



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial reports of States parties due in 2011

Uzbekistan*, **

[24 January 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** Annexes can be consulted in the files of the secretariat.

Initial report of Uzbekistan on the implementation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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Abbreviations

ICRC	International Committee of the Red Cross
ILO	International Labour Organization
TGYuI	Tashkent State Law Institute
UNICEF	United Nations Children's Fund

I. Introduction

1. Upon gaining its independence in 1991, Uzbekistan proclaimed its commitment to the generally recognized principles and rules of international law, including the principle of the non-use of force and renunciation of war as a means of settling inter-State disputes. This has played an important part in the shaping of a peaceful and humane national foreign policy.

2. After becoming a full member of the United Nations in 1992, Uzbekistan incorporated into its Constitution the fundamental principles of the United Nations and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, as well as the provisions of the Final Act of the Conference on Security and Co-operation in Europe (1975).

3. Article 17 of the Constitution states that: “[T]he Republic of Uzbekistan is a full-fledged subject of international relations. Its foreign policy shall be based on the principles of the sovereign equality of States, non-use of force or the threat of force, inviolability of frontiers, peaceful settlement of disputes and non-interference in the internal affairs of States and on the other generally recognized principles and rules of international law.”

4. Uzbekistan “may form alliances and join commonwealths and other inter-State groupings or leave them, on the basis of the supreme interests of the State and the people and their welfare and security”.

5. Uzbekistan supports the Declaration and Plan of Action “A world fit for children” adopted by resolution S-27/2 of the special session of the United Nations General Assembly of 10 May 2002. With a view to giving every child a better future, Uzbekistan supports and is taking steps to implement item 7 of the Declaration calling for children to be protected from the horrors of armed conflict and item 43 (b) of the Plan of Action concerning the protection of children from the impact of armed conflict and compliance with international humanitarian law and human rights law.

6. For the purpose of defining standards of lawful behaviour in the field of international military-political relations Uzbekistan has acceded to 19 instruments of international law, which have laid the foundations for its foreign policy and its strategy for developing various forms and directions of military-political cooperation with other countries¹.

7. The strengthening of international cooperation in the provision of humanitarian assistance for temporary migrants, including children and their families, with a view to their voluntary and safe return to their homes is a feature of Uzbekistan’s peaceful policy. This was most clearly expressed at the time of the tragic events that took place between 11 and 15 June 2010 in the south of the Kyrgyz Republic, as a result of which some 100,000 people were temporarily admitted to and accommodated in the Andizhan, Namangan and Fergana provinces (*oblasts*) of Uzbekistan.

8. The victims received the necessary assistance from the Government of Uzbekistan, enterprises and institutions, civil society organizations and the Uzbek population. Camps were set up in the border areas for the temporary migrants from Kyrgyzstan and they were provided with free medical aid. People were supplied with everything they needed – tents, blankets, clothing, food and other necessities. Substantial human and financial resources

¹ Annex 1.

were mobilized to organize the camps in which the temporary migrants were accommodated.

9. The Government of Uzbekistan provided the victims with a total of 4,034,412.9 thousand sum in humanitarian assistance. In addition, Uzbek organizations and enterprises contributed more than 3.1 billion sum for this purpose and substantial assistance was also provided by the people of Uzbekistan.

10. Guided by international instruments of a military-political and humanitarian nature, Uzbekistan is taking consistent measures to protect children, who make up more than 40 per cent of the population, against the horrors of war and armed conflict and their consequences.

11. The provisions of the Convention on the Rights of the Child and of its Optional Protocol on the involvement of children in armed conflict (hereinafter the "Protocol") have been incorporated into the legislation and into the practice of State bodies, civil society organizations, officials, and citizens, including parents.

12. Uzbekistan opposes the recruitment and use of children in armed conflicts in violation of the rules of international law and has established criminal liability for genocide, crimes against humanity and war crimes with a view to safeguarding the life, health and welfare of children and protecting their interests.

13. Comprehensive protection of the rights of the child to life, health care, education, social welfare, freedom of opinion and expression and other basic rights that ensure his or her harmonious physical, intellectual and spiritual development is guaranteed by the Constitution and by more than 100 laws and regulations.

14. The Rights of the Child (Safeguards) Act of 7 January 2008, adopted on the recommendation of the Committee on the Rights of the Child, secures all the rights of children, including the right to private property, housing and employment within the framework of ILO Conventions No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and No. 138 concerning the Minimum Age for Admission to Employment, ratified by Uzbekistan.

15. The Prevention of Child Neglect and Juvenile Delinquency Act of 29 September 2010 defines the procedures for defending the right of the child not to be drawn into criminal activity and for safeguarding the rights to social protection of children in difficulty.

16. The provisions of international legal instruments and national legislation on the rights of the child are being introduced within the framework of national action plans and programmes in the implementation of which not only State bodies but also civil society institutions and Uzbekistan's international partners are taking an active part.

17. The following national programmes and plans concerning children have been adopted in Uzbekistan:

- National Action Plan for Implementing the Recommendations of the Committee on the Rights of the Child concerning the Results of the Review of the Second Periodic Report of Uzbekistan (2006-2010)
- National Action Programme for Securing the Well-being of Children (2007-2011)
- National Action Plan for Combating People Trafficking (2008-2010)
- National Action Plan for Implementing the Convention concerning the Minimum Age for Admission to Employment and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2008-2010)

- Programme of Events to Celebrate the Sixtieth Anniversary of the Universal Declaration of Human Rights, confirmed by the Presidential Decree of 1 May 2008
- National Action Plan for Implementing the Recommendations of the Human Rights Council on the Results of the Consideration of the National Report of Uzbekistan within the Framework of the Universal Periodic Review (2009-2011)
- State Programme dedicated to the Year of the Harmoniously Developed Generation (2010).

18. The Cabinet of Ministers is currently preparing the National Child Welfare Programme for 2011-2014, while the question of the adoption of a Children's Ombudsman Act and the creation of the necessary organizational and legal conditions for setting up and operating an office of this kind is being discussed.

19. A national system for monitoring the rights of the child is being developed and perfected. This includes:

- Committees and commissions of the Legislative Chamber and Senate of the Oliy Majlis, the parliament of Uzbekistan
- The Commissioner for Human Rights (Ombudsman) of the Oliy Majlis and the Institute for Monitoring Current Legislation attached to the Office of the President of Uzbekistan
- The National Centre for Human Rights of Uzbekistan and the Centre for Monitoring the Application of Legislation attached to the Ministry of Justice
- The Research Centre for the Democratization and Liberalization of Judicial Legislation and for Ensuring the Independence of the Judicial System attached to the Supreme Court of Uzbekistan
- Ministries and departments dealing with matters pertaining to the education, health and social protection of children
- Civil society institutions with social monitoring functions.

20. The parliament and its working bodies have recently stepped up their contribution to the cause of children's rights through the adoption of legislation, including acts of accession to international agreements. In 2008, the parliament ratified the two Optional Protocols to the Convention on the Rights of the Child and two ILO child labour conventions, Nos. 138 and 182. With the support of UNICEF, a Child Resource Centre was set up in the Legislative Chamber to serve as a source of information for deputies on child rights protection issues and to initiate the active discussion of pressing questions pertaining to the safeguarding of children's rights at conferences, seminars and roundtables in which State bodies and civil society organizations working in the field participate.

21. There has recently been a marked increase in the activity of non-profit non-governmental organizations that protect various categories of child rights. These non-governmental bodies, such as the Forum for Culture and the Arts of Uzbekistan foundation, the National Association of Non-Profit Non-Governmental Organizations of Uzbekistan (NANNOUZ), the Association for the Support of Children and the Family, the Soglom Avlod Uchun foundation, the Sen Yolg'iz Emassan foundation, the social youth movement Kamolot, the Makhalla foundation, the Centre for the Study of Legal Problems, the Centre for the Support of Civic Initiatives, the Federation of Trade Unions of Uzbekistan, the Oila Centre for Applied Science and the defence auxiliary association Vatanparvar, are closely involved in the implementation and monitoring of children's rights to education, health care and social protection.

22. During the period 1992-2010 Uzbekistan presented four national reports on the implementation of the Convention on the Rights of the Child to the Committee on the Rights of the Child. The consolidated third and fourth periodic report was submitted to the Committee in January 2010 and is currently being considered (CRC/C/UZB/3-4). The present report provides detailed information with regard to the implementation of article 38 of the Convention on the Rights of the Child concerning the recruitment for military service of persons who have [not] attained the age of 18 years.

23. This initial report on the implementation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict is based on an analysis of the current legislation and its practical application following Uzbekistan's accession to the Protocol on 12 December 2008 and its entry into force on 23 January 2009.

24. In preparing the report its authors have taken into account the revised guidelines on initial reports to be submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/2), adopted in September 2007, and the concluding observations and recommendations of the Committee on the Rights of the Child concerning the results of the consideration of Uzbekistan's second periodic report on the implementation of the Convention on the Rights of the Child (CRC/C/UZB/CO/2).

25. Some 20 State bodies and 10 non-profit non-governmental organizations participated in the preparation of the initial report on the implementation of the Optional Protocol.

II. General measures to implement the Protocol

26. Uzbekistan acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 12 December 2008, the year that marked the sixtieth anniversary of the Universal Declaration of Human Rights. The Optional Protocol entered into force in the territory of Uzbekistan on 23 January 2009.

27. Since being ratified by the Uzbek parliament, the Optional Protocol, having become part of the country's legal system, is subject to strict implementation by all State bodies, non-profit non-governmental organizations, enterprises, institutions, organizations, officials, and citizens.

28. In accordance with the International Treaties Act of 22 December 1995, the Government of Uzbekistan, ministries and departments, and other State bodies competent for matters regulated by the Optional Protocol must ensure that the obligations assumed under the Protocol are fulfilled (art. 28).

29. In implementing the provisions of the Optional Protocol, Uzbekistan is guided by all the instruments of international law ratified by the parliament in the military-political and humanitarian sphere, including the provisions of the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict.

30. The national legislation of Uzbekistan governing matters relating to the implementation of the Protocol includes the Constitution, the Rights of the Child (Safeguards) Act, the Universal Military Duty and Military Service Act, the Defence Act, the Citizens' Petitions Act, the Human Rights and Freedoms (Reporting of Violations to the Courts) Act, the Code of Administrative Liability, the Criminal Code, and other laws and regulations.

31. All citizens of Uzbekistan have the same rights and freedoms and are equal before the law, irrespective of their sex, race, nationality, language, religion, social origin, opinions, or personal or social status (art. 18 of the Constitution).

32. Everyone is guaranteed judicial protection of his or her rights and freedoms and the right to appeal to a court against unlawful acts of central authorities, officials or civil society organizations (art. 44).

33. Everyone is entitled to seek administrative protection for his rights (art. 35) by submitting applications, proposals or complaints to the competent central authorities, institutions or elected representatives. Applications and complaints are considered under the procedure laid down in the Citizens' Petitions Act of 12 December 2002.

34. Thus, the provisions of the Optional Protocol apply equally to all those who are citizens of Uzbekistan and live under its jurisdiction.

35. Uzbekistan has a functioning system of State bodies and civil society institutions involved in the process of implementing the provisions of the Protocol pertaining to the fulfilment by citizens of their military duty and military service obligations.

36. The Oliy Majlis, through the Legislative Chamber and the Senate, legislates on and oversees matters relating to the implementation of the Protocol.

37. The President of Uzbekistan, as the Supreme Commander of the Armed Forces:

- Determines the broad outlines of the defence policy and military structure of Uzbekistan
- Directs the activities of the government defence agencies
- Takes the measures necessary to ensure that Uzbekistan is able to defend itself and safeguard its sovereignty, security and territorial integrity
- Approves plans for building up, employing and developing the Armed Forces, as well as other government plans and programmes relating to the organization of defence
- Takes decisions and issues orders to the Armed Forces concerning the conduct of military operations, including participation in international peacemaking measures and the performance of tasks for which they were not directly intended
- Declares, under the procedure laid down by the Constitution, a state of war in the event of an attack upon Uzbekistan or to fulfil treaty obligations to participate in mutual defence against aggression, total or partial mobilization, and states of emergency throughout the territory or in individual areas of Uzbekistan
- Appoints, and relieves of their duties, the high command of the Armed Forces and awards higher military ranks
- Determines the number of citizens subject to call-up for military or alternative service, the procedure under which they perform their military or alternative service, the procedure for the military registration of persons liable for military duty or conscription, the standards and quantities of weaponry, military equipment, kit, rations and other logistical resources for meeting the needs of defence and the Armed Forces
- Takes decisions concerning the call-up of citizens of Uzbekistan for fixed-term military service and the transfer to the reserve of fixed-term military servicemen and men called up for alternative service, as well as decisions concerning the call-up of persons liable for military duty for military training, and issues decrees concerning

the call-up of citizens for military service upon mobilization and in wartime and concerning their discharge upon demobilization

- Creates, reorganizes and dissolves military higher and secondary special vocational educational institutions and military studies departments, as well as military training centres (military science chairs or courses) at institutes of higher education
- Exercises other powers in accordance with the law².

38. The Cabinet of Ministers heads the system of organs of State governance and ensures that they act in coordination, including in matters relating to State security and national defence, directs and oversees the activities of ministries and departments and local organs of executive power relating to matters dealt with in the Protocol, is empowered to rescind their acts if they are found to be at variance with the law, and co-operates with the non-profit non-governmental organizations in matters within its competence³.

39. A leading role in organizing the implementation of the Universal Military Duty and Military Service Act is played by the Ministry of Defence which, as the organ of State government responsible for defence, is directly involved in preparing young people for service in the army, assigning citizens to recruiting stations, calling them up for military or alternative service and guaranteeing the protection of their rights when called up and performing their military service.

40. The Ministry of Defence is assisted in its work by other State agencies and citizens' self-government bodies. Local organs of State power and governance, citizens' self-government bodies, and heads of enterprises, institutions, organizations and educational establishments with responsibility for maintaining the military register must, at the request of the defence authorities, provide the necessary information concerning persons on the military register, notify persons liable for military duty or conscription of their being summoned and ensure their timely appearance in response to that summons.

41. The local organs of State power:

- Participate in the organization of military registration, call-up for military and alternative service and mobilization, military training, and the commandeering of citizens of Uzbekistan during mobilization and in wartime
- Ensure the implementation of civil defence measures
- Meet the requirements of the Armed Forces for the products of local industry and for heat and power and provide them with means of communication and public utility and other services
- Provide, under the established procedure, land and office and living accommodation to meet the needs of military units, enterprises, institutions and organizations of the Armed Forces
- Ensure the implementation of the social safeguards put in place for citizens in connection with military service and their participation in hostilities, and those for the members of their families
- Exercise other powers in accordance with the law⁴.

² Article 8 of the Defence Act of 11 May 2001.

³ Articles 1, 5, 7, 11 and 12 of the Cabinet of Ministers Act of 6 May 1993.

⁴ Article 14 of the Defence Act.

42. The internal affairs authorities must:
- Issue passports to conscripts and register and de-register persons liable for military duty or conscription according to their place of residence only if the documents indicating their liability status contain notes made by the defence authorities concerning their enrolment in, or removal from, the military register
 - Provide the defence authorities with aid and assistance in enrolling young people in the military register, calling up citizens for military service (training), monitoring compliance with the rules of military registration by persons liable for military duty or conscription and identifying among persons liable for military duty or conscription those that are infringing the established rules of military registration
 - Organizing the tracing, arrest and handing over to the defence authorities of persons evading universal military duty.
43. The civil registries are required to notify, within seven days, the district (municipal) defence authorities of changes in the surnames, first names or patronymics of persons liable for military duty or conscription and of the entry in the civil register of changes in their date or place of birth, as well of cases of the registration of the death of a person liable for military duty or conscription.
44. The district (municipal) defence authorities must be informed, within seven days, by the initial inquiry or pretrial investigation agencies of any person liable for military duty or conscription with respect to whom an immediate or pretrial investigation is being conducted, and by the courts of any criminal cases being considered and of any sentences that have entered into legal effect.
45. The military certificates of persons liable for military duty and the certificates of persons liable for conscription sentenced to imprisonment (including suspended sentences) must be forwarded by the courts to the appropriate defence authorities.
46. Occupational medical assessment boards must, within seven days, notify the corresponding district (municipal) defence authorities of any persons liable for military duty or conscription recognized as being disabled, irrespective of the disability group. During call-up periods, medical institutions must, within three days, notify the corresponding district (municipal) defence authorities of any citizens of call-up age admitted for hospitalization.
47. Heads of housing management bodies and landlords must, at the request of the corresponding defence authority or citizens' self-government body responsible for maintaining the military register, make available tenant registers, residence permits, military registration and other documents relating to persons liable for military duty or conscription, and inform them of any summons issued by the defence authorities. Persons liable for military duty or conscription must, within seven days, personally notify the bodies which have them on the military register of any change in their family status, state of health, residence, education, place of work or occupation.
48. Citizens' self-government bodies:
- Assist in organizing the notification and summoning of persons liable for military duty or conscription to appear before the defence authorities
 - Conduct the personal initial registration of persons liable for military duty or conscription in settlements and villages (*kishlak, aul*) and also participate in the spiritual-moral and military-patriotic education of citizens
 - Take part in civil defence and territorial defence measures

- In wartime, under the procedure established by law, in order to meet the needs of defence provide buildings, structures, means of transport, means of communication and other assets they may own, with subsequent compensation of the costs incurred under the procedure laid down by the Cabinet of Ministers
 - Participate in other measures in accordance with the law⁵.
49. Funds from the State budget of Uzbekistan and other sources are used, in accordance with the law, to support, financially and materially, measures associated with the fulfilment of universal military duty and the performance of military service.
50. It should be noted that the population of Uzbekistan has been informed about the provisions of the Protocol thanks to an extensive information and education campaign based on the study of the Convention on the Rights of the Child (including art. 38), as well as within the context of educational activities in the field of international humanitarian law.
51. A substantial effort has been made to inform and educate the public about children's rights, among other things by publishing international legal instruments concerning the rights of the child and by holding conferences, seminars and training sessions on the subject.
52. In 2006-2010, the following books were published:
- Protecting the Rights of the Child: A Handbook for Parliamentarians, in Uzbek, 2,000 copies
 - The Convention on the Rights of the Child, in Uzbek, Karakalpak and Russian, 2,000 copies
 - The Convention on the Rights of the Child and its Optional Protocols, in Uzbek, 2,000 copies
 - Human Rights for Parliamentarians, in Uzbek, 1,000 copies
 - Collection of Fundamental Conventions and Recommendations of the ILO, in Uzbek, 2,000 copies
 - Handbook for Parliamentarians: Elimination of the Worst Forms of Child Labour (Practical Guidance in Applying ILO Convention No. 182), in Uzbek, 2,000 copies
 - Commemorative edition of the Universal Declaration of Human Rights, in Uzbek and Russian, 20,000 copies
 - Collection: The Convention on the Rights of the Child and the Child Rights (Safeguards) Act (2,000 copies in Uzbek, 1,000 copies in Russian, 500 copies in English)
 - Commentary on the Child Rights (Safeguards) Act, in Uzbek and Russian, 2,000 copies
 - E-book: The Rights of the Child: A Collection of International Agreements
 - Study manual: The Rights of the Child, for graduate and master's-level students.
53. In 2008, as part of the programme of measures to celebrate the sixtieth anniversary of the Universal Declaration of Human Rights, a monograph entitled "The Universal Declaration of Human Rights and the National System for the Protection of Human Rights in Uzbekistan" was prepared and published (in Uzbek, Russian and English), together with

⁵ Articles 45 and 50 of the Universal Military Duty and Military Service Act of 12 December 2002.

a series of 15 brochures on human rights in Uzbekistan dedicated to various aspects of the implementation of the Universal Declaration of Human Rights and other international human rights instruments. One of these brochures is devoted to the guarantees of the rights of the child.

54. After Uzbekistan acceded to the two Optional Protocols to the Convention on the Rights of the Child in 2010, a book in Uzbek entitled “The Optional Protocols to the Convention on the Rights of the Child” was published in an edition of 2,000 copies. The Protocols were also published in the book “The Legal Basis for the Protection of the Rights of the Child: International Standards and National Legislation” (1,000 copies).

55. Uzbekistan has established independent institutions to protect and monitor the rights of those called up for military or alternative service. These include the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis and the National Centre for Human Rights.

56. The Ombudsman exercises parliamentary control over compliance with the legislation on human rights and freedoms, including the rights of the child, by State bodies, enterprises, institutions, organizations and officials. The Ombudsman considers complaints against organizations and officials whose actions, or failure to act, may have violated the rights of citizens, verifies applicants’ statements and draws up recommendations for eliminating such violations. He may apply for criminal proceedings to be instituted against persons who violate the rights of a child, including in the area covered by the Protocol.

57. The Ombudsman and his regional representatives received 42 complaints concerning child rights in 2009 and 159 in 2010; however, in these cases no infringements of the provisions of the Protocol were observed.

58. The National Centre for Human Rights, as an independent coordinating, analytical, interdepartmental and advisory body concerned with the development of government strategy on the implementation of constitutional rights and human freedoms, monitors the situation with respect to human rights and the rights of the child and summarizes the information thus obtained in Uzbekistan’s periodic reports on the implementation of the Convention on the Rights of the Child, as well as handling complaints from citizens concerning infringements of their rights by organs of the State. The Centre has not received a single complaint relating to the Protocol.

59. The Office of the Procurator-General and its subordinate public procurator’s offices make their own contribution to safeguarding the rights of the child.

60. There is a system of Juvenile Affairs Commissions which operate at *khokimiyat* level (district, municipal, regional and city of Tashkent) and under the Council of Ministers and the Cabinet of Ministers.

61. These commissions consist of representatives of national education, secondary special and vocational education, health, social security, internal affairs and labour bodies, the women’s committee, trade unions, non-profit non-governmental organizations, the defence auxiliary association, labour collectives, and cultural-educational and other institutions.

62. Resolution of the Cabinet of Ministers No. 360 of 21 September 2000 on developing the activities of the juvenile affairs commissions reinforced the authority of the commissions and made it possible for their contribution to preventive work with families in difficulty to be raised to a new level.

63. The main tasks of a commission are:

(a) To take measures to protect and restore the rights and lawful interests of minors, to identify and eliminate the causes and conditions contributing to the neglect, abandonment, delinquency and antisocial behaviour of minors;

(b) To coordinate the activities of State organs, citizens' self-government bodies and civil society associations in relation to child neglect and juvenile delinquency and the protection of the rights and lawful interests of minors.

64. The commissions have fairly broad powers:

(a) To obtain from State bodies, enterprises, institutions and organizations information needed by the commission to carry out its work;

(b) To hear at commission meetings statements by the heads of the relevant bodies, enterprises, institutions and organizations concerning matters relating to the care and upbringing of children and adolescents;

(c) To meet privately with minors and parents, consider their complaints and requests and become acquainted with their personal affairs.

65. On matters within their competence, commissions adopt resolutions, which are binding on State organs, enterprises, institutions, organizations, officials and citizens.

66. In Uzbekistan, the activities of civil society institutions that help to prepare young people for military and alternative service are encouraged and supported. These institutions actively assist the defence authorities with the registration, notification and summoning of persons liable for conscription and by doing medical and health, spiritual and moral and military-patriotic work among young people and recruits being prepared for military service. An active part in implementing measures of a spiritual, moral and patriotic nature is taken by such non-profit non-governmental organizations as the Forum for Culture and the Arts of Uzbekistan foundation, the Sen Yolg'iz Emassan foundation, the Association for the Support of Children and the Family, the Makhalla foundation, the social youth movement Kamolot, the defence auxiliary association Vatanparvar, etc.

67. The physical training of future servicemen and medical/health work fall within the range of activities of the Soglom Avlod Uchun foundation, the Federation of Trade Unions of Uzbekistan, the citizens' self-government bodies and other non-profit non-governmental organizations.

68. Inasmuch as the legislation of Uzbekistan is in complete conformity with the provisions of article 38 of the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, it is planned to intensify informational/awareness-raising, educational and publishing activities in this field, improve the efficiency of the national system for monitoring observance of the rights of the child, including in matters covered by the Optional Protocol, and stimulate the social partnership between the State and civil society institutions in this sphere.

Article 1

69. Uzbekistan fully recognizes and supports the provisions of the Protocol intended to ensure that servicemen who have not attained the age of 18 years do not take a direct part in hostilities.

70. Under article 3 of the Child Rights (Safeguards) Act of 7 January 2008, persons who have not attained the age of 18 are children and the State guarantees to protect their life and health and ensure their safety.

71. Harming the life of a child is a very serious offence (art. 8).

72. The State not only creates the necessary conditions for the birth and development of the child but also protects the inviolability of the person with respect to all forms of

exploitation (including in a military context), physical, mental and sexual violence, torture and other forms of cruel, rough or degrading treatment (art. 10).

73. Uzbekistan's policy on children is based on the principle that the State, society and the family are responsible for the harmonious physical, intellectual and spiritual development of the child, must not place its life at risk and must protect its rights and lawful interests.

74. Never in the history of Uzbekistan has it been the practice to recruit for military service persons who have not attained the age of 18.

75. The constitutional duty of citizens to defend Uzbekistan and to perform military or alternative service does not become effective until they reach the age of 18 (art. 52).

76. In accordance with the Act on the accession of Uzbekistan to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (New York, 25 May 2000), on acceding to the Optional Protocol Uzbekistan made the following statement: "The Republic of Uzbekistan states that under the Universal Military Duty and Military Service Act of the Republic of Uzbekistan of 12 December 2002, citizens may be called up to serve in the Armed Forces of Uzbekistan only from the age of 18."

Article 2

77. Uzbekistan takes legislative, administrative, informational, educational and other measures to preclude the compulsory call-up for service in the Armed Forces of persons who have not attained the age of 18.

78. Article 52 of the Constitution states that: "[T]he defence of Uzbekistan is the duty of every citizen of the Republic of Uzbekistan. Citizens are obliged to perform military or alternative service in accordance with the procedure prescribed by law."

79. In implementation of this constitutional rule, the Universal Military Duty and Military Service Act (new wording) of 12 December 2002, which requires citizens to perform military or alternative service, was adopted.

80. Universal military duty consists of compulsory military training to defend Uzbekistan and its purpose is to ensure that the Armed Forces are kept up to strength and their reservists trained.

81. Universal military duty includes: training for military service, call-up (enlistment) for military service, performance of military service as a conscript or under contract, service in the reserve, alternative service, compliance with the rules of military registration, and measures to protect the population in emergencies or in the event of armed aggression against Uzbekistan.

82. Active military service is military service in the Armed Forces as a conscript or under contract with the rank of private, sergeant or officer.

83. Military service may take any of the following forms:

- (a) Fixed-term military service;
- (b) Military service in the mobilization call-up reserve;
- (c) Military service under contract;
- (d) Service in the reserves following military service in the Armed Forces of Uzbekistan.

84. In peacetime, able-bodied male citizens aged between 18 and 27 may be called up for fixed-term military service as privates or sergeants or for service in the mobilization call-up reserve.

85. When mobilization is declared and in wartime, persons liable for military duty or conscription aged between 18 and the age limit for service in the reserves laid down by the Act, together with women aged between 18 and 45 years not on the military register (apart from those with children under 16), may be called up for military service.

86. Persons liable for conscription undergo training for military service which includes:

- Initial pre-call-up training
- Training as a technical specialist
- Preparation for admission to a military education establishment
- Physical training, medical and health work
- General education
- Patriotic education.

87. The training for military service of persons liable for conscription is conducted under the general supervision of the Cabinet of Ministers. The Council of Ministers and the regional, district and municipal *khokimiyat* provide financing, material and technical supplies and training infrastructure and are responsible for organizing the training.

88. Medical students receive military training in the military departments of the Tashkent Medical Academy, the Tashkent Paediatrics Institute and the Andizhan and Samarkand Medical Institutes. Training is delivered in accordance with a curriculum and programmes approved by the Ministries of Higher and Special Education and the Ministry of Defence and lasts for a total of 594 hours, including 450 hours of lectures and 144 hours of practical field training.

89. The non-profit non-governmental organizations and citizens' self-government bodies play an active part in training for military service.

90. The Vatanparvar defence auxiliary association, set up on 23 November 1999, is a non-profit non-governmental mass defence, sports technology and patriotic organization.

91. Its main activities involve training young people for military service as technical specialists and educating them in the spirit of devotion to the homeland and their military duty.

92. The training establishments run by Vatanparvar are attended, on the basis of competitive selection, by recruits who have completed initial pre-call-up training courses and by virtue of their health, physical development, moral qualities and education are fit to be trained for service in the ranks of the Armed Forces.

93. In these training establishments instruction is given in 13 technical military specialties:

- Driver, category "VS"
- Driver-mechanic
- Driver-electrician
- Telegraphist
- Radiotelegraphist
- Line supervisor, communications

- Telephonist
- Radiotelephonist
- Plane table operator
- Military cook
- Diesel mechanic-electrician
- Cavalryman
- Guard dog handler.

94. Training in technical specialties is provided for individuals who have attained the age of 17 and are subject to call-up for military service after completion of the training.

95. The right to study in Vatanparvar training establishments is voluntary in nature since selection is by competition among those who have expressed a desire to be trained.

96. In the 2009/10 training year, 5,004 specialist recruits were trained for the Armed Forces of Uzbekistan in Vatanparvar training establishments.

97. Training in military registration specialties is unrelated to military service.

98. The Forum for Culture and the Arts of Uzbekistan foundation is a non-governmental organization devoted to developing Uzbek culture and arts and bringing them within the reach of young people by solving social and humanitarian problems.

99. Thus, since 2008, in order to protect children's health, the Forum for Culture and the Arts of Uzbekistan foundation has been taking social action in the form of "Mother and Child Health Days" which provide opportunities for women and children to be examined by leading specialists in paediatrics, ophthalmology, gastro-enterology, gynaecology and mammology from the Israeli Horev medical centre. Leading Israeli doctors have also given lectures and led clinical discussions with Uzbek specialists. Around 120 medical workers from Tashkent clinics participated in master classes and received attendance certificates.

100. The foundation has been carrying out a number of projects aimed at implementing certain provisions of the Convention on the Rights of the Child and providing a social safety net for children from disadvantaged families, such as the Yangi avlod Child Creativity Festival, which has been held for five years nationwide and in which, over that entire period of time, more than 30,000 children aged between 6 and 14 have taken part, regardless of educational level or social status. Special attention and support within the framework of the project has been given to children from large and needy families and those with a creative family history. Since the Festival was first organized by the foundation much has been done to encourage the participation in the project of children from homes run by charities and disabled children.

101. On the basis of the Yangi avlod Festival the foundation is creating a countrywide network of modern child creativity centres and sports facilities in which children can study free of charge and engage in various forms of art, creative work and sports. Such centres are currently operating in Tashkent and Samarkand.

102. The charitable activities of the Mekhr Nuri fund established by the foundation are aimed at:

(a) Providing material assistance for children from disadvantaged families and their parents by transferring money into specially opened bank accounts; this assistance now totals more than 84 million sum;

(b) Rebuilding and repairing children's pre-school and educational establishments and medical institutions;

(c) Offering material support for children in homes run by charities, several of which are sponsored by the foundation;

(d) Doing *Iftorlik* charity work for children from disadvantaged families and their parents; in the *makhallas*, during the month of Ramadan festive tables are laid out with refreshments and gifts;

(e) Providing material assistance for children from 2,254 disadvantaged families; supplying medical equipment for maternity homes in Fergana and Samarkand.

103. The Trade Union Federation of Uzbekistan participates actively in medical and health work on behalf of young people.

104. In the summer of 2010, trade unions, *khokimiyat* and sponsors paid for 260,176 children to attend children's health camps. Altogether 3,000 children from the Pri-Aral area attended, including 2,000 from the Republic of Karakalpakstan and 1,000 from the Khorezm region. Arrangements were made for them to stay in 14 children's health camps run by enterprises in Tashkent and Tashkent region. In addition, ministries, departments and enterprises funded stays at health camps for 1,302 more young people from the Pri-Aral area. Thus, altogether, 4,302 children from that area had their health improved in regions of the Republic with a favourable environment.

105. Altogether, in the summer period, 966 children's health camps, including 226 country camps and 740 day camps, were organized. The day camps were organized on the basis of the best general schools, secondary schools and colleges.

106. Out of the total number of children accommodated, 149,079 went to country health camps and 110,697 to pre-school camps.

107. The Soglom Avlod Uchun foundation conducts programmes aimed at improving the quality of young people's military-patriotic education, health and physical and sports training and at assisting with pedagogical and social support for minors and the acquisition of a theoretical foundation and practical skills in applied military disciplines, vocational guidance and the social adaptation of youth.

108. In 2010, the following measures were implemented:

- Organization of a month of defence popularization among pupils in military-sports classes, devoted to Defender of the Homeland Day
- Holding of a swimming championship at the Sports School for Children and Young People of Olympic Reserve No. 13
- Organization of *Batyrlar* (warrior) military-sports competitions under the slogan "For a Healthy Generation"
- Organization of quizzes on the subject of "What Do You Know of the History of Your Native Country and National Spiritual Legacy?", exhibitions of student creativity for Defender of the Homeland Day and Remembrance and Honour Day, excursions to museums, military-patriotic memorials and famous military sites of the capital, and visits to institutes of higher education
- Organization of military-sports and health camps based on the "Geologist" camp during school holidays and establishment of centres for holding gatherings of military-sports students based on other camps
- Holding of seminars for the teaching staff of military-patriotic education establishments.

109. The foundation is a party to the Agreement on Mutual Cooperation in the Military-Patriotic Education of the Youth of Uzbekistan concluded between the Ministry of National

Education, the Ministry of Defence, the Ministry of Internal Affairs, Vatanparvar, the charitable foundation for disabled veterans and victims of the anti-terrorist struggle in the armed conflicts of Uzbekistan Vatan and the Training Centre Legion Fortis, a non-governmental educational institution.

110. Citizens are assigned to recruiting stations for the purpose of enrolling young people in the military register, determining their number, suitability for military service, level of general education and physical fitness.

111. Every year, at the times specified by the Ministry of Defence, enterprises, institutions, organizations and citizens' self-government bodies responsible for maintaining the register of persons liable for military duty or conscription provide the appropriate district (municipal) defence authorities with lists of citizens subject to assignment to recruiting stations.

112. Citizens are assigned to the recruiting stations established by the district (municipality) defence authorities, according to their place of residence.

113. Citizens are assigned to recruiting stations during the months of April to June in the year after that in which they reach the age of 16. For assignment to a recruiting station citizens must present themselves to the defence authorities at the time specified in the notice and produce the necessary documents.

114. Commissions, with a membership that includes representatives of the defence authorities and medical specialists, are set up in the districts (municipalities) for assigning citizens to recruiting stations.

115. Citizens assigned to recruiting stations are medically examined by a panel of physicians, including a surgeon, a general practitioner, a neuropathologist, a psychiatrist, an oculist, an otolaryngologist, a stomatologist and, if necessary, specialists in other fields.

116. The medical examination is based on the requirements of Resolutions of the Cabinet of Ministers No. 95 of 21 February 2003 concerning the approval of the regulations on medical examination in the Armed Forces of Uzbekistan in peacetime and wartime and No. 103 of 9 April 2009 concerning the introduction of amendments and additions to the regulations on medical examination in the Armed Forces of Uzbekistan in peacetime and wartime.

117. Persons identified on the basis of the results of a medical examination as needing treatment, care or further examination are directed to a centre for the treatment or prevention of disease.

118. The medical specialists employed to examine recruits on the basis of primary medical documents (medical card of an ambulatory patient with inserts, clinical records), objective data, analyses and the results of laboratory or instrumental investigations determine the degree of fitness for military service and the extent of any limitations.

119. Recruits are issued with an assignment certificate and their rights and duties and the procedures for military registration and training for military service are explained. From the time of assignment citizens are enrolled in the military register.

120. Under the Universal Military Duty and Military Service Act, citizens have the right to exemption from call-up and to have call-up deferred.

121. Persons liable for conscription are granted deferment of call-up for fixed-term military service and service in the mobilization call-up reserve by decision of the district (municipal) call-up commission, on compassionate or health grounds or to continue their education.

122. Deferment of call-up on compassionate grounds may be granted to those:
- (a) Having disabled parents, if the parents have no other able-bodied son who is of age and under an obligation to support them. The disability of the parents is determined in accordance with the law;
 - (b) Having a single able-bodied mother or father with two or more children under 16 years of age, who does not have another able-bodied son of age;
 - (c) Having on the call-up date a brother doing fixed-term military service;
 - (d) Having a minor child being brought up without a mother;
 - (e) Having a disabled wife in the first or second disability group and two or more minor children.
123. Persons on whom a person liable for conscription has been dependent in connection with the death of the parents, their chronic illness or for other good reasons for not less than five years are treated as parents.
124. Persons liable for conscription may have call-up deferred to enable them to continue their education if they are studying in general schools, academic secondary schools or technical colleges or as internal students in institutes of higher education, until graduation.
125. Persons expelled from educational institutions lose their right to deferment.
126. Persons liable for conscription who no longer have grounds for deferment and persons without the right to deferment or grounds for exemption from call-up under the Act and for various reasons not called up for fixed-term military service or service in the mobilization call-up reserve may be enlisted into the Armed Forces on the annual call-up date until they reach the call-up date in their twenty-seventh year.
127. The following are exempt, in peacetime, from fixed-term military service and service in the mobilization call-up reserve:
- (a) Persons recognized as unfit for military service due to their state of health;
 - (b) Persons one of whose close relatives (brother, sister) was killed or died in the course of military service;
 - (c) Persons ordained in one of the registered religious organizations.
128. Persons mentioned in subparagraph (b) may be called up for military service with their consent.
129. Citizens who have been held criminally liable and those having an outstanding conviction or unexpunged criminal record are not subject to call-up for military service.
130. Alternative service offers citizens, on being called up, a means of fulfilling their universal military obligation other than by military service and involves doing low-skilled (auxiliary) work in various branches of the economy or social sphere or cleaning up after accidents, catastrophes, natural disasters and other emergencies. The period of alternative service is 24 months, or 18 months for citizens with higher education.
131. Citizens between 18 and 27 years of age enrolled in the military register and liable for conscription have the right to alternative service if they are members of registered religious organizations whose dogma forbids the use of arms and service in the Armed Forces.
132. The following registered religious organizations whose dogma forbids the use of arms and service in the Armed Forces are present in Uzbekistan: Jehovah's Witnesses,

Evangelical Christians-Baptists, and Seventh Day Adventists. Members of the above-mentioned religious organizations are called up under the alternative service procedure.

133. In other cases refusal or evasion of call-up for military or alternative service constitutes an administrative offence under article 237 of the Administrative Liability Code or a criminal offence under article 225 of the Criminal Code⁶.

134. Citizens do their alternative service at enterprises, institutions and organizations in their place of residence or in other regions of the country. The list of these enterprises, institutions and organizations and the types of work and trades in which those doing alternative service may be employed are determined by the Cabinet of Ministers.

135. The labour legislation extends to citizens doing alternative service. The period of alternative service counts towards length of employment. Citizens who have lost the ability to work and the families of those who have died doing alternative service, together with their dependents, have the right to obtain allowances and pension benefits in accordance with the legislation for servicemen doing fixed-term military service.

136. A citizen doing alternative service must perform it in the place prescribed and must comply with the requirements of the legislation, the workplace regulations and the terms of the labour agreement (contract).

137. Call-up commissions are set up in the Republic of Karakalpakstan and in regions, municipalities and districts for the purpose of calling up citizens for military and alternative service.

138. The structure and working procedures of the call-up commissions are determined by the President of Uzbekistan. The composition of the call-up commissions is determined by the Council of Ministers of the Republic of Karakalpalstan and the regional, municipal and district *khokimiyat*, with the mandatory participation in their activities of representatives of the defence affairs and public health authorities.

139. The chairpersons of the local call-up commissions are appointed by the Deputy Chairman of the Council of Ministers of the Republic of Karakalpalstan and the deputy *khokim* of the regions, municipalities and districts, respectively.

140. Citizens called up for military or alternative service undergo a compulsory medical examination in accordance with the regulations on medical examination in the Armed Forces in peacetime and wartime approved by the President of Uzbekistan. The call-up commissions of the Republic of Karakalpakstan, the regions and the city of Tashkent are charged with:

(a) Verifying the correctness of the granting of deferment or exemption from call-up;

(b) Checking the validity of the determination of the military-vocational assignment of those called up, taking into account their physical and general training, experience, abilities, interests and other personal qualities;

(c) Considering complaints made by citizens against decisions of district (municipal) call-up commissions.

141. The military-medical commissions of the Ministry of Defence are responsible for organizing medical reviews of persons called up for military service and sent into the forces

⁶ Annex 4, Extracts from the Administrative Liability Code, art. 237; Annex 5, Extracts from the Criminal Code, art. 225.

and of persons dissenting from the results of a medical examination or decisions of regional or district (municipal) call-up commissions before being dispatched to join military units.

142. After completing the medical examination those found to be fit for military service are enlisted in a detachment to be dispatched to join the ranks of the Armed Forces for fixed-term military service or designated for service in the mobilization call-up reserve. Those identified as needing deferment for health reasons, unfit for military service in peacetime or unfit with exclusion from the military register, subject to confirmation by the permanent medical commission, are returned to the defence affairs department for a decision in accordance with the documents regulating the work of the call-up commissions.

143. The call-up commissions of the Republic of Karakalpakstan, the regions and the city of Tashkent have the right to consider and rescind decisions of the district (municipal) call-up commissions.

144. Appeals against decisions of the call-up commissions of the Republic of Karakalpakstan, the regions and the city of Tashkent and, moreover, those of districts and municipalities can be lodged in the courts.

145. Under the Universal Military Duty and Military Service Act, persons infringing its provisions will be held accountable.

146. In particular, the Administrative Liability Code provides for liability for failing to submit to the defence authorities lists of young people subject to assignment to a recruiting station (art. 231); failing to ensure that persons liable for military duty or conscription are notified of their having been summoned before the defence authorities (art. 232); failing to submit on time documents needed for the initial registration of persons liable for military duty or conscription (art. 233); failing to communicate information concerning persons liable for military duty or conscription (art. 234); infringing the rules on military registration (art. 235); wilfully damaging military registration documents or losing them through negligence (art. 236); and for evading military or alternative service (art. 237).

147. Article 225 of the Criminal Code provides for liability for evading military or alternative service following the imposition of an administrative penalty for the same act.

148. Section VII of the Criminal Code establishes criminal liability for infringements of the procedure for the performance of military service, including liability for the abuse of authority or official position by a service head or other official, the exceeding of authority or official powers and, similarly, administrative dereliction, causing serious damage or material harm to the interests of the Armed Forces or the rights or legally protected interests of servicemen or other citizens (art. 301 of the Criminal Code).

Article 3

149. The legislation of Uzbekistan does not provide for the voluntary recruitment for military service of persons under 18.

150. By virtue of article 24 of the Universal Military Duty and Military Service Act, the following categories of citizens may be recruited for military service under the voluntary procedure (under contract):

- Persons liable for military duty and females without appropriate professional training in a military registration specialty, up to 30 years of age - for military service as privates
- Persons liable for military duty in the private or sergeant category, up to 40 years of age, who have previously done military service under contract, and persons liable for military duty who have done fixed-term military service or service in the

mobilization call-up reserve and have appropriate professional training in a specialty, up to 30 years of age - for military service as privates and sergeants

- Women liable for military duty, up to 30 years of age - for military service as privates and sergeants
- Reserve officers, up to 40 years of age - for military service as officers.

151. There is a compulsory medical examination for citizens enlisting for military service under contract.

152. Contracts to perform military service are concluded between citizens and the competent ministry, State committee or department.

153. Citizens aged 17 to 21, including those who reach 17 in the year of enrolment, together with servicemen and persons liable for military duty not of officer rank, aged 18 to 25, who have voluntarily expressed a desire to study may enter military academies for military service as trainees.

154. The procedure for concluding contracts, including with students at military academies, and the procedure for performing military service under contract are laid down in the regulations on the procedure for the performance of military service by citizens of Uzbekistan.

155. Citizens enrolled in military academies or the educational establishments of ministries, State committees and departments, study in which is deemed to be equivalent to military service, are on military service as cadets (*slushateli*), if of officer rank, or trainees (*kursanty*), if not.

156. Trainees leaving a military academy, or an educational establishment study in which is deemed to be equivalent to military service, are transferred to the reserve or discharged or dispatched to join a military unit to continue their fixed-term military service, if they have not served out their full term.

157. Trainees who have not yet reached call-up age at the time of leaving the academy or educational establishment are directed to the defence authorities of their place of residence to be placed on the military register.

158. The Ministry of Defence operates five military academies. These are State educational institutions which offer higher military education teaching programmes lasting at least four years.

159. The activities of the Ministry of Defence's military academies are regulated by Order of the Minister of Defence No. 414 of 2008 approving the regulations on the military academies of the Ministry of Defence and the instructions on the organization, planning and management of the educational process in the military academies of the Ministry of Defence.

160. While studying in military academies, trainees (with the exception of entrants from among those serving under contract) enjoy the rights and privileges accorded to fixed-term servicemen by law.

161. Articles 6 and 7 of the Disciplinary Regulations of the Armed Forces of Uzbekistan, as approved by Presidential Decree No. 1571 of 9 October 1996, stipulate that respect for the person and national dignity and concern for the social and legal protection of servicemen are very important duties of the commander (superior officer). A commander who has permitted the concealment of infringements of military discipline, offences or accidents will be held accountable.

162. A commander must be close to those under his command, be aware of their material and spiritual needs and endeavour to meet them, not allow those under his command to be treated roughly or humiliated, always serve as a model of strict observance of the law and military regulations and orders, and set an example of good morals, honesty, modesty and fairness. Every serviceman must be certain that his rights and lawful interests will be protected and feel the commander's concern to ensure his personal security and respect for his honour and dignity.

163. Under the procedure envisaged in article 4 of the Appeals against Actions and Decisions Infringing the Rights and Freedoms of Citizens Act, servicemen are entitled to appeal to the Military Court against acts (decisions) of military administrative bodies and military officials that infringe their rights and freedoms, as well as to their superiors.

164. On the basis of this same rule, trainees in military academies are also entitled to appeal against wrongful acts by which they are affected.

Article 4

165. Under Uzbek law it is forbidden to establish armed groups other than the armed forces of the State and therefore no basis or conditions exist for the recruitment or use by such groups of persons under the age of 18.

166. The Non-Profit Non-Governmental Organizations Act of 14 April 1999 prohibits the establishment of militarized organizations and associations and of organizations that make propaganda for war or for social, national, racial or religious enmity that undermines the health or morality of citizens (art. 25).

167. The Freedom of Conscience and Religious Organizations Act of 1 May 1998 prohibits the activities of religious organizations, movements, sects and the like that promote terrorism, drug trafficking and organized crime or pursue other mercenary aims (art. 5).

168. The Political Parties Act of 26 December 1996 forbids the establishment and activities of political parties that make propaganda for war or for social, national, racial or religious enmity and parties based on national or religious criteria (art. 3).

169. A similar ban applies to the mass media. Under the Mass Media Act of 15 January 2007 the mass media may not make use of propaganda on behalf of war, violence or terrorism or the ideas of religious extremism, separatism or fundamentalism or circulate information inciting national, racial, ethnic or religious enmity (art. 6).

170. Article 14 of the Rights of the Child (Safeguards) Act guarantees a child's right to protection from illicit transfer.

171. Thus, it has been established that every child has the right to protection against illicit transfer and non-return from abroad. Travel abroad is possible only with the consent of both parents or of the persons acting in their stead, in accordance with the law. Any disagreements on this question between the parents or the persons acting in their stead are resolved in court.

172. If a child disappears, the parents or the persons acting in their stead must immediately inform the appropriate authorities. Children unaccompanied by their parents or by the persons acting in their stead are guaranteed the right to be returned to them.

173. The diplomatic missions of Uzbekistan keep track of child citizens of Uzbekistan who are abroad without being accompanied by their legal representatives, and take measures for their return. If the parents are found to be absent in a place unknown or are declared dead, the tutorship and guardianship agency takes steps to place the children in a family. If that is

not possible, they are placed in institutions for orphans or for children deprived of parental care. Questions concerning the return of children who are abroad without being accompanied by their legal representatives are decided on the basis of the international agreements of Uzbekistan.

174. The State takes measures to prevent the illicit transfer of children, whatever the purpose or the ways and means; it also takes measures to return them to their country of permanent residence, in accordance with the law and the international agreements of Uzbekistan.

175. People trafficking, that is, buying or selling a human being or recruiting, transporting, transferring, concealing or receiving him/her for purposes of exploitation, is punishable under article 135 of the Criminal Code.

176. Citizens of Uzbekistan may not enlist for military service in a foreign country or for service in its security, police, military justice or other similar agencies.

177. Article 154-1 of the Criminal Code establishes liability for recruiting a female citizen of Uzbekistan for military service in a foreign country or for service in its security, police, military justice or other similar agencies⁷.

Article 5

178. The legislation and practice of Uzbekistan in relation to the implementation of the Protocol perfectly correspond not only with its provisions but also with the standards laid down in the Convention on the Rights of the Child. Moreover, the Child Rights (Safeguards) Act, known in Uzbekistan as the “Children’s Constitution”, is the basic normative legal instrument which, in addition to fully implementing the provisions of the Convention, develops them by reinforcing the rights of the child to private property, housing and work and by detailing the guarantees of the rights of socially vulnerable groups of children.

179. The international legal instruments to which Uzbekistan has acceded and the criminalization of such acts as pro-war propaganda, aggression, genocide, and violation of the laws and customs of war, which are incorporated in the Criminal Code under the heading of crimes against the peace and security of mankind, also make an important contribution to preventing the involvement of children in hostilities and armed conflict.

180. Thus, article 150 “Pro-war propaganda” of the Criminal Code states that:

“Pro-war propaganda, that is, the propagation in any form of opinions, ideas or appeals for the purpose of provoking aggression by one country against another, is punishable by deprivation of liberty for a term of five to ten years.”

181. Article 151 “Aggression” establishes criminal liability for committing the following acts:

“Planning or preparing a war of aggression, together with participation in a conspiracy to carry out such acts, is punishable by deprivation of liberty for a term of ten to fifteen years.”

182. Commencing or waging a war of aggression is punishable by deprivation of liberty for a term of fifteen to twenty years.

⁷ Annex 5, arts. 135 and 154-1 of the Criminal Code.

183. Article 152 “Violation of the laws and customs of war” states that:

“Violation of the laws and customs of war, expressed in torture, the physical destruction of the civilian population or prisoners of war, the driving away of the civilian population for forced labour or other purposes, the use of means of waging war prohibited by international law, the senseless destruction of cities and populated areas and plundering, together with the giving of orders to commit such acts, is punishable by deprivation of liberty for a term of ten to twenty years.”

184. Article 153 “Genocide” defines the concept of genocide and establishes liability for it:

“Genocide, that is, the deliberate creation of conditions of life calculated to bring about the physical destruction, in whole or in part, of a national, ethnical, racial or religious group, the physical destruction of the group, in whole or in part, the forcible prevention of births within the group or the forcible transfer of children of one group to another group, together with the giving of orders to commit such acts, is punishable by deprivation of liberty for a term of ten to twenty years.”

185. Thus, Uzbekistan has established the legal basis necessary to help prevent the involvement of children in armed conflict and protect them from the horrors of war and the infliction of physical or moral harm in a military context.

Article 6

186. Uzbekistan devotes considerable attention to informing the general public, civil servants, parliamentarians, judges, public prosecutors, internal affairs and defence department personnel, social workers, teachers and parents about the provisions of the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict.

187. The Protocol’s principles and provisions are widely covered by the national and regional mass media, studied in educational institutions, dealt with in the curricula of institutes and staff retraining and further training courses, published in the form of books, brochures, booklets and scholarly and popular articles in specialized children's publications and feature on television and radio and in competitions and olympiads for schoolchildren and students of institutes of higher education.

188. The independent television and radio channels and the regional broadcasting companies within the Uzbek National Broadcasting Corporation system regularly devise and broadcast television and radio series aimed at raising awareness of the legislation concerning the rights of children, adults and the rising generation. A special effort is made to air them at times convenient for both adults and children. They include such television and radio programmes as *Khayet Va Konun* (Life and Law), *Usmir* (Teenager), *Eshlar Va Konun* (Youth and the Law), *Bola Khukuklari* (Rights of the Child), *Yul Boshida Adashganlar* (Lost at the Beginning of the Path), *Khukukshunos Zhabov Beradi* (A Lawyer Answers), *Bolalar Dunesi* (Children’s World), *Turtinchi Tamoyil* (The Fourth Principle), and *Bolalar Va Biz* (Children and Us), among others.

189. In 2010, the independent television and radio channels and the regional broadcasting companies within the Uzbek National Broadcasting Corporation system devised and broadcast more than 150 television and radio programmes devoted to the rights of the child.

190. In particular, in cooperation with the Office of the Procurator-General, the Ministries of Justice and Internal Affairs and the National Centre for Human Rights, 24 broadcasts on the implementation of the Convention on the Rights of the Child were prepared. The radio programme *Adolat Konun Ustuvorligida* (Justice - a Priority of the Law) was broadcast

twice a month, with the participation of representatives of the above-mentioned organizations and of non-profit non-governmental organizations active in protecting children's rights and interests.

191. The radio and television channels within the Corporation system regularly air public service announcements under the headings *Bolalar Bizning Kelazhagimiz* (Children Are Our Future!), *Bolalarni Asrang!* (Take Care of the Children!) and *Bola Boshidan!* (The Child Comes First!).

192. Contacts have been established with television viewers and radio listeners via phone calls and e-mails from children and adults to the Corporation and to radio and television channels and programmes. In preparing television and radio broadcasts the opinions and wishes of viewers and listeners must be taken into account.

193. The curriculum for students in the law faculty of the Mirzo Ulugbek National University of Uzbekistan includes such courses as "Human Rights" (54 hours) and "International Law" (81 hours). These courses explore in detail questions relating to the involvement of children in armed conflict. Law and philosophy students following the course on the Idea of National Independence and Foundations of Spirituality and Law are conversant with the Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Moreover, law students are informed about the offence of recruiting children and involving them in hostilities during their lectures on criminal law.

194. The curricula of the non-law faculties of the institutes of higher education include courses on the foundations of the State and law and the study of the Constitution of Uzbekistan that explore in detail the basic principles of Uzbek foreign policy, which derive from such principles of international law as the sovereign equality of States, the non-use of force or the threat of force, the inviolability of frontiers, the peaceful settlement of disputes and non-interference in the affairs of other States.

195. Meetings, seminars, and training sessions on issues pertaining to the involvement of children in armed conflict are regularly held in the Law Faculty of the Mirzo Ulugbek National University. These events are organized by the "Theory of the State and Law and International Law" sub-faculty.

196. By organizing higher-level courses, the Office of the Procurator-General takes steps to disseminate the contents of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and to educate employees of the prosecution service in the basic standards laid down in these international instruments. In particular, in 2010, in the Republican Centre for the Social Adaptation of Children, a seminar cum training session was held on the theme: Questions relating to the Prevention of Criminal Offences against Children. At the training session the problems of safeguarding the rights and freedoms of children were discussed. Proposals were made, including with respect to the development of measures to prevent criminal offences against children in accordance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

197. The TGYuI has published a textbook entitled International Humanitarian Law. One of the important topics dealt with in this textbook is the problem of protecting the rights of the child in situations of armed conflict. Accordingly, special attention is paid to explaining the rights and freedoms of children, who under the rules of humanitarian law are included in the "protected persons" group.

198. The specific facts relating to the forced recruitment of minors into the armed forces, their separation from the family, their being put out for adoption without their consent, their

removal to other countries despite the existence of a legal ban and their being deprived of basic rights and freedoms are described in the textbook from the standpoint of the pernicious consequences of the involvement of children in hostilities.

199. The analysis of the facts deemed to constitute serious violations of the rules of humanitarian law enshrined in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 is aimed at helping future defenders of human rights to cultivate and understand the vital importance of this branch of the law and to develop in them a sympathetic attitude to child victims of war.

200. In connection with the introduction into the curriculum of the institutes of higher legal education of a new course on the rights of the child, the TGYuI is currently in the process of preparing a textbook with the same title, one chapter (chap. 5) of which is directly devoted to the "Protection of the Rights of the Child within the Framework of International Humanitarian Law". Section 3 of this chapter is devoted to an analysis of the Optional Protocols to the Convention on the Rights of the Child. The attention of students is particularly drawn to the key provisions of humanitarian law concerning the age threshold for the recruitment of children into the armed forces, the variable approach of States to the question of the mobilization of children on the basis of their having attained their majority, and their deliberate turning of juveniles into soldiers.

201. Within the context of the implementation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the bachelor's programme of the University of World Economy and Diplomacy of the Ministry of Foreign Affairs offers, as part of its "Human Rights" course, instruction in such subjects as the concept and significance of the rights of the child, the international agreements and national legislation of Uzbekistan on the protection of the rights of the child, international and national institutional mechanisms for protecting the rights of the child and aspects of Uzbekistan's international cooperation in the area of protection and observance of child rights. The course on "Fundamentals of International Humanitarian Law" includes instruction in the principles of international law governing the protection of the rights of the child during periods of armed conflict, while students following the course on criminal law study issues relating to criminal liability for violation of the laws and customs of war.

202. At master's degree level, under the specialty "International Law" within the framework of the course on "International Human Rights Law", the following topics are studied: the protection of the rights of the child in international law; the substance and significance of the Protocol; international monitoring mechanisms; procedures for protecting the rights of the child; and matters relating to the implementation of the provisions of the Protocol in the national legislation. At the same time, the course on "International Humanitarian Law" covers contemporary problems of international humanitarian law and theoretical and practical problems relating to the protection of the rights of the child during periods of armed conflict. Students of international humanitarian law take part in such international competitions as the Central Asian competition between student teams of the institutes of higher education of the Republics of Central Asia and the Jean-Pictet international competition, in which student teams from all over the world participate. In the International Law Faculty degree work is done and master's theses are written on subjects relating to the protection of the rights of the child and international humanitarian law.

203. The Advanced Training Centre for Jurists attached to the Ministry of Justice takes measures to raise students' awareness of the role and significance of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

204. The training programmes for district (municipal) criminal court judges and for military judges include as a special subject the observance of human rights and freedoms in the course of armed conflicts.

205. The Centre's curriculum includes courses on: "The Rights of the Child: International Standards and National Legislations"; "The Legal Basis for the Fight against International Crime"; and "The Place and Role of International Standards on the Protection of Human Rights in the Activities of Law Enforcement Agencies".

206. Within the context of these courses, students are informed about the requirements of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the obligations of States in this respect, and the legal, administrative and other measures that need to be introduced by countries to ensure that the obligations assumed are actually fulfilled.

207. At the Academy of the Ministry of Internal Affairs, the staff of the Theory and Practice of Human Rights sub-faculty teach the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to:

- Full-time course 2 students (400 students a year) as part of topics 1-10 of the discipline "General Theory of Human Rights"
- Full-time course 4 students (400 students a year) as part of topics 1-12 of the discipline "International Law"
- Students taking higher academic courses (50 students a year) as part of topics 1-7 of the discipline "International Cooperation in the Fight against Crime" and topics 1-7 of the discipline "Human Rights in the Activities of the Internal Affairs Agencies"
- Students of the department for the advanced training of internal affairs agency officers who periodically attend to improve their professional skills, as part of the human rights course (1,100 officers in academic year 2009/10).

208. Every year, the Academy's professorial/teaching staff take part in informational and educational work among the population aimed at improving the human rights culture. In particular, in 2010, in accordance with the approved joint plan of the Ministry of Internal Affairs and the Ministry of National Education, meetings were held with students of the senior classes of the city of Tashkent's secondary general educational institutions, during which the students were acquainted with the provisions of the national and international legislation on child rights. In the corresponding plan for 2011 the Academy introduced proposals for the inclusion in the subject matter of the meetings of questions relating to the explanation of the provisions of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

209. In courses to improve the professional qualifications of teaching staff at 16 retraining and further training institutes special attention is paid to subject matter concerning the protection of the rights of the child. Seminars cum training sessions for teachers are regularly held within the context of the Child-Friendly Schools programme being implemented jointly with UNICEF.

210. Non-profit non-governmental organizations concerned with children and young people also take part in informational and educational activities.

211. The social youth movement Kamolot, jointly with the Association for the Support of Children and the Family, the Makhalla foundation and other civil society organizations, has arranged approximately 2,000 informational and educational events, meetings and roundtables on the topics "Me and My Rights" and "Let's Study the Convention on the Rights of the Child".

212. Kamolot also promotes awareness-raising among the general public, including among children, by circulating information via the various mass media and by holding informational and educational events in which young people are encouraged to take part.

213. Kamolot's activities are aimed at:

(a) Improving the legal knowledge of children and young people; instilling in them respect for the Constitution of Uzbekistan and its laws; developing in them an attitude of active and uncompromising opposition to any violations of the principles of social justice;

(b) Developing social service networks that offer a range of social assistance for children and young people, by helping them to obtain psychological, medical, legal and other forms of advice; choose a profession and find a job; access information; master modern information technology; and make good use of their leisure time.

214. To develop children's abilities and enable them to acquire new skills and knowledge, youth social services centres have been set up across the country under the auspices of Kamolot. At present, there are 95 such youth centres in operation.

215. The social services for young people provide:

- Psycho-pedagogical, medico-biological and legal help, together with advisory services for minors and other young citizens
- Social assistance for young citizens who find themselves in particularly adverse circumstances as a result of physical disabilities
- Legal awareness and information campaigns to alert young people to the possibilities of achieving their goals with respect to job placement, education and vocational training, leisure, tourism and sport
- Organization of interesting leisure activities for young people where they live, and other forms of assistance for youth.

216. In 2009 alone, approximately 100,000 young people received various forms of instruction in youth social services centres.

217. The Women's Committee of Uzbekistan also works with young people, for example: in rolling out the State social programme known as the "Year of the Harmoniously Developed Generation" and a series of measures to implement the targeted "Healthy Mother – Healthy Child" programme; in monitoring the health of mothers and the rising generation; in working to improve the population's reproductive health and prevent hereditary, congenital and maternal diseases; and in improving literacy among the young and raising their level of responsibility in matters pertaining to the promotion of a healthy family and a medical culture, with a view to creating an image of a healthy lifestyle. The Women's Committee helps to provide opportunities for the widespread involvement of children, and especially girls, in popular sports and participates in the development and implementation of the comprehensive programme "Youth Chooses a Healthy Lifestyle", as well as in fostering the desire for a healthy lifestyle among the young. It produces visual aids, commercials and posters and organizes competitions, shows and concerts on the theme of "Youth Chooses a Healthy Lifestyle".

218. The Women's Committee organizes seminars, roundtables and question-and-answer evenings as well as practical and scientific conferences on, among other things, "Shaping a Healthy Lifestyle Culture – the Foundation Stone of a Harmoniously Developed Generation" and "Scientific-Methodological Aspects of the Protection of Youth from Pernicious Ideological Influences and Inferior 'Mass Culture'".

219. A major contribution to safeguarding the rights of the child is being made by the Forum for Culture and the Arts of Uzbekistan foundation, which can take the credit for such important cultural measures on behalf of children as: the Yangi Avlod festival of child creativity, the Kelazhak ovozi Republican competition for talented youth, the Bolazhonlar-shprintoilar children's fashion festival, the "Baby" children's international tournament, the international modern choreography and eurhythmics competition, the charity ball "In the Name of Children", and the "Spring Marathon for Schools".

220. The Forum for Culture and the Arts of Uzbekistan foundation has also established the "Forum Junior Sport" children's sports complex, in which around 100 children engage in artistic gymnastics, ushu and other forms of sport, and has also built the international-standard "Forum for Champions" sports complex for children to take part in various forms of wrestling.

221. A significant contribution to the protection of the rights and education of the rising generation is being made by the Sen yelgiz emassan foundation. The foundation's mission is to provide comprehensive assistance with creating the conditions for a decent life and rounded development for children, to maintain the priority of the family, and to do everything necessary to protect, to the greatest possible extent, the interests of children in need of social support.

222. The foundation has set up a special teaching centre to provide supplementary education, including for inmates of children's homes. The centre provides a basis for school work that enables the children to familiarize themselves with the elements of jurisprudence, the structure of the State, and the provisions of the Convention on the Rights of the Child and its Optional Protocol.

223. At No. 21 Mekhribonlik in Tashkent, the foundation, together with the Ministry of Defence and the Ministry of National Education, has organized a class in military-patriotic education and the study of the military arts for children who have decided that later in life they will pursue a military career. A similar class has also been opened at No. 22 Mekhribonlik.

224. The *makhallas* of the Republic arrange for discussions, explanatory sessions and seminars to acquaint citizens with the provisions of the Convention on the Rights of the Child, the Optional Protocol and the Child Rights (Safeguards) Act. In 2010, more than 14 million people, including young people, were actively involved in such measures.

225. Today, there are about 10,000 citizens' self-government bodies functioning in the Republic and of these 8,587 are citizens' assemblies. The "family-*makhalla*-school" formula, developed together with various ministries and civil society organizations, is yielding positive results. The present formula is one of the basic documents for enabling civil society organizations, parents and schools to combine forces in bringing up minors.

226. In every *makhalla* there is a commission on work with young people. Its activities include job placement for young people, prevention of juvenile crime, development of sport for the young, leisure organization for boys and girls, and spiritual-cultural work. The civil society organization Makhall posboni concerns itself with preserving public order, ensuring that citizens can enjoy peace and quiet, and preventing unemployment, delinquency and drug addiction among the young.

227. The citizens' self-government bodies have set up 199 working groups to organize and implement Defenders of the Homeland Day. In the *makhallas*, to educate young people in the spirit of military patriotism, 265 measures have been implemented with the participation of these groups. A total of 7,950 people were involved, including 1,060 representatives of the young. For the purpose of instilling a sense of patriotism in

schoolchildren and students at colleges and institutes of higher education arrangements were made for 7,175 children to participate in these measures.

228. The Makhalla foundation also arranges ceremonial send-offs for those called up for military service. In particular, in February and March 2010, during the call-up period, 36 such send-offs were organized. On these occasions conscripts were given commemorative gifts, toilet articles and writing materials. In 2010, 528 soldiers were offered privileged admission to institutes of higher education and 787 discharged soldiers were helped to find work.

Article 7

229. As a subject of international law, Uzbekistan establishes direct political, economic and cultural relations with foreign States, including in matters of military-political and humanitarian cooperation, where the principles and provisions of the Optional Protocol are taken into account.

230. Special attention is paid to cooperation with international organizations, in particular, where informational and educational activities are concerned, with the ICRC.

231. On 30 June 2009, the Red Crescent Society of Uzbekistan organized a conference on the “Current legislation of Uzbekistan in relation to present-day humanitarian needs, as it affects the work of the Red Crescent Society of Uzbekistan: analysis and proposals”.

232. On 12 August 2009, a round table, organized by the Regional Representative of the ICRC in Central Asia, was held to mark the sixtieth anniversary of the 1949 Geneva Conventions.

233. On 10-12 November 2009, an International Forum on humanitarian norms and current challenges was held in Astana. The organizers were the L. N. Gumilev Eurasian National University and the ICRC.

234. The participants in the Forum were representatives of the executive and administrative State authorities of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Ukraine and Uzbekistan. They discussed questions relating to the implementation of humanitarian norms in national legislation and their application, and debated issues of international public law and national legislation, the law of armed conflict and human rights, international customary law, situations other than armed conflict, internal disorder and tension, and states of emergency.

235. The First International Forum on humanitarian norms and current challenges gave participants an excellent opportunity to discuss and exchange views on the implementation of norms relating to the use of force in armed conflicts and other situations, violence and tension and their humanitarian consequences.

236. The participants in the Forum recognized the desirability of holding a Second International Forum on humanitarian norms and current challenges in 2011 to discuss the results achieved in the interim.

237. From 13 to 17 December 2010, an academic and practical seminar on the “Theory and Practice of Teaching Humanitarian Norms in Central Asia” was held in Tashkent. The seminar was organized by the ICRC and the Tashkent State Law Institute. The participants included Yves Arnoldy, the Head of the Regional Delegation of the ICRC for Central Asia, Glenn Gilbertson, Delegate, and teachers of international humanitarian law from Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan, together with Dr Maria Teresa Dutli, legal adviser to the ICRC Regional Delegation for the Russian Federation, Belarus, Ukraine and Moldova.

238. Uzbekistan will continue to work together with the ICRC and other international organizations with a view to keeping the population and State employees, including servicemen, informed about issues relating to international humanitarian law and the study of the Convention of the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict.

239. It should be noted that the political experience and peaceful policy of Uzbekistan in the sphere of international cooperation enabled it to assist the women, children and elderly citizens who suffered the effects of the tragic events that occurred in Kyrgyzstan in 2010.

240. Uzbekistan responded rapidly by opening the border and admitting to its territory more than 100,000 refugees from the neighbouring country, while arranging for them to receive accommodation, medical care, food supplies, and moral and psychological support, all of which showed that Uzbekistan is, in the true sense of the word, a guarantor of peace and stability in Central Asia.

241. In order to assist the victims, many of whom were women and children or elderly, international organizations and a number of States sent humanitarian aid. The Government of Uzbekistan did everything possible to ensure the prompt and targeted delivery of the aid to the temporary migrants from Kyrgyzstan.

242. Altogether, humanitarian shipments with a total value of US\$3,926,600 arrived from abroad in the regions of Uzbekistan in which the temporary migrants were located. More than half of this amount was provided by international organizations, among them, the United Nations (US\$1,337,900), national societies of the Red Cross and the Red Crescent (US\$636,000), UNICEF (US\$67,000), International League of Physicians (US\$64,400), and Médecins Sans Frontières (US\$41,800). Russia (US\$1,280,500), the People's Republic of China (US\$438,000) and Georgia (US\$60,900) also provided aid for the victims of the tragic events in southern Kyrgyzstan.

243. Altogether, through international humanitarian aid channels, 35 tonnes of medical supplies arrived in Uzbekistan. These were all used to meet the needs of sick and traumatized people. Out of the 168.6 tonnes of food received, 91.8 tonnes were distributed among the temporary migrants from Kyrgyzstan, while the remaining 76.8 tonnes were forwarded to Kyrgyzstan itself.

244. Non-food supplies sent by donors (tents, blankets, crockery, jerrycans, generators, clothing) amounted to 621.4 tonnes. Of these, 169.8 tonnes were used during the period of operation of the camps for temporary migrants. The remaining 451.6 tonnes were likewise forwarded to Kyrgyzstan.

245. The policy of Uzbekistan shows that from the first years of independence it has relied on settling all regional socio-economic and geostrategic disputes by peaceful means, without the use of force. This policy has all the attributes necessary to defend the true spirit of sovereignty and national borders, bring about democratic reforms and preserve peace and regional harmony. This policy is promoting the creation in Uzbekistan of a world fit for children and young people to live in.
