



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-third session

Summary record of the 1800th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 5 June 2013, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (continued)

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 (continued) (CRC/C/OPSC/UZB/1, CRC/C/OPSC/UZB/Q/1 and Add.1)

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 (continued) (CRC/C/OPAC/UZB/1, CRC/C/OPAC/UZB/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uzbekistan took places at the Committee table.*
2. **Ms. Winter** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography and for the Optional Protocol on the involvement of children in armed conflict) welcomed the State party's ratification of the two Optional Protocols. With regard to the report on implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, she said that the State party had not provided consistent or pertinent statistics about the relevant action plan. The Committee would like to receive disaggregated and concise data on the efforts made by the Government and their results, and also on child victims of economic exploitation. Such information would be essential in order to take targeted action in the future. Noting that progress had been made in prohibiting the employment of very young children to harvest cotton, she asked whether the Government was now considering raising the legal age for such work from 16 to 18 years and whether any monitoring mechanisms were in place to ensure that workers were always of legal age. While forced marriage was legally prohibited, it persisted in remote areas and among certain traditionally minded groups. Did the Government conduct any activities to raise awareness of the adverse effects of such marriages? The State party had referred to measures to protect victims, but it had mentioned only institutionalized means of assisting them. Were other possibilities considered, such as support for victims returning to their families or foster families?
3. The Committee would be interested to hear what sort of special measures were taken to ensure the protection of victims and witnesses in the juvenile justice system. A bill was reportedly under consideration to establish a special ombudsman's office for children. What was the status of the bill?
4. Turning to the Optional Protocol on the involvement of children in armed conflict, she asked about reported trafficking of weapons by non-State criminal groups in border areas. Did the Government have any information on such activities or mechanisms to keep track of such groups? What happened when children were arrested in that context? Did the Government plan to accede to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime? Noting that the curricula of military academies included optional courses on peace education and the prevention of war propaganda, she asked whether there were plans to make such training mandatory and to extend it to the curricula of other educational institutions. The State party should ensure better cooperation with international bodies such as the International Criminal Court and work more closely with United Nations special procedures such as the Special Rapporteur on violence against children. It should also indicate to the Committee whether any refugee or Uzbek children had been investigated, accused or sentenced for terrorism.

5. **Mr. Mezmur** asked for information on the length of imprisonment provided by law for the sexual exploitation of children and asked whether the State party was considering acceding to the Optional Protocol on a communications procedure.

6. **Mr. Saidov** (Uzbekistan) said that the Criminal Code and the Administrative Liability Code had in April 2012 undergone substantial amendment to bring them into line with the Optional Protocol on the sale of children, child prostitution and child pornography by criminalizing acts covered in the international instrument. New legal definitions were introduced for such concepts as “pornographic products” and the “cult of violence and cruelty”. As Mr. Kotrane had noted, the provisions of the Criminal Code did not always coincide with the concepts in the Optional Protocol, for example in relation to the possession or export of pornographic material. The authorities in Uzbekistan had to do more to bring their legislation into line with the Optional Protocol. That said, the Government did not intend to extensively overhaul the entire law. In principle, the Oliy Majlis, the parliament of Uzbekistan, had already passed laws criminalizing all the acts covered by article 3 of the Optional Protocol.

7. The Criminal Code did not include provisions under which legal entities could be criminally charged. However, the Human Trafficking Prevention Act did include such provisions. Discussions were under way among experts in Uzbekistan about the possibility of introducing provisions so that legal entities could be held criminally liable, but for the time being, they were subject only to civil liability.

8. Committee members had raised the question of extraterritorial jurisdiction in connection with both Optional Protocols. The Committee should indicate in what way the jurisdiction should be extended. Extradition could be carried out on the basis of either international agreements, such as the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, or national law. Uzbekistan had also entered into some 20 bilateral agreements providing for extradition. It would be of interest to discuss whether the Optional Protocol could serve as a basis for extradition. Hypothetically, that could be the case, given the precedence of international treaties over national law, but the issue would have to be dealt with through legal procedures.

9. In the light of the uncertain and highly complex situation resulting from the impending withdrawal of the International Security Assistance Force from neighbouring Afghanistan, Mr. Madi had understandably expressed concern about the level of preparedness to deal with involvement of children in armed conflict. He agreed that it would be wise to introduce in the Criminal Code a prohibition of the recruitment of children by armed groups, if only as a preventive measure.

10. The Uzbek military had never had any soldiers under the age of 18 and the problem of underage enlistment was not likely to arise. However, there was a risk of recruitment of children by foreign armed groups, and that question demanded attention both at the national and the regional level. Mr. Madi had quite rightly pointed to the need to identify refugee children as early as possible. The number of Afghan refugees had in the past been quite high, but was now very low. The country had in recent years received influxes of refugees from Tajikistan and Kyrgyzstan, but most refugees had since returned to their countries.

11. **Mr. Zakirov** (Uzbekistan) said that the country’s refugee policy was based on the provisions of the International Covenant on Civil and Political Rights and various other human rights conventions. Under the Constitution, all foreigners and stateless people, including refugees, enjoyed the rights and freedoms accorded to them under international law. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), there were currently about 150 refugees in Uzbekistan, mainly from Afghanistan, including about 30 or 40 children. The Government worked with UNHCR to help them with voluntary repatriation and also with resettlement in third countries, for

example in Europe or in the United States. Some refugees had founded families with Uzbeks and had integrated into Uzbek society.

12. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether the delegation had any information on refugee children who could have been involved in military or armed groups and whether the State party had a system to identify such children. Were any specialized services available to support such children?

13. **The Chairperson** asked what structures or tactics were available to determine whether children arriving in the country had been involved in armed conflict. The Government must be aware that children who were involved in armed conflict often did not acknowledge or show outward signs of it.

14. **Mr. Saidov** (Uzbekistan) said that no such instances had so far come to light. If a child were found to have been involved in armed conflict, he imagined that he or she would be accepted at the border under the general policy and that all measures would be taken to legalize the child's status.

15. The national action plan to which Ms. Winter had referred was being implemented with due regard for the recommendations contained in the Committee's previous concluding observations. The Committee's new concluding observations and the recommendations issued under the universal periodic review mechanism would also be fully taken into account. Efforts were under way to improve data collection and to bring the information thus obtained into line with treaty body guidelines.

16. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that while it was for States to determine the national sanctions applicable for acts covered by the Optional Protocol, the definition of those acts must be in line with the international instrument. It was important for the Government to define not only terms relating to pornography, but also those relating to the sale of children. Was forced labour or the sale of organs considered a form of sale? The Optional Protocol encouraged States to extend their jurisdiction extraterritorially as a means of ensuring that perpetrators of the acts covered by it could not escape justice. Either the perpetrator or the victim could have a relation with the State party. It was laudable that Uzbekistan recognized extraterritoriality when the victims of illicit acts were Uzbek, but it should do so also when the perpetrators were nationals or residents, for instance. The Optional Protocol could clearly be used as a basis for extradition, as it included a provision to that effect. Double criminality was not a requirement for extradition under the Optional Protocol.

17. **Mr. Alimukhamedov** (Uzbekistan) said that forced labour was prohibited under the Labour Code, where it was defined as work performed under the threat of punishment. Compulsory work carried out as an alternative to military service, in an emergency situation or with the authorization of a court was not viewed as forced labour. Under the Criminal Code, the coerced or forced recruitment or transfer of anyone, including children, with a view to their exploitation, was qualified as a crime. Any form of participation in trafficking was illegal. Parents or others who benefited from the trafficking could be prosecuted as accessories.

18. The State party had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and had raised the minimum age for employment to 16. The national education system consisted of nine years of compulsory schooling followed by three years of studies in vocational schools, so all children remained enrolled until the age of 18. Raising the minimum age for employment to 18 would preclude the possibility for vocational school students to study and work at the same time. The provisions of the Labour Code currently permitted children to do certain types of work, for example on a

short-term basis, or to perform specific tasks alongside their studies. Every year, before the start of the cotton-picking season, the Ministry of National Education issued an official decree reminding school principals not to allow pupils to take part in the harvest. The Ministry of Labour and Social Protection carried out inspections and monitored the implementation of the Labour Code. The Ministry of Internal Affairs and the Office of the Procurator-General, as well as trade unions, also monitored the situation.

19. **Mr. Saidov** (Uzbekistan) said that children over the age of 15 were permitted to work if it was not detrimental to their health and did not interfere with their studies, but only with their parents' consent. Uzbekistan complied with the requirements of the relevant ILO instruments. Prohibiting the employment of all children under the age of 18 would be a far-reaching step. Uzbekistan, like other countries in the region, had a tradition of learning through work and of encouraging children to help their parents, to take on responsibilities and to learn certain values.

20. **Mr. Kotrane** asked whether the State party prohibited the performance by children under 18 of hazardous work, in line with ILO Convention No. 138, the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations.

21. **Ms. Winter** said that the State party had made significant progress in regulating the employment of children aged 15 and 16 and in preventing the employment of younger children. However, there were reports that in remote areas, younger children continued to work. What measures were being taken to counter that practice?

22. **Ms. Wijemanne** asked what methods existed to identify children vulnerable to exploitation and to protect child witnesses and victims within the judicial system. Noting the programmes run by non-governmental organizations (NGOs) which aimed to rehabilitate and reintegrate victims of exploitation, she asked whether the State managed any similar programmes. Was there a national helpline for victims? If so, did it have the necessary financial and technical resources and trained staff?

23. **Ms. Aidoo**, noting that the State party had established the National Rehabilitation Centre to Assist and Protect Victims of Human Trafficking in the capital, said that it was unfortunate that no disaggregated statistics were available on its activities. She asked how many of the trafficking victims were children. She also asked what services were currently available in the rest of the country and whether the Government planned to create a system of centres in other regions. Did such activities also cover children who had fallen victim to prostitution, pornography and forced labour?

24. **Ms. Herczog** asked whether there had been any research into the root causes of the trafficking problem and the victims' backgrounds. Such research could help to identify persons at risk. Was there a programme for offenders?

25. **Mr. Alimukhamedov** (Uzbekistan) said that there was an explicit ban on children under the age of 18 working in hazardous conditions and that minors were not permitted to work overtime or at night. In the event of violations, labour inspectors had the right to impose appropriate sanctions. The National Rehabilitation Centre for trafficking victims was unique in that it provided a range of medical, legal, social and labour rehabilitation services. To the best of his knowledge, the Centre had not provided services for child victims. It was located in Tashkent, but people from other parts of the country too benefited from its work. If and when it was deemed necessary, the Government would consider establishing similar centres in the regions.

26. **The Chairperson** asked what measures the State party was taking to prevent forced labour among children aged 15 or 16.

27. **Mr. Alimukhamedov** (Uzbekistan) said that there were many measures in place to prevent forced labour. He drew a distinction between forced labour and hazardous work, pointing out that the State party prohibited forced labour outright, as it constituted a violation of the Labour Code and the provisions of the Constitution, while it merely regulated the conditions applicable for hazardous work.

28. **Mr. Kotrane** noted that forced labour as defined by the ILO Abolition of Forced Labour Convention, 1957 (No. 105) did not merely refer to work done under a threat or coercion, but also to cases where a State incited or encouraged young people to work for the general interest. According to the ILO Committee of Experts on the Application of Conventions and Recommendations too, such cases constituted forced labour, as did encouraging unpaid or “unofficial” work. Also, under the ILO Forced Labour Convention, 1930 (No. 29) forced labour did not necessarily involve threats or coercion. He questioned whether labour inspections could adequately tackle the problem, as the inspectorates were unable to handle all cases and there was apparently a lack of sufficiently trained inspectors.

29. **Mr. Saidov** (Uzbekistan) said that the national legislation contained a definition of forced marriage and criminalized both forced and early marriage. However, there were cases of early marriage in Uzbekistan, and the Government was carrying out information and awareness-raising campaigns to prevent such practices. The Government and NGOs were working together to monitor the cotton harvests. Systematic work was being carried out to improve the juvenile justice system. The Government had recently adopted a law on pretrial detention and preventive custody which also covered juvenile offenders. The new legislation had yet to be fully implemented.

30. The Government was convinced of the need to establish an office of the children’s ombudsman and had included a provision to that effect in a draft law, with help from the United Nations Children’s Fund (UNICEF). The Government was indeed concerned about the illegal arms trade. Uzbekistan had called for an embargo on the delivery of arms to Afghanistan. Unfortunately, none of the permanent members of the Security Council had taken up the matter. Uzbekistan considered that the flow of weapons in Central Asia posed a risk to security in the region.

31. Military academies provided training on subjects such as humanitarian law, trafficking and international labour standards, as well as the Convention on the Rights of the Child. The Government was working, together with the International Committee of the Red Cross, on the introduction of international humanitarian law into the curricula of such academies.

32. Uzbekistan had signed the Rome Statute of the International Criminal Court, but it had yet to ratify it. The State party would look into ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Government had been working closely with the United Nations special procedures. In the previous five years, it had responded to 36 requests issued by United Nations special rapporteurs and independent experts, including several that related to the rights of children. Lastly, he agreed that the penalties imposed for offences related to prostitution and pornography needed to be strengthened.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

33. **Ms. Narbaeva** (Uzbekistan) said that according to the information at her disposal, 37 children had been recognized as being victims of trafficking. The majority had been from poor, disadvantaged backgrounds and had been neglected by their families. Victims of trafficking received medical, psychological and educational assistance and support for their social reintegration through the National Rehabilitation Centre and through regional NGO-run crisis centres established with support from UNICEF, the United Nations Development Programme (UNDP) and the Organization for Security and Cooperation in Europe (OSCE).

34. In line with the State party's obligations under ILO Conventions Nos. 138 and 182, all collective agreements between trade unions and employers in the cotton sector included enhanced safeguards for young people, especially those under 18 years of age. The safeguards were designed to guarantee that the rights of children and young people under international labour law were respected, in particular during the cotton harvest.

35. Girls were not at risk of forced marriage in Uzbekistan, but a small number of early marriages were known to take place. The average age at which women married had been rising steadily and was currently around 23 years. Only 1 per cent of girls were married before the age of 18, thanks in part to the success of a Ministry of Health campaign to raise awareness of the harmful effects of early marriage and early motherhood. The campaign had been supported by the Women's Committee and the Soglom Avlod Uchun (for a healthy generation) Foundation.

36. The State ran month-long military training courses for high school graduates over 18 years of age to prepare them for conscription. Military training for children under the age of 18 was provided not in schools, but by a range of NGOs. For example, military and sports camps were run by the Soglom Avlod Uchun Foundation and the Kamolot youth movement, especially in the summer months, and the Vatanparvar defence auxiliary association organized training and other events, with a focus on patriotism and homeland protection.

37. **Mr. Saidov** (Uzbekistan) said that his Government did not export weapons of any kind. It had been among the initiators of the drive to declare Central Asia a nuclear-free zone. Preventing armed conflict was a key element of its foreign policy.

38. The definition of pornography provided under the Optional Protocol on the sale of children, child prostitution and child pornography had been accepted upon ratification. Appropriate legislative amendments had been made to reflect the provisions of international law on trafficking in human beings, as well as those of ILO Convention No. 182.

39. **Mr. Kotrane** asked whether the domestic legal framework expressly criminalized the transfer of a child's organs for payment as an offence equivalent to the sale of a child. Were acts such as forcing a child to work or adopting a child through an intermediary in violation of international adoption law also treated as cases of the sale of children?

40. **Mr. Saidov** (Uzbekistan) acknowledged that the national legislation did not cover all the provisions of the Optional Protocol on the sale of children, child prostitution and child pornography and still contained a number of shortcomings, particularly in the definition of specific offences. He undertook to inform the Government of the improvements required.

41. **Ms. Aldoseri** expressed concern that the State party's efforts to raise awareness of the Optional Protocol, while commendable, had tended to focus on the prevention of trafficking. For that reason, the campaigns had failed to build adequate general knowledge, especially among children, of the Optional Protocol's provisions and of the work of the implementing organizations. She would appreciate any information about programmes that might fill that gap.

42. **Mr. Saidov** (Uzbekistan) said that, as a member of the Commission to Combat Trafficking in Persons, he would like to share some of its achievements with the Committee. The Commission had carried out approximately 4,000 spot checks of compliance with child-related legislation in 2011, resulting in some 16,000 disciplinary procedures and around 300 fines; it had entered into a two-year plan with UNICEF; it had distributed more than 4 million booklets describing the harm caused by trafficking; and it had produced a special handbook for use in schools and universities to raise awareness of

the trafficking risk. The effectiveness of the Commission's work was evidenced by a reduction in offences committed against minors.

43. **Mr. Madi** said that military secondary schools that accepted children under 18 years of age and prepared them for army careers were common in other countries. It was surprising that the Uzbek educational system did not include such schools.

44. He urged the State party to remove the double criminality requirement for extradition. Had any of the small number of extraditions from Uzbekistan and the relatively numerous extraditions to Uzbekistan involved offences addressed by the Optional Protocol on the sale of children, child prostitution and child pornography?

45. **Mr. Saidov** (Uzbekistan) said that he agreed that the double criminality requirement should be removed, especially since bilateral extradition treaties could be inadequate in cases where one of the parties was not a signatory of the Optional Protocol. He could not say how many of the persons extradited from or to Uzbekistan had committed offences falling under the Optional Protocol, as such information was not among the factors taken into consideration by statistical bodies.

46. There were no military secondary schools in Uzbekistan. All military academies at which officers were trained and educated were institutions of higher education. The upper echelons of the armed forces were trained at special academies run by the Ministry of Defence.

47. **Mr. Kotrane** joined his fellow Country Rapporteurs in commending the State party for its open, cooperative and constructive approach and its commitment to follow up on the Committee's recommendations. Given the complexity of the issues, its efforts to address them were notable. While the 2012 amendments to the Criminal Code were a significant advance, further legislative reforms were urgently required. For example, the shortcomings in the definition of offences under the Optional Protocol on the sale of children, child prostitution and child pornography and in the corresponding penalties should be resolved; criminal liability should be introduced for legal entities as well as individuals; and barriers to extradition should be eased. The State party also needed to improve victim care and support.

48. **Mr. Saidov** (Uzbekistan), noting that no country was beyond reproach with regard to respect for the rights of the child, said that his delegation welcomed the range of opinions displayed at the meeting and accepted the concerns that the Committee had highlighted. Upon his return to Uzbekistan, he undertook to ensure that, with support from UNICEF, the content of the discussions and the concluding observations would be widely disseminated among State entities, civil society organizations and the media and that the outcomes of the review would be considered in the parliament, including the specific recommendations for legislative reforms and the ratification of international instruments. He would also work to ensure that civil society organizations would be consulted and closely involved in the implementation and follow-up of the Committee's recommendations and that the Government would work constructively and in coordination with its bilateral and international partners, including ILO, UNICEF and European Union bodies. His Government also planned to translate the Committee's general comments into Uzbek in order to provide greater impetus to both State bodies and NGOs for the preparation of the State party's future periodic reports.

The public part of the meeting rose at 12.20 p.m.