



Convention on the Rights of the Child

Distr.: General
1 October 2013
English
Original: French

Committee on the Rights of the Child Sixty-third session

Summary record of the 1799th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 4 June 2013, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties *(continued)*

Third and fourth periodic reports of Uzbekistan on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/UZB/3-4; CRC/C/UZB/Q/3-4; CRC/C/UZB/CO/3-4)

1. *At the invitation of the Chairperson, the members of the Uzbek delegation took places at the Committee table.*
2. **The Chairperson** said that the meeting would be broadcast on the Internet and she hoped that many children in Uzbekistan would seize the opportunity to follow the dialogue.
3. **Ms. Parsi** asked whether the delegation was aware of the action taken by the Human Rights Alliance of Uzbekistan in the cotton fields in May 2013, after learning that teachers were forcing children to work in them.
4. **Ms. Wijemanne**, noting the high maternal and infant mortality rates, questioned the quality and accessibility of prenatal, perinatal and obstetric care. Many deaths could apparently have been avoided through the adoption of prevention programmes. How did the State party intend to promote breastfeeding, which was recommended for at least six months, and combat sexually transmitted diseases, substance abuse and adolescent suicides?
5. **Ms. Muhamad Shariff**, noting that almost 40 per cent of poor families in Uzbekistan forewent medical treatment because of hidden health-care costs and that women were sterilized without their knowledge or against their will, invited the delegation to comment on the subject.
6. **The Chairperson** expressed surprise that the report contained no information on street children, even though the problem seemed to be on the rise. How did the State party go about preventing the issue and ensuring the protection and rehabilitation of children living on the streets?
7. **Ms. Herczog** (Country Rapporteur for the Convention) welcomed the fact that it was possible to follow the Committee's discussions via the Internet and asked whether the Uzbek population could freely access content broadcast online.
8. **Ms. Khazova** (Country Rapporteur for the Convention), noting that the country had only 33 juvenile court judges, requested an update on the project to establish a genuine juvenile justice system.
9. **Mr. Saidov** (Uzbekistan) said that there was free access to the Internet in Uzbekistan and that the Committee's discussions would probably be closely followed by the population, as had been the case with the universal periodic review in April 2013. The Uzbek State was aware that its system for collecting statistical data left room for improvement, and it was working on the matter.
10. **Mr. Zakirov** (Uzbekistan) explained that the overwhelming majority of refugee children in the country came from Afghanistan and their numbers were in decline. Like the rest of the population, they received free education and health care. The authorities in fact strictly respected their obligations towards refugee children, particularly pursuant to the Constitution, which in article 23 provided that foreigners and stateless persons during their stay in Uzbekistan enjoyed the rights and freedoms afforded them under international law. Equality for all ethnic groups in multi-ethnic Uzbekistan was also a constitutional norm. It was prohibited to form associations or parties which incited discord or racial or religious hatred. Pursuant to the State Language Act, all persons were free to communicate in the

language of their choice. All legislation was published in the various languages spoken in the country, and schools conducted lessons in minority languages in the regions concerned.

11. **The Chairperson** said that he would appreciate more details on the manner in which education in the language of one's choice was actually guaranteed.

12. **Mr. Zakirov** (Uzbekistan) replied that education was provided in 7 languages. Television and radio programmes were broadcast in 10 languages, daily print media was available in 10 languages, and weekly and monthly print media in 8 languages.

13. **Mr. Saidov** (Uzbekistan) refuted the allegation that there was no juvenile justice system in Uzbekistan. Both the Criminal Code and the Code of Criminal Procedure contained a special section devoted to children, and judges, lawyers and psychologists were specially trained to handle cases involving minors. Minors were held separately from adults in a specialized detention centre.

14. **Mr. Kotrane** said that the Committee had already noted in 2001 that the State party had specialized judges but had not established a proper juvenile justice system. Following constructive dialogue, the State party had committed to establishing specialized courts. The Committee had understood that the reform would take place quickly and had welcomed such steps, but the situation did not seem to have changed. He referred the State party to the Committee's general comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10).

15. **Mr. Saidov** (Uzbekistan) said that the country did not have sufficient funds to establish a juvenile justice system.

16. **Mr. Mezmur** said that the prohibition of torture as defined in Uzbek law was inconsistent with the Convention, being aimed only at the police rather than everyone in the exercise of their duties.

17. **Mr. Saidov** (Uzbekistan) said that Sir Nigel Rodley, an authority on the subject, did not share that view and that the Ombudsman's powers, an important link in the chain of preventing torture, had been extended, particularly by the adoption of the Ombudsman Act in 2008.

18. The minimum age for marriage was set at 18 years for boys and 17 years for girls – or 16 years in cases of pregnancy. A bill to set the minimum age for marriage at 18 years for both sexes had been submitted to Parliament for consideration.

19. **Ms. Herczog** asked whether young people had access to contraceptive methods. It would be better to prevent early pregnancies than to authorize the marriage of pregnant girls.

20. **Ms. Narbaeva** (Uzbekistan) said that the "Healthy Mother – Healthy Child" programme had led to a significant reduction in infant and maternal mortality rates and to higher life expectancy. Pregnancies of girls aged under 20 accounted for 4 per cent of all pregnancies, which was an encouraging figure for the region. There were no enforced sterilization programmes, and contraceptive methods, used by 32 per cent of women aged 20 to 30, were free. Sexual health issues and the dangers of drug and alcohol use were taught in schools. It should be noted that, during the international conference in Tashkent in 2012, the Director-General of the World Health Organization had congratulated Uzbekistan on achieving the health-related Millennium Development Goals.

21. She refuted the claim that women were not competitive on the job market; they in fact accounted for 48 per cent of those in employment. Many NGOs defended the role and place of women in society, with support from the authorities. The governmental commission responsible for monitoring the application of the Convention was at pains to publicize the Convention among the population.

22. In 2012, “Year of the Family”, the public authorities had intensified efforts to combat domestic violence. More than 300 families identified as being at risk had received individual follow-up thanks to the *mahallas*, democratic, self-governing institutions which managed community issues with the active participation of citizens.

23. **Ms. Herczog** asked whether pupils attended classes on sexual and reproductive health, whether counselling services were confidential, and whether the use of contraceptives was encouraged among adolescents.

24. **Ms. Narbaeva** (Uzbekistan) explained that pupils attended sex education classes taught by specialized social workers and that they could book a confidential consultation with a doctor to discuss contraceptive methods.

25. **Mr. Alimukhamedov** (Uzbekistan) said that article 20 of the Rights of the Child (Safeguards) Act authorized children’s admission to employment from the age of 16, pursuant to the conditions contained in the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138). All companies, whether public or private, were required to respect the Labour Code, adopted in 1996. Pursuant to article 240 of that Code, minors who worked enjoyed the same rights as adults in terms of hours and conditions of employment, as well as additional safeguards to protect their health. They were not supposed to work more than 36 hours per week nor to be forced to engage in work that was hazardous or harmful to their health. Uzbekistan had adopted an action plan to implement ILO Conventions No. 138 and No. 182. In 2012, the United Nations Children’s Fund (UNICEF) had carried out an independent study to establish whether children had taken part in the cotton harvest and had concluded that they had not.

26. An interministerial working group had recently been established for the purpose of cooperating with ILO, and a seminar to review the application of ratified conventions had been held in Tashkent in 2012.

27. On the whole, Uzbek law conformed with the requirements of international law concerning the protection of persons with disabilities. Children with disabilities under the age of 16 therefore had the right to a monthly allowance, upon presentation of a disability certificate, and a range of benefits designed to guarantee their successful integration into society.

28. **Ms. Narbaeva** (Uzbekistan) said that children with disabilities had the same rights as children without disabilities and that they could be educated in ordinary schools. An international conference devoted to vulnerable children was held each year. The conference gave rise to recommendations, which the public authorities took into account when framing policies.

29. As orphaned children were traditionally cared for by members of their extended family, there were only 2,500 orphans in the country placed in institutions, 300 of whom were under 3 years of age. The general tendency was for such institutions to be closed down and children to be cared for in a family setting. As a result, two villages had been set up in 2000 to care for children, using the SOS Children’s Village International model.

30. **Mr. Cardona Llorens** requested clarification on deinstitutionalization and inclusive education policies for children with disabilities.

31. **Mr. Alimukhamedov** (Uzbekistan) said that there were specialized nursery schools for children with mental disabilities, and schools for children with learning difficulties. Four schooling options were available for children with disabilities: specialized preschool education, placement in a specialized establishment, ordinary school education or, lastly, homeschooling by their parents. The integration policy for children with disabilities was based on a plan comprising 13 main sections, including social reintegration, child rehabilitation, medical treatment and professional training.

32. **Mr. Saidov** (Uzbekistan) said that with 6,400 registered NGOs in 2013, civil society was very dynamic in Uzbekistan and played an active role in promoting the rights of the child. Since 2008, Parliament had managed a special grants fund for civil society organizations to enable them to carry out their activities effectively.

33. **The Chairperson** asked whether NGOs enjoyed complete freedom of action and were not subject to any restriction.

34. **Mr. Saidov** (Uzbekistan) replied that Uzbekistan attached great importance to civil society participation in public affairs and social partnerships between NGOs and public authorities.

35. In 2009, Uzbekistan had ratified the United Nations Convention against Corruption, and a working group had recently been established to draft an anti-corruption act.

36. Children born out of wedlock enjoyed the same rights as other children, and polygamy was prohibited. Although it was a well-established cultural tradition, the public authorities tried hard to combat bride-kidnapping.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

37. **Mr. Mezmur** asked how the State party intended to improve cooperation with civil society organizations.

38. **Ms. Herczog** asked what services were made available to families to resolve child abuse and neglect issues and how many such cases had been taken to court. She also wished to know which court was responsible for deciding to place a child in an institution, what criteria were taken into consideration in that decision and what measures were taken to prioritize family-based care of children, in the spirit of the Guidelines for the Alternative Care of Children, adopted by the Human Rights Council in 2009.

39. **Mr. Kotrane** asked whether the State party intended to accept the ILO proposal calling for a high-level tripartite observer mission to investigate the involvement of children in the cotton harvest during the school term. The State party was urged to directly transpose the definition contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into national law.

40. **Mr. Saidov** (Uzbekistan) said that his country had not opted for the direct application of the treaties it had ratified into national law but that the Supreme Court had rendered an opinion, in which article 235 of the Criminal Code was found to conform perfectly with article 1 of the Convention against Torture. The delegation deemed that the controversy surrounding the issue of children working in the cotton fields had been unduly hijacked for political ends. In any event, only two children had been involved in cotton harvesting over the past few years and those responsible had been punished. The Administrative Liability Code provided for sanctions against parents and employers in the event of any violation of child labour regulations. Furthermore, the mission organized by UNICEF in 2012 had shown that child labour in the cotton fields was no longer an issue in Uzbekistan.

41. The State subsidized the 6,400 NGOs operating in Uzbekistan, many of them defending human rights in general and children's rights in particular. It also promoted the establishment of social partnerships with NGOs and the media as a means of developing a human rights culture in the country.

42. **Ms. Narbaeva** (Uzbekistan) said that *mahallas* worked with local authorities and NGOs to strengthen the family and provided psychological and financial support to disadvantaged families so that they did not abandon their children.

43. **Ms. Herczog** said that she would appreciate more information on the conditions of adoption and placements in foster families, which were not circumscribed by law. Was there a complaint mechanism to which adopted or fostered children could apply if they believed their rights had been infringed?
44. **Ms. Narbaeva** (Uzbekistan) said that orphans, children removed from their parents' care and those abandoned at birth, were placed under guardianship.
45. **Mr. Saidov** (Uzbekistan) said that adoption had not in fact been monitored in the past and that it had been governed by a local committee, which had taken decisions on a case-by-case basis. It was now regulated and the Family Code had been amended accordingly. A bill to amend guardianship provisions would shortly be brought before Parliament.
46. There was a complaint mechanism to which children or their legal representative could refer potential violations. The Government was attempting to implement an effective system of coordination among the various bodies responsible for child protection at all levels, including the National Commission on Minors' Affairs and its local branches, the local representative of the Commissioner for Human Rights (Ombudsman) and the courts. The number of complaints from minors had decreased in recent years.
47. Birth registration consisted of two stages: parents registered their children with the registrar of births attached to the Ministry of Health, and then had to obtain the corresponding birth certificate from the Ministry of Justice. Data for the two types of registration did not always tally. The right of the child to be registered was enshrined in law but problems arose in practice. The Uzbek delegation would later provide additional information on the costs to the Ministry of Justice of issuing a birth certificate.
48. **Ms. Khazova** (Country Rapporteur for the Convention) said that there was thought to be a link between holding a legal residence permit (*propiska*), inherited from the Soviet Union, and the issuance of a birth certificate.
49. **Ms. Aidoo** asked whether such a permit hindered or delayed the issuance of a birth certificate.
50. **Mr. Saidov** (Uzbekistan) said that all new mothers could register their children at the registry office, whether or not they were holders of a *propiska*. Besides, Uzbekistan was not the only country in the world to require inhabitants to register their place of residence; it was a very common practice.
51. **Ms. Khazova** replied that other countries in the world registered a person's place of residence without having to issue a permit.
52. **Mr. Saidov** (Uzbekistan) said that was the way the Uzbek system worked and that the permit did not restrict such persons' freedom of movement. The *propiska* neither delayed birth registrations nor violated the rights of the child to be registered immediately after birth.
53. **Ms. Narbaeva** (Uzbekistan) said that poor families received financial support based on a number of criteria which it was for the *mahallas* to assess in their capacity as self-governing social bodies at the local level. Women victims of domestic violence and their children were referred to crisis centres offering different types of service.
54. **Mr. Saidov** (Uzbekistan) said that parents who ill-treated their children could be deprived of their parental rights or even convicted of a criminal offence. Corporal punishment was prohibited in private life as well as at school. The level of social assistance offered to poor families was the same in all regions of the country.

Initial report of Uzbekistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/UZB/1; CRC/C/OPSC/UZB/Q/1 and Add.1)

55. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the State party intended to criminalize offences of offering, delivering or accepting a child for the purposes of sexual exploitation or transfer of organs of the child for profit, and punish such acts as sale of children, and of producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography. He also wished to know whether the State party intended to impose criminal liability on legal persons for all offences under the Optional Protocol and extend its extraterritorial jurisdiction to offences covered in article 3, paragraph 1, when the alleged offender was an Uzbek national or had his or her habitual residence in Uzbekistan, or when the victim was an Uzbek national. Lastly, he sought clarification on extradition.

Initial report of Uzbekistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/UZB/1; CRC/C/OPAC/UZB/Q/1 and Add.1)

56. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that, given the State party's geographical location, armed groups not on Uzbekistan territory could try to recruit children and involve them in hostilities. For that reason, it would be desirable for the State party to expressly criminalize the recruitment of children into the armed forces and the recruitment of children by armed groups as distinct from the armed forces of the State.

57. He also wished to know whether minors attended military-school summer camps, whether the State party intended to abolish the requirement of double criminality in cases of extradition and whether it had established a mechanism to identify minors who might have been involved in armed conflict, among asylum seekers, refugees and migrants in order to provide them with psychological, physical and social support upon their arrival in Uzbekistan and help them reintegrate into society.

The meeting rose at 6 p.m.