Child's right to express opinion**

Many educational establishments do not have effective mechanisms developed on the implementation of the principles of child rights. There is no respect for a child's opinion at schools. Children's initiatives are constantly suppressed. The right of school children to participate in school management is not recognised and therefore not practised. As a rule, schoolchildren and their parents completely depend on school administration. Teachers and schools' administration staff shall be trained in new methods of working with children. They are not motivated to use new methods and to work at schools due to very low salaries.

In Uzbekistan, children under 18 do not participate in the political life of the state. It would be good to involve children starting from the age of 13 years in the activities related to the policy of the state to make sure that children's interests are considered in the development and adoption of laws that affect their lives.

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## **IV. CIVIL RIGHTS AND FREEDOMS**

### **A. Freedom of expression and information**

The infringement of the right for freedom of expression is more obviously seen at schools where children are not encouraged to express their views and where lessons are mostly held in the form of lectures. Strict discipline practised at schools due to patriarchal attitudes, limits children's opportunities to express themselves. Events and activities organised for children are often planned and conducted by adults without children being actively involved in them, making them just a tokenism.

Children have limited access to Internet and other information technology facilities, particularly in state schools that are not adequately equipped due to budgetary constraints.

### **B. Protection of privacy**

There is still no social service providing children's access to confidential counselling on legal and medical matters without the required involvement of their parents or legal guardians.

All schools presuppose to employ a psychologist to work with children, but not all of them do have such specialists because of lack of financing at schools and very low salaries.

The rights of children to privacy is not recognised in penal colonies and detention institutions, where their correspondence is constantly censored, which is allowed by the law, particularly by article 79 of the Criminal Proceedings Code of Uzbekistan. There are violations of the right of children to privacy by their parents.

### **Recommendations:**

- To provide publicity of work of Ombudsman Office on children's cases by regular publication of their reports in media.
- To take necessary measures on the provision of children's access to confidential advice and counselling on various issues pertaining to their personal lives, including juridical and medical care issues; to set up "hot lines" for children
- To change the practice of institutionalising of children in special institutions to ensure children's rights including the protection of privacy are respected and implemented.

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- To take necessary measures to improve conditions in prisons, penal colonies and isolators of temporary confinement to prevent possible incidents of violence to juveniles and other forms of their abuse. To introduce appropriate sanctions to be used against the aforementioned regulations' violation.

### **C. Torture and capital punishment**

Capital punishment towards children under 18 is not applied in Uzbekistan. However, there are cases of tortures and beating noted, particularly towards juveniles held in temporary isolators (special prisons for detainees and suspects), penitentiary colonies and prisons.

Corporal punishment are also found in families, especially in dysfunctional families, schools and children's institutions, e.g. orphanages, where parents, teachers or other staff physically abuse children by beating them considering it an educational norm.

#### **Recommendations:**

- To provide legal framework for involvement of NGOs in monitoring juvenile offenders in penitentiary institutions on a regular basis to prevent them from torture, beatings or other humiliating forms of abuse that are prejudicial to their health.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Protection from abuse and neglect**

One of the common problems in Uzbekistan is latent violence used mainly by parents towards their children. In many cases children do not report about the fact of their abuse for various reasons. Many children are not aware of their rights as declared by the Convention and therefore cannot protect them. Children still are not aware of the procedure of protection from abuse, no dissemination of information about appropriate contacts, and no "hot lines" that a child can resort to in case of abuse.

Work of the Guardianship, Fostering and Adoption Service is sometimes confined to a mere registration of cases of abuse some of which, if they be brought to court, can result in the declaring invalid of parental rights. It happens because number of staff of Guardianship, Fostering and Adoption Service is limited and not equipped by appropriate skills in social work. State agencies dealing with children prefer to avoid intervention in family matters leaving the child without an appropriate attention and care. Such negligence both on the part of parents and relevant state agencies in most cases leads to the problem of street children as mentioned earlier. For example, only

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in one district of Tashkent from 300 to 1000 children have been considered as migrants (street children).

### **B. Protection of a child without family**

Children deprived of the family environment are usually placed in children's institutions, such as orphanages, where they stay until the age of 16. Afterwards, they must leave the institutional care but the majority of them have nowhere to go and therefore many end up living and working on the street. Ideally, children leaving institutional care should be provided with an opportunity for further education and lodging, which was widely practised before the post Soviet economic reforms, but nowadays this system does not exist and where it does, it completely ignores the principle of the best interests of the child. Unfortunately, children leaving institutional care are provided with either none or limited educational opportunities that do not always fit their preferences. Many children are sent to a vocational college or a technical school that are not their choice. Even if they have the opportunity to go to a desirable university they would not be admitted because of the lack of proper educational preparation at the institution.

Children who are complete orphans, i.e. whose parents have died or are deprived of parental rights, have more chances and privileges in terms of education and lodging provision as compared to children who were abandoned but whose parents are alive and not deprived of their parental rights. This is one of the grounds for discrimination used against children leaving institutional care.

There are cases when children's right to property is violated. While children live in institutions, their apartments or houses that they have legally inherited are sold by their relatives in spite of the article 52 of the Housing Code of the Republic of Uzbekistan. The municipal Guardianship, Fostering and Adoption Service in some cases does not take measures, as it is supposed to, to preserve the rights of children to their property, whereas in fact the state can put an official ban on their sale. Hence, some children have no other chance but to continue living in their institutions until the age of 18 and after for lack of a place to live at. On the whole, the state and local authorities do not pay enough attention to the housing problems of institutional children. Lack of public control creates environment for corruption.

#### **Recommendations:**

- To develop an alternative community based care for children without families (support to foster families and adoption).

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- To provide children leaving institutional care with post-institutional support, which includes provision of education in accordance with their preference, legal counselling, and housing.
  - To provide transparency of control by the appropriate bodies over the guardianship and adoption service's work to prevent further violation of children's rights to their housing property.

### **C. Adoption and Fostering**

Adoption issues in Uzbekistan are reflected in the national legislation and administered by the Guardianship, Fostering and Adoption Service. Their responsibilities, in addition to others, include monitoring and review of adopted children. However, in practice such monitoring and review are not practised as often as they should be. Besides, in many cases adoption procedures tend to be quite complicated requiring many formalities and a lot of time. A profession of social worker has been introduced in the National Standard Classification List of Professions.

#### **Recommendations:**

- To simplify and facilitate adoption procedures.
- To introduce a foster care service to replace institutionalisation of children
- To establish university department on social work and introduce social work practice
- To introduce a system for social workers monitoring of adopted and fostered children.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Disabled children**

According to the state statistics, the number of disabled children in Uzbekistan is alarmingly high. According to the data of the Ministry of Macro-economy and Statistics in 1992 there were 33,280 of disabled children officially registered, and in 1999 the number has increased to 123,750. The official data does not indeed reflect the whole situation, as there are more disabled children, especially in rural areas, who are not officially registered and whose disabilities are hidden from the public view due to the stigma attached. It would be true to say that nowadays, at the times of major economic changes, disabled children happen to be in the most disadvantaged situation. The social support that they are entitled to is limited and hardly enough to cover their maintenance, education and medical treatment. Some disabled children have to have expensive medical treatment to survive.

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There are laws and legislative acts that consider the protection of the rights of disabled children and the provision of certain privileges and social allowances for them. For example, issues of disabled children are covered in the Constitution of the Republic of Uzbekistan, in the Law on Social Protection of Disabled People (#422 of 18.11.91), Statement on the Adoption of Juveniles and Patronage Family Care (Appendix #3, Statement # 171 of the Cabinet of Ministers, 12.04.99). Yet, there is no general law that would concentrate specifically on the rights and social protection of disabled children. The fact that the rights of disabled children are included in the current laws is positive but sometimes a large number of legal documents create confusion and misunderstanding among parents, guardians and other responsible individuals, even among relevant organisations and officials representing the rights of disabled children. The development of separate law on the protection of disabled children would make the implementation of the principles of the Convention more effective and would therefore improve their situation.

The limited social services available are not directed at disabled children but their only parents or individuals responsible for their care and organisations. In most cases, disabled children are isolated from their non-disabled peers, which prevents them from social integration and rehabilitation. This has serious consequences for their development and education. Early childhood integration is essential for disabled children's successful rehabilitation and social adaptation.

Despite some efforts by NGOs to improve the situation of disabled children, they still encounter serious problems with their social integration. The majority of disabled children do not have a proper general education, let alone professional education. Those with minor disabilities who are able to work are usually involved in low paid jobs.

There are cases of exploitation of disabled children not only by their employers but also by their relatives who use them as one of the profitable ways of making money. There are no accurate statistics on that respect but it is a well-known fact that disabled children are often seen begging in the streets. Allowances are paid to children until their reach of the age of 16 years.

### **Recommendations:**

- To change the attitude and policy of the government and society so that disability is regarded as a social issue and not just as a medical issue.
- To develop equal opportunities policy in education and employment of disabled people.
- To provide vocational and professional education for disabled children.

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- To develop system of review of identifying work places for disabled people, and provide work places for disabled people.
  - To bring the pension legislation to conformity with the CRC (the disabled child's age limit shall be raised to 18 years).

## **B. Health and health services**

The system of health care in Uzbekistan is based on both free and paid provision of medical services. In reality, the situation with medical care tends to be quite different. State clinic services are free but are mostly of poor quality and with low maintenance due to insufficient financial support. Instead, a lot of privately owned clinics have emerged where the quality of medical care is higher but, unfortunately, unaffordable for families with low income. Thus, poor healthcare and anti-sanitary conditions result in the outburst of diseases such as tuberculosis, hepatitis, respiratory diseases. The situation gets worse with the lack of vaccination available. The problem with the lack of iodine and ferrum is very acute because of regional climate peculiarities (according to the data provided by the Institute of Haematology and the Institute of Endocrinology the number of children with congenital pathologies increases).

Parents of disabled children experience major financial difficulties in terms of medicine procurement and the provision of medical treatment, despite the privileges and discounts they are entitled to.

According to paragraph 10 of the current statement of the Cabinet of Ministers of the Republic of Uzbekistan (# 404 of August 6, 1994) on the "Immediate measures to improve the supply and provision of medical supplies in the republic", the sale of medical supplies in drug stores, whether state or privately owned, to disabled individuals of all categories should be free of charge. However in practice, drug stores refuse to comply with the regulation because the cost of medicines is not being compensated to them by local administrations. The problem with medicine provision became worse when the Ministry of Health decided to change paragraph 10. From now on, it states that drugs can be issued by drug stores on the basis of free prescriptions and to patients with certain types of illness, as of the list confirmed, including patients who are entitled to free medicine supply during their home treatment as of the statement of the Cabinet of Ministers (#532 of October 2, 1997) on the "Improvement of financial support systems in medical institutions". As a result, disabled children are not included in the mentioned list.

In addition to the difficulties with provision of free medicine, there are problems with free medical treatment as well. Parents of disabled children are recommended to seek for the help of sponsors or appeal to the senior management of the Ministry of Health. These fundraising activities can last long and be humiliating. As for wheel chairs for

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disabled children, the manufacture of them is limited in Uzbekistan and they cost a lot of money. Joint venture “UzALTRAMARK” manufactures wheel chairs only on the basis of orders made and after a prepayment.

**Recommendations:**

- To develop an effective system of medical rehabilitation for disabled children as part of the general protection of public health.
- To establish the system of state and public control over the dissemination of free medicine for disabled children and their sale on the basis of free prescriptions in drugs stores of all types, whether they are state or private. In fact, the system of control should be introduced on all levels, starting from the issue of prescriptions and following by the dissemination of medicine in drug stores.
- To develop a mechanism on the use of sanctions against possible violation of the above regulations.
- It is necessary to adopt a law on shortage of iodine and a law on enrichment of food products with ferrum containing substances and vitamins.

**C. Social security**

Social protection system considered in the law of Uzbekistan is implemented through the provision of certain types of allowances to poor families with children. Social allowances are usually dispersed by Mahalla committees (neighbourhood) or other agencies responsible for the identification of families in need. However in practice, the system of social support has a lot of shortcomings. First, the amount of social allowance is small and includes no more than three minimum monthly salaries, which is 7,350 soums equivalent to \$22. Second, not all families who are entitled to supplementary allowances get paid either for lack of fund or other reasons.

Besides, in order to be eligible for a supplementary allowance it is required to provide a long list of official documents, the acquisition of which might be very time consuming and at times humiliating. As a rule, the documents are only valid for 3-6 months. After their expiration the documents need to be renewed and therefore recollected all over again.

According to the data provided by the Ministry of Macro-economy and Statistics 20% of population are paid the amounts allocated by the state budget to Mahalla committees for payment of allowance.

**Recommendations:**

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- To develop a programme on poverty alleviation.
  - To ensure allocation of adequate social funds based on the number of poor families identified.
  - To take measures on the improvement of social allowance eligibility procedures by making them simple and less time consuming.
  - To establish control over the correct dissemination of supplementary allowances to the families in need.
  - To review the pension legislation.

#### **D. Standard of living**

Economical instability has notably decreased the standards of living in the society and consequently the welfare of children. According to the empirical data, up to 85% of children may be living in poor families. An average monthly salary is sufficient for three days of family's minimum living. Basic food expenses make 70% of family's total expenditure whereas the remaining 30% are left for other needs such as medical treatment, education, clothes, etc., which leads to the inability to provide favourable conditions for children's physical, intellectual and psychological development. Cultural activities and other means to provide children with quality leisure time are out of question. Scarcity of food products consumed in poor families leads to malnutrition.

### **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

#### **A. Education**

The present system of education in Uzbekistan is facing serious budgetary strains. This is evident from the state of maintenance of schools, especially in the remote rural areas. In some schools there is no heating system, which is either out of order and cannot be repaired for lack of money or there is no money to pay for fuel. In wintertime some children from rural poor families cannot go to school, as they do not have appropriate winter clothes and footwear. Although Mahalla committees provide cash and material assistance to poor families, the assistance is usually not enough to address the needs of all families.

The number of pre-school education institutions such as kindergartens is constantly decreasing due to budgetary cuts and so is the number of children able to attend them, especially in rural areas.

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Curriculum of system of home education for disabled children needs to be corrected. Specialists working in kindergartens are paid low salaries. In that connection there may be noticed lack of staff in kindergartens.

Often children are not prepared to school because of absence of pre-school education. One of the main reasons for children's low attendance is inability of some parents to pay for their kindergarten care. Low salary, high level of unemployment, delays in salary and allowance payments make kindergartens unaffordable. As a result, mothers have to stay home to take care of their children, which limits their involvement in family's income raising activities.

Primary and secondary school education provided by the state is free but of low quality. The state budget is barely enough to cover teacher's salaries that are significantly low, let alone provide schools with necessary textbooks and educational facilities. In many cases, the provision of textbooks becomes the responsibility of parents.

The standard and quality of secondary and vocational education has declined in the past ten years. General state expenditure on education decreased from 11,6% of GDP in 1993 to 5,5% of GDP in 1998. The number of students admitted in educational institutions dropped from 57,2% in 1993 to 45% in 1999. According to a sociological surveys, 86% of the population give high priority to the education of their children but despite the fact, few families can afford it, especially the provision of higher education, which is free of charge only for 50% of students.

There are cases of the violation of children's right to adequate education when medical-pedagogical commissions examine children with low attainment and send them to special institutions for children with learning impairments. As a rule, the curriculum in these special institutions is limited, which limits the children's further, educational and job opportunities.

Primary and secondary education are especially unaffordable for disabled children not only because of their physical or financial limitations but also because of the difficulties in their transportation to schools. Unfortunately, there is still no infrastructure developed, which would provide disabled children with an appropriate access to educational institutions. There are no elevators, ramps or special driveways for wheelchairs that would facilitate the mobility of disabled children in educational institutions.

Theoretically, disabled children have certain privileges regarding admission to high schools. The overall entry scores required was 33%-40%, which is less than normally required for their able-bodied peers. But since 1999 those privileges were cancelled.

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But in reality there are cases where disabled children successfully pass their admission exams but are not admitted to schools. For example, in 1998 a number of disabled children, who have gained the required entry scores, were refused in admission for some unknown reasons. The only category of disabled children, whose rights to certain privileges in education remain, are blind children from special boarding schools.

According to the Regulations #243 of 2 May, 1996 on the provision of state privileges and promotions to students, disabled children who were enrolled in higher education institutions on contract basis pay 50% of their tuition fee. In case of excellent academic performance they can be totally exempted from the tuition payment.

### **Recommendations:**

- To legalise measures create a barrier free environment for disabled children.
- To oblige administrations of all educational establishments (pre-school, elementary, secondary and higher education schools, etc.) to take necessary measures on the adaptation of school buildings, classrooms, laboratories, etc. to the needs of disabled children so that they could have easy access to educational facilities.
- To legalise the development and construction of educational establishments that are entirely suitable for the education of disabled children.
- To legalise compulsory reconstruction of the existing educational buildings to make them easily accessible for disabled children and suitable for their education.
- To legalise inclusive education from early childhood for disabled children to ensure a better social integration.

Despite the fact that according to sociological research the most part of the Uzbek population consider it important to provide good education for children, there are many families for whose children higher education becomes simply unaffordable. Not being able to provide education for all children in the family, some parents give preference to the education of boys. This is explained not so much by Muslim traditions as by the economic factors. Girls marry, usually at the age of 16-17, and when they become mothers they

tend to stay home taking care of their children. Their further education is not considered to be useful and conducive to the family's economy. However, even boys cannot always continue their education because of the remote location of higher education institutions.

Gender indicators in the education of children show that the percentage of girls applying to secondary and higher education institutions went down from 49% in 1992

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to 45% in 1998 (The Ministry of High Education, the Ministry of Public Education of the republic of Uzbekistan). The education period of females is 10% shorter than that of males and it is more likely for males (82,6%) to have a completed secondary education than for females.

In addition to shortage of textbooks, poor facilities, etc., lack of human resources is another serious problem in education. There is a shortage of teachers at schools as many of them left schools and out of necessity turned to more lucrative businesses. As a result, the number of schoolchildren in some classes is way above normal.

Corruption in higher education institutions becomes a common problem, though often hidden. There are more and more cases of bribery practised during admissions and examinations of students. Many students earn or have to earn their points and credits with the money they pay and not with their knowledge. This kind of attitude puts students from families with low income in the disadvantaged position.

### **Recommendations:**

- To take measures on the improvement of pre-school education opportunities by making it more accessible and affordable, especially for children from poor families and disabled children.
- To improve maintenance of schools, including provision of textbooks available in different local languages, modern information technology and other types of facilities promoting children's education.
- To establish control over admission and examination procedures to prevent possible corruption and discrimination of students.
- To create favourable working conditions for teachers at schools to ensure their active participation in the education of children.
- To provide vulnerable children (refugee children, street children, children from poor families, disabled children) with equal access to education.

### **B. Leisure and cultural activities**

There are few opportunities created for children's leisure and recreational activities, especially, in rural areas that would be of benefit for their cultural development. One of the reasons for that is lack of financial resources.

There used to be a lot of creative art centres that were accessible for children of all ages willing to participate in different types of creative activities such as dance, music,

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theatre, etc. Today, the number of such centres has decreased, paid cultural/educational services are being developed. For lack of a better accessible occupation and educational opportunities some children turn to drugs, prostitution and become involved in criminal activities. A number of NGOs gives an access to free of charge clubs and centres of supplementary education.

There are many night entertainment clubs in cities that are initially designed for adults but are willing to provide access to children under 18 as long as the access is paid for. In places like this a child can buy cigarettes, alcoholic drinks and be exposed to other negative forms of influence, particularly on the part of adults. There is usually no control over the age of children entering night entertainment establishments. Disco clubs for youth under 18 are also involved in the sale of alcohol and tobacco products to children. Practically, there are no agencies that would deal particularly with this problem. In fact, there are no measures taken by the state to control the sale of alcohol and tobacco product to children under 18, though there are anti-smoking campaigns being launched.

Summer camps for children that used to be quite common have become less popular and less affordable.

### **Recommendations:**

- To take necessary measures on the restoration of children playgrounds with the help of local authorities.
- To create more art centres, especially at schools, which would be accessible for children of all ages and promote their intellectual and cultural development.
- To establish control over the night entertainment establishments to prevent children under 18 from exposure to negative influences such as smoking, drinking, drugs, prostitution, and sexual abuse.

## **VIII. SPECIAL PROTECTION MEASURES**

### **1) Children in situations of emergency**

#### **A. Refugee children**

Uzbekistan is not a State Party to the 1951 Convention on the Status of Refugees and its 1967 Protocol. However the problem exists.

There is no Law on Refugees in Uzbekistan.

Due to the lack of national legislation, domestic administrative structure and procedures appropriate to deal with asylum seekers and refugees, there is no state support and protection of refugee children or children seeking refugee status in Uzbekistan.

## **B. Recovery and reintegration**

### **Recommendations:**

- To develop a national law that would provide political and social protection for refugees and their children.
- To develop a system for recovery and social reintegration of refugee children who became victims of the war.

## **2) Children in conflict with the law**

### **A. Administration of juvenile justice**

According to article 12 of the UN Minimal Standard Norms on the Administration of Juvenile Justice (Peking Regulations), officials of juvenile justice system need to have a special preparation to work with children in conflict with the law. Police actions should be appropriate and qualified, as it is the first contact link of juveniles with the justice. However, the practice shows that the administration of juvenile justice in Uzbekistan has a lot of imperfections. There are no special departments of investigation appropriate to deal with juvenile offenders. Cases on juvenile crime are investigated by general jurisdiction, sometimes even by those who are incompetent and inexperienced to deal with juvenile offenders, which creates delays in investigation that cannot be allowed according to article 20.1 of the Criminal Proceedings Code of Uzbekistan.

Commissions and inspections on non-adult issues under the management of district departments of internal affairs that used to deal specifically with the prevention of street children and juvenile crime were restructured according to new regulations. So-called prevention inspectors were assigned in each district to work with children, but who do not have appropriate knowledge and skills. Prevention inspectors work together with local Mahalla committees who have a better knowledge of their local

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situation. But due to a large number of responsibilities and functions they are assigned to, Mahalla committees are not able to cope with all of them, which leads to certain difficulties in their work.

Since different departments manage intermediary reception-distribution centres, Guardianship, Fostering and Adoption Service, commissions on non-adult issues, there is no co-ordination in their activities and that creates certain difficulties in the work with children.

Therefore, it is important to create the system of juvenile justice, which would unite all those departments and make them equally responsible for the life of the child.

The Convention on the Rights of the Child contains provisions about the importance of having Juvenile Justice in addition to the general jurisdiction. According to the article 1.6 of the Peking Regulations, "it is necessary to systematically develop and coordinate justice services in relation to juveniles in order to improve and maintain the personnel qualification, including their methods of work with children, approaches and attitude." However, there is still no system of juvenile justice in Uzbekistan, which would include juvenile courts, juvenile lawyers, judges who would be able to deal with the issues of juvenile offenders.

Cases of juvenile offenders are considered by general jurisdiction courts where members of the jury do not have their own opinions but hold the opinion of the principal judge. Besides, the jury is often not quite familiar with the legislation and not experienced to work with juvenile offenders. Therefore, it would be reasonable to introduce an institution of jury that would have adequate skills and knowledge to deal with juvenile offenders. During court and sentencing procedures, due to understatement and doubts about what verdict to choose preference is usually given to the verdict of 'guilty', though Article 72 of the Penal Code of Uzbekistan assumes conventional conviction of juvenile offenders even for the commitment of a severe crime.

There are no juvenile lawyers in Uzbekistan and if there are then very few of them who mostly work as volunteers. There are no institutions specialised in the preparation of juvenile lawyers or in the promotion of their qualification. According to the law, a juvenile offender who cannot afford a lawyer should be provided with one from the state but, unfortunately, this legal protection system is not practised. As a rule, state lawyers are not willing to defend juvenile offenders free of charge for lack of material motivation. Lawyers' salaries paid by the state are insufficient to the extent that they cannot even justify their transportation expenses. As a result, the work is administered to young and inexperienced lawyers who are more concerned with opportunities to expand their knowledge than with the interests of their juvenile clients.

According to the law, a teacher or a psychologist should be present during the interrogation procedure with a juvenile offender, but investigators of Militia often violate

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this procedure. Therefore, to ensure the principle of the best interests of the child the presence of a teacher, social worker or psychologist in the court hearing should be required by the law and not at the discretion of the court. Besides, the Criminal Proceedings Code of the Republic of Uzbekistan should be reviewed so that arrest warrants would be authorised not by prosecutors but by juvenile courts, terms of detention be reduced, court procedures be quickened, the law enforcement and court officers be aware of child rights as declared by the Convention on the Rights of the Child.

### **Recommendations:**

- To develop Juvenile Justice system that would specifically deal with juvenile offenders, including juvenile courts, juvenile lawyers, etc.
- To review the Criminal Proceedings Code of the Republic of Uzbekistan to ensure the hand over of the authority on the issue of arrest warrants from prosecutors to juvenile courts.
- To review penal sanctions used towards juvenile offenders by replacing imprisonment, wherever possible, by other more lenient forms of punishment.
- To co-ordinate the work of intermediary reception-distribution centres, Guardianship, Fostering and Adoption Service, commissions on non-adult issues, and other relevant agencies by making them equally responsible for the life of the child.

## **B. Torture, capital punishment, and children in prisons**

As it was mentioned earlier, the law of Uzbekistan does not apply capital punishment to juvenile offenders under 18. The most severe form of punishment they can get is a long-term imprisonment.

Torture of children in prisons, colonies or other similar types of institutions are quite common. There are cases known on the torture of children by the staff, other officials and, worst of all, by other children whose behaviour is initiated by the so-called informal code of behaviour common to juvenile prisons. As a rule, cases of child abuse in the above-mentioned institutions are hidden and not always reported. Therefore, to prevent violence used towards detained and arrested children it is necessary to develop and adopt a law on the public control of penitentiary institutions. This kind of law would allow NGOs to form independent commissions, which would be involved in the monitoring of temporary isolators and prisons and communicate without witnesses with children arrested and detained in the above mentioned institutions.

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There are no appropriate conditions or privileges created in the investigation solitary confinement cells, though considered by the law, towards detainees under 18. Usually, the confinement cells are filled to capacity, and there is no independent control over the work of the staff and their management. Conditions in penitentiary colonies are insignificantly better than in investigation solitary confinement cells, though, still poor and lead to high sickness rates among its prisoners.

According to paragraph 13.4 of the Criminal Proceedings Code of the Republic of Uzbekistan, arrested juveniles should be kept separate from adults. But many times this regulation is not complied with and as a result children become subject to a negative influence and more likely to abuse from adults. Sometimes juveniles are kept in investigation solitary confinement cells separate from adults but their transportation to the investigation cite usually takes place in the company of adults.

As for juvenile justice towards females, in Uzbekistan there is only one penal colony (prison) for women, but there is no separate colony for juvenile female offenders. Placement of juvenile female offenders in the same colony with adult women makes them subject to abuse and negative influence.

Even though it is not banned for arrested and detained children to apply to the relevant institutions with their complaints, in practice it becomes impossible, even for adults. Children are compelled to follow the informal code of behaviour used in prisons according to which those who make complaints are subject to punishment. Besides, there are no mechanisms developed in prisons and other similar institutions on help in the applying with formal complaints from minor prisoners to the Court of Appeal.

### **C. Recovery and reintegration**

There is no effective system on the rehabilitation and reintegration of children released from prisons in Uzbekistan. They are either limited or have no access at all to education and employment.

#### **Recommendations:**

- To develop and adopt a law on the public inspection of penitentiary institutions to prevent possible torture and abuse of juvenile offenders.
- To take necessary measures on the improvement of complaint procedures from detained and arrested individuals.
- To improve the system of provision with access to education and employment opportunities in respect of children released from prison

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### **3) Children in situations of exploitation**

#### **A. Protection from economic exploitation**

Child economic exploitation in Uzbekistan was and still is mainly associated with cotton harvesting season when children are taken from schools to work in cotton fields. During the cotton harvesting season classes in rural secondary and higher schools are usually cancelled. Before, it was obligatory both for urban and rural school students to work in cotton fields. Nowadays, only children from rural areas are involved in cotton harvesting. Those who refuse to work in the fields are subject to academic punishment.

Children are seen working in markets selling food, alcohol, tobacco and other products. Poverty and inability of families to sustain themselves makes children leave schools and start working to help raise their families income. In many cases, out of the economic necessity parents themselves force children to work depriving them thus of their educational opportunity.

The Labour Code of Uzbekistan provides protection for children from economic exploitation but there is no control over the implementation of those provisions. According to the law, a child can be officially employed from the age of 16 and only if his working conditions are found favourable for his health. However, in practice children are seen working at the age of 10 years old in cotton fields in conditions, which can be injurious to children's health.

In the national legislation of Uzbekistan there are no dear definitions of hazardous forms of child labour. But there are descriptions of labour, as foreseen by the legislation, that can be prejudicial to the health of a child, and that the child must not be involved in. They are associated with unfavourable working conditions, underground works, exposure to dangerous chemical substances, etc. But as it is seen from the aforementioned examples, state regulations on the protection of child from hazardous forms of labour are violated.

#### **B. Sexual exploitation**

Child prostitution is an existing problem in Uzbekistan. However, there is no official data about the age and percentage of children involved in prostitution. Street children and children in institutions, such as orphanages are often involved in prostitution, either voluntarily or by force. Street girls can often be subject to sexual abuse practised by some law enforcement officers. Children in prisons can also be exposed to sexual exploitation either by the prison staff or by their elder peers.

**List of NGOs contributions to the report:**

- 1) Legal Aid Society
- 2) Tashkent City Centre for Social and Legal Support of People with Spinal Disabilities  
“STATUS”
- 3) Centre for Social and Humanitarian Researches
- 4) Business Women Association (Kokand)
- 5) Women’s Society “Mekhri”
- 6) Beguborlik
- 7) SABO
- 8) Post-Institutional Adaptation Support Centre “PIASC”
- 9) Disabled Children’s Parents Club “KRIDI”
- 10) Mekhr Tayanchi
- 11) Youth Club under the auspices of UNESCO
- 12) Children’s club from Kokand
- 13) Children’s club “Shygiz”, Nukus
- 14) Group of disabled girls of “Mothers and Daughters” NGO
- 15) Children’s club of “Bolalar va Kattalar” NGO,

**International organisations support:**

Save the Children (UK) and UNICEF

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3. Research on Juvenile Justice in Uzbekistan. Funded by "Save the Children" Tashkent, 1999
4. Database on disabled children. Teacher's Association. Kokand, 2000
5. Database of the Ministry of Macro-economic and statistics. Tashkent, 1999
6. Database of the "hot line" "TASKIN" of Women's Society "Mehri"
7. Children in CIS countries. Moscow, 2001
8. Report on the project "Women's Problems" funded by Winrock. Tashkent, 2000
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12. National Report on CRC. Tashkent, 2000
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14. PRA in the detention institution in Kokand. Kokand, 2000
15. PRA on vulnerable children in Ferghana Valley. Kokand, 2001

## ANNEX 1

### Quotations from interviews

*"I cannot put my child in the hospital. They ask too much money which I cannot pay, and they claim my child is healthy."*

*Ms. E. A. - the mother of the boy with one kidney and a heart disease.  
M. village*

*"The child had an operation on cryptorhizm that was performed incorrectly and without my consent. The consequences of the operation are terrible. I cannot have him re-examined and have a certificate issued approving his further treatment. What shall I do?"*

*Ms. O. T. - the mother of boy with cerebral palsy and cryptorhizm.  
Tashkent.*

*"I cannot get free medicine. And my boy constantly needs benzonal and an appropriate hospital treatment twice a year."*

*Ms. M. R., the mother of boy with epilepsy.  
Kybrai village.*

*"How can I get insulin in time which is to be issued by drug stores free of charge?"*

*Ms.L. P., the mother of boy with diabetes.  
Kybrai village.*

*"My children have been sick for 10 years. I have asked for help from the Mahalla committee but in vain. They said that there was no money."*

*Ms. A. P., the mother of two boys  
who are sick with active hepatitis. Bektemir district.*

*“Where should I complaint to about the incorrect behaviour of the Mahalla committee towards the mother of a disabled child and about constant refusals to issue an allowance?”*

*Ms. O. B., the mother of a disabled child.  
Tashkent.*

*“Medical examination results show that 40% of children tend to have physical impairments such as anaemia, slow growth, ...”*

*Ms. G., Andijan region.*

*“Have you noticed how many young people become ill here? There are many teenagers, especially boys who have a low height tendency. The nation becomes smaller and sicker. Naturally, what else can we expect from malnutrition and a poor standard of living?”*

*Ms. Z., Andijan region.*

*“Education is free, but schools regularly gather money from parents for repair and textbooks. Poor families don’t have money. To avoid unpleasant situations, children don’t attend classes, miss important lessons and then can’t reach the required level of attainment. Finally they drop out and find themselves in the street”.*

*A girl from children’s club*

*“Our kolhoz (small state farm) children cannot attend kindergartens. Our kindergartens are in poor conditions and do not have enough resources to maintain themselves.”*

*Ms. Z., Andijan region.*

*“Our young families are deprived of the possibility to take their children to kindergartens, as many of them are closed. And we, teachers, know that children who did not attend kindergartens are more likely to have low academic performance at school.*

*Ms. K, Tashkent region.*

*“There are no text books at school. School supplies such as notebooks, pens, etc. are expensive. Few families can afford them.”*

*Ms. S, Namangan region.*

“Children with limited abilities want to learn, but some of them don’t have any possibility to do this”

A teenager from children’s club, Tashkent

“There is no one special school for deaf children in our city. As a result, these children will not be able to build good future for themselves.”

A teenager from children’s club, Kokand

“I tried to apply to the Law School but my documents were rejected. After my complaint to the Ministry of Education the documents were accepted. I have successfully passed my admission exams and have gained the required 40% of the entry points. But despite the fact, I was refused in the admission to the school. What shall I do now?”  
Mr. R. G., II group sight disability.

*“I was enrolled in the Law College on a contract basis. But I do not have money to pay for my education in college. I do not know what I should do and who I can get the help from.”*

*Ms. U. M., poliomyelitis disability from early childhood*

*“I cannot provide my son with a higher education. There is no way I can send him to study in another city. His scholarship will not be enough to cover his living expenses there, and I do not have enough money to support him when he is away from home.”*

*U., Karakalpakstan.*

“Local TV programmes don’t have writings or sign language for deaf people”

A girl from children’s club

“Every child has the right to education and having friends. But there is wrong attitude to disadvantaged people in our society. Disabled children know that and sometimes don’t want to contact. But if they meet friendly people, interested in their opinion, they are always glad to respond.”

A boy from children’s club