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Joint UPR Submission: UZBEKISTAN Sixteenth Session: May / June 2013

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Executive Summary

This submission focusses on two human rights issues with regard to the military recruitment system in Uzbekistan: inadequate provision for conscientious objection to military service and militarisation in the education system, including the incorporation of persons aged under 18 in the armed forces.

Conscientious objection to military service

1. This issue was raised during the first cycle of the UPR. Slovenia recommended that Uzbekistan “Ensure that conscientious objection to military service is available to individuals irrespective of their religion or belief and that the process for consideration applications is under civilian control and to provide a non-punitive civilian alternative service .”¹

2. This recommendation was one of those regarding which Uzbekistan had rather strangely indicated that it would “study the conformity (...) with the national legislation of Uzbekistan and (...) provide its answer in due time.”

3. In its response, delivered to the Human Rights Council in March 2009, Uzbekistan merely quoted stipulations of the Military Service Law which directly contradicted the first aspect of the recommendation and did not address the other two:

“According to the article 22, paragraph 1, page 1 of the Law “On general military duty and military service” recruits are released from military duty and military service in a mobilization invocatory reserve during the peacetime:

- (a) If recognized unfit for military service due to health problems;
- (b) If one of near relatives (brother, sister) has died during the military service;
- (c) If he/she has a holy order in one of the registered religious organizations.

According to the article 37, paragraph 2 of above-mentioned Law, citizens at the age from 18 to 27, listed in military registry and subject to draft, have the right to choose alternative service if they are members of registered religious organizations and there [sic] dogma prohibits the use of weapons and service in the army.”²

4. The response must therefore be interpreted as an implicit rejection of the recommendation on the grounds that it did not reflect existing practice.

5. Rather more detail was given in Uzbekistan's Third Periodic Report under the International Covenant on Civil and Political Rights:

“Matters connected with the fulfilment of the military obligation incumbent on all citizens and the conditions of the performance of military service are regulated by the Universal Military Duty and Military Service Act of 12 December 2002 (as subsequently amended).

“This military obligation embraces training for active military service, call-up for military service, performance of military service when called up or under contract, service in the reserve, alternative service, compliance with the rules on registration for military service, and measures to protect the public in emergency situations or in the event of armed aggression against Uzbekistan.

“Alternative service may be substituted for military service as a means of fulfilling the military obligation; it involves the performance of unskilled (accessory) work in various branches of the economy or in the provision of social services, as well as work of clearing up after accidents, disasters, natural calamities and other emergencies.

¹ A/HRC/10/83, para. 105.11.

² A/HRC/10/83, Add 1, paras 17 and 18 .

“Alternative service is available to citizens between the ages of 18 and 27 who are on the military register and subject to call-up, provided that they belong to registered religious organizations whose members are not allowed to bear arms or serve in the armed forces. Alternative service lasts 24 months, or 18 months in the case of persons with higher education.

“Entitlement to alternative service is currently being exercised by members of the following religious organizations: Union of Evangelical Christian-Baptist Churches; Jehovah’s Witnesses; Church of Seventh Day Christian Adventists; and Council of Evangelical Christian Baptist Churches.

“Seven persons performed alternative service in the period 2003-2007, (five in 2003, one in 2004, and one in 2005).”³

6. One piece of information which is not given in this account is that the duration of alternative service is exactly twice that of the military service which would be required of the individual concerned. This discrepancy is blatantly punitive and discriminatory. And the provision that alternative service is available only to members of registered religious organisations whose tenets do not permit military service is contrary to the criterion established in the Human Rights Committee's General Comment No. 22, “there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs.”

7. In the List of Issues on the report, the Human Rights Committee asked:

“What steps does the State Party intend to take to bring the provisions of the Universal Military Duty and Military Services Act relating to alternative service into line with articles 18 and 26 [of the ICCPR] with a view to ensuring that the rights of conscientious objectors to military services are fully respected?”⁴

8. The written replies from the Government of Uzbekistan (available only in Russian) closely mirrored paragraphs 488 to 491 of the State Report, and go on to give more details of the alternative service provisions.⁵ Unfortunately these details simply confirmed that the current arrangements are not at all in conformity with international standards, and did not address the question itself, which asked about the State Party's intentions of bringing the provisions into line with the Covenant.

9. The information was volunteered that persons performing alternative service are called for military training, during which they acquire a military specialization unrelated to the use of weapons, and take the military oath. This is not consistent with the recommendation of the former Commission on Human Rights of the United Nations that States “provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, of a noncombatant or civilian character, in the public interest and not of a punitive nature” (operative paragraph 4 of Resolution 1998/77). It is also not in conformity with Article 18 of the Covenant. In particular, to require conscientious objectors to take the military oath poses problems on three levels:

- Religious objections to military service are often accompanied to similar objections to the swearing of oaths. Some States (eg. the UK) have accommodated the latter, for instances by allowing witnesses to “affirm” rather than taking a sworn oath before giving evidence in court.
- As regards a specific military oath, a conscientious objection to military service might

³ CCPR/C/UZB/3, paras 488 – 493.

⁴ CCPR/C/UZB/Q3, 6th August 2009, para 26.

⁵ CCPR/C/UZB/Q3/Add 1, 4th December 2009, pp 41, 42.

logically be expected to include an objection to taking such an oath.

- Finally, there is the question of the content of the oath itself. Does it include elements which are directly contrary to the conscientious objection? And is it in any way specific to the tenets of a particular faith, which may not be shared by the conscientious objector?

10. It was also indicated that a list was determined by the Cabinet of Ministers of those enterprises, institutions, organizations and professions, which might engage employees in alternative service.

11. Paragraphs 492 and 493 of the State Report, which give details of the religious organisations which benefited from the alternative service arrangements and of the number of persons who performed alternative service, are not repeated in the Written Answers. This is ominous, the necessary official registration is available only at the level of the individual worshipping community, and is very hard to obtain even when other groups of the same denomination have been registered. In the last three years there have been frequent reports of the harassment of at least two of the denominations listed, the Jehovah's Witnesses and the Baptists,⁶ and several of their members have in the last two years been prisoners of conscience, imprisoned for unauthorised religious activity.⁷ At least one remains imprisoned at the time of writing.⁸ It must also be noted that neither the churches nor the Government itself has indicated that any person has performed alternative service since 2005, raising the question of whether the provisions currently apply in practice.

12. In the course of its examination of the report the Human Rights Committee returned to the issues raised in the UPR recommendation:

“Sir Nigel Rodley (...) wished to know why only particular religious communities (...) were allowed to object to military service and benefit from alternative service. In fact, he wondered why that right was not extended to other religious and non-religious pacifist groups. He sought confirmation from the delegation that alternative service was twice the length of ordinary military service; that a military body decided on the approval of alternative service; and that even the alternative service still required military activities, except for the bearing of arms.”

13. These questions were not addressed in the response:

“As a substitute for military service, an alternative civil service was available for citizens aged from 18 to 27 years who belonged to a registered religious organization whose members were not allowed to bear arms or serve in the armed forces. The alternative service consisted of unskilled work of various kinds, the provision of social services, or participation in clean-up efforts after a natural disaster or emergency situation.”⁹

14. The Committee's concluding observations reiterated concerns about Uzbekistan's provisions for conscientious objectors

“The Committee is concerned that, at present, only members of a limited number of registered religious groups can apply for an alternative to military service. In this context, the Committee is concerned that the low number of conscientious objectors (seven) that performed alternative service in 2003-2007 may reflect a fear of adverse consequences for those who might take advantage of the

⁶ Most recently, Bayram, M., “Uzbekistan: 74-year-old woman among latest police raid victims” Forum18 News Service (www.forum18.org), 24th September 2012.

⁷ See Bayram, M: “UZBEKISTAN: Prisoner of conscience 'released but not free'”, Forum18 News Service (www.forum18.org), 3rd February 2011; and “Uzbekistan: 'Renounce your beliefs or you won't be released.'” Forum18 News Service, 10th February, 2012.

⁸ See Corley, F., “Uzbekistan: After four years' imprisonment, another 30 months”, Forum18 News Service (www.forum18.org), 4th July, 2012

⁹ CCPR/C/SR.2693, para 79 and SR.2694 , para 17(Meeting of 12th March 2010)

existing provisions for alternative service. Furthermore, the Committee is concerned that the State party's regulations on alternative service do not apply to individuals who refuse to perform military service on ethical grounds. Finally, it is concerned about the lack of detailed information on how the system works in practice and, in particular, at the reports that decisions whether to allow an individual to carry out a substitution service are taken by a military body. (art. 18)

“The State party should adopt legislation recognizing explicitly the right of conscientious objection, ensuring that all conscientious objectors are not subjected to discrimination or punishment. The authority granting individuals the possibility to perform alternative service should include civilians.”¹⁰

15. We have no information to indicate that any action has been taken as a result of the UPR Recommendation or the subsequent comments of the Human Rights Committee.

Juvenile Recruitment

16. In its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Uzbekistan indicated children can enrol in higher military education institutes from the age of 17. Enrolment in these institutes is deemed to be the equivalent to military service.¹¹

17. In the List of Issues, to which written answers are requested by 1st February 2013, the Committee on the Rights of the Child asked for more details about these institutes:

“Please provide disaggregated data (by sex, age, region, ethnic group, socio-economic background, and urban or rural areas) on the number of persons under the age of 18 who attend military school training. Please provide information on the curriculum of the military schools and whether students are permitted to handle weapons.”¹²

18. The Committee also asked for more information about military programmes within the school education system, which had been mentioned in the State Report, particularly

“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.

- Organization of a month of defence popularization among pupils in military-sports classes, devoted to Defender of the Homeland Day
- Organization of *Batylar* (warrior) military-sports competitions under the slogan “For a Healthy Generation”
- 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,”¹³

¹⁰ CCPR/C/UZB/CO3, 7th April 2010, para 26..

¹¹ Initial report of Uzbekistan to the Committee on the Rights of the Child on 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), 26 January 2012, paragraph 153 and 155.

¹² CRC/C/OPAC/UZB/Q/1, 3rd July 2012, para 1.

¹³ CRC/C/OPAC/UZB/1, 26th January 2012, paras 107, 108.