



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the initial report of Uzbekistan submitted under article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict, adopted by the Committee at its sixty-third session (27 May – 14 June 2013)

1. The Committee considered the initial report of Uzbekistan (CRC/C/OPACUZB/1) at its 1800th meeting (see CRC/C/SR1800), held on May 2013, and adopted at its 1815th meeting, held on 14 June 2013, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report (CRC/C/OPAC/UZB/1, 2012) providing detailed information regarding its fulfilment of the rights guaranteed by the Optional Protocols as well as the written replies to the list of issues (CRC/C/OPAC/UZB/Q/1/Add.1, 2013). The Committee also appreciates the constructive dialogue held with the multisectoral delegation of the State party. The Committee notes that the State party fulfils the requirements of the Optional Protocol to a large extent. However, the Committee highlights to the State party the need to strengthen preventive measures pursuant to the Optional Protocol in the lead-up to major geopolitical changes likely to occur in the region in 2014.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined third and fourth periodic reports under the Convention (CRC/C/UZB/CO/3 - 4) as well as those on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/UZB/CO/1), adopted on 14 June 2013.

II. General observations

Positive aspects

4. The Committee welcomes the ratification by the State party of the Geneva Conventions of 1949, in May 1957 and the Additional Protocols I and II thereto, in September 1993.

5. The Committee welcomes the declaration made at the ratification of the Optional Protocol that the minimum age for conscription is 18 years.

III. General measures of implementation

Legislation

6. The Committee is concerned that the legal status of the Optional Protocol in Uzbekistan is unclear as the State party does not have domestic legislation explicitly giving full effect to the Optional Protocol.

7. Pursuant to article 6 of the Optional Protocol, the Committee urges the State party to undertake a review of its domestic legislation with a view to fully incorporating the provisions of the Optional Protocol into its domestic legislation.

Dissemination and awareness-raising

8. While noting positively that there are radio and television programmes related to children's rights in general, the Committee is concerned that there are no targeted efforts to educate the public at large and children in particular on the provisions and principles of the Optional Protocol.

9. The Committee recommends that the State party undertake concrete measures to increase knowledge and awareness of the Optional Protocol. In doing so, it may wish to consider producing and disseminating additional information material on the Optional Protocol.

Training

10. The Committee appreciates the current training programmes on the provisions of the Optional Protocol. However, the Committee is concerned that these do not include all relevant professionals working with and/or for children, in particular military personnel, border and immigration personnel, social workers, and medical professionals.

11. The Committee recommends the State party organise training programmes on the provisions of the Optional Protocol for all relevant professionals working with and/or for children, in particular military personnel, border and immigration personnel, social workers, and medical professionals.

IV. Prevention

Human rights and peace education

12. While noting that some of the military schools in the State party allow their students the option to undertake courses in human rights and freedoms, as well as in international humanitarian law, the Committee regrets that human rights education, including on the Optional Protocol, is not systematically incorporated as a mandatory part of the curricula in military schools, primary and secondary schools or in the teachers' training programme.

13. With reference to its general comment no. 1 (2001) on the aims of education, the Committee recommends that the State party include human rights and peace education in the curricula of all schools, including military schools, with special reference to the Optional Protocol.

V. Prohibition and related matters

Prohibition of recruitment by non-State armed groups

14. The Committee is concerned that recruitment or use in hostilities of children under the age of 18 years by non-State armed groups is not explicitly prohibited and criminalized by law.

15. The Committee recommends that the State party enact in its legislation explicit prohibition and criminalization of the recruitment or use by non-State armed groups of children under the age of 18 in hostilities.

Extraterritorial jurisdiction and extradition

16. The Committee is concerned that there are no legal provisions that explicitly provide for extraterritorial jurisdiction for offenses under the Optional Protocol. Furthermore, the Committee is concerned that double criminality is a requirement for extradition for offences under the Optional Protocol.

17. The Committee recommends that the State party take all necessary measures to ensure that domestic legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences under the Optional protocol, including the recruitment and use in hostilities of children under the age of 18. The Committee also urges the State party to remove the requirement of double criminality for extradition for offences under the Optional Protocol.

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

18. The Committee notes with appreciation that the State party has accepted a significant number of refugees from conflict areas that have occurred in the region and the humanitarian assistance provided to them. However, the Committee is concerned that there is no legislation, systematic programme, or training of professionals for ensuring early identification, rehabilitation and social integration for all children living within the State party who may have been victims of offences under the Optional Protocol.

19. The Committee recommends that the State party pay special attention to the early identification of refugee and asylum seeking children who may have been involved in conflict or subject to conflict-related trauma and displacement and provide them with special support and assistance, including psychological treatment. In doing so, the Committee recommends that the State party provide systematic training on the early identification of children who may have been involved in conflict or affected by it to all professionals working with or for children, particularly border control and immigration personnel, the military, education professionals and medical professionals. It further calls upon the State party to take all necessary measures to ensure that all children, including those who may not benefit from refugee status, be entitled to a special protection status if there is any danger that they might become victims of in violation of the provisions of the Optional Protocol.

VII. International assistance and cooperation

International cooperation

20. The Committee recommends that the State party strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Organisation on Drugs and Crime (UNODC) and other United Nations entities in the implementation of the Optional Protocol.

21. The Committee also recommends that the State party consider ratifying the Rome Statute of the International Criminal Court.

Arms export and military assistance

22. The Committee is concerned that although the State party is located in a region with armed conflicts and where children are sometimes used in hostilities, there is no legislation explicitly criminalizing the export and/or transit of arms and/or military assistance to countries where children may be involved in an armed conflict.

23. The Committee recommends that the State party enact legislation criminalizing the export and/or transit of arms and/or military assistance to countries where children may be involved in an armed conflict.

VIII. Ratification of the Optional Protocol on a Communications Procedure

24. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC).

IX. Follow-up and dissemination

25. The Committee recommends that the State party take all necessary measures to ensure the full implementation of the present recommendations by, *inter alia*, transmitting them to the President, relevant Government ministries, the Parliament, the Constitutional court, and to regional and local authorities, for appropriate consideration and further action.

26. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

X. Next report

27. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the

Convention on the Rights of the Child, in accordance with article 44 of the Convention.