



UZBEKISTAN

Submission to the Committee on the Rights of the Child

88th Pre-Sessional Working Group, February 2021

NGO Report

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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 88th Pre-Sessional Working Group of the Committee on the Rights of the Child.

This brief will focus on the following two areas:

- General Principles: **Equality and Non-Discrimination**
- Special Protection Measures: **Child Marriage**

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we provide detailed constitutional and legislative excerpts documenting our findings. These findings are followed by suggested questions the Committee may ask Uzbekistan, as well as topics we hope the Committee will address in its concluding observations. We hope the Committee will recommend that Uzbekistan address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations.





SUMMARY OF FINDINGS AND RECOMMENDATIONS

GENERAL PRINCIPLES: EQUALITY AND NON-DISCRIMINATION (ARTICLE 2)

Uzbekistan's constitution guarantees equality to and prohibits discrimination of all persons regardless of sex, race, nationality, language, religion, social origin, and conviction. However, the constitution fails to explicitly prohibit discrimination based on other characteristics and statuses, including disability status.

We hope the Committee will:

- Recommend in its concluding observations that Uzbekistan amend its constitution to add explicit guarantees of equality and non-discrimination regardless of disability status, consistent with CRC commitments. These guarantees could be added to Article 18 of the constitution, which already guarantees non-discrimination based on other characteristics and statuses.

Additionally, although Uzbekistan has passed the Law on Education and the Law on Social Protection of Persons with Disabilities that both legislate the education of students with disabilities, these laws do not explicitly prohibit discrimination against students with disabilities.

We hope the Committee will:

- In its list of issues, ask Uzbekistan: Can Uzbekistan outline any concrete, near-term plans to pass legislation that guarantees non-discrimination in education to students with disabilities?
 - If Uzbekistan does not have concrete, near-term plans in place, recommend in its concluding observations that Uzbekistan pass and implement legislation that ensures equal education opportunities by guaranteeing non-discrimination in education to students with disabilities.

SPECIAL PROTECTION MEASURES: CHILD MARRIAGE (ARTICLES 19, 24, 28, 34, AND GENERAL COMMENT NO. 4)

Based on our review, Uzbekistan establishes a minimum age of marriage of 17 years for girls and 18 years for boys. However, in special circumstances, girls and boys can be married one year prior to these established ages, which permits girls as young as 16 to be married.

We hope the Committee will:

- In its list of issues, ask Uzbekistan: Can Uzbekistan outline any concrete, near-term plans to pass legislation that eliminates the existing gender disparity in the minimum age of marriage by raising the minimum age of marriage to 18 years for girls?
 - If Uzbekistan does not have concrete, near-term plans in place, recommend in its concluding observations that Uzbekistan pass and implement legislation that equalizes the minimum age of marriage for boys and girls at 18 years old, consistent with CRC





commitments from General Comment No. 4 and concerns the Committee has previously raised (CRC/C/UZB/CO/3-4, para. 7e).

- In its list of issues, ask Uzbekistan: Can Uzbekistan outline any concrete, near-term plans to amend the current Family Code to remove any exceptions or special circumstances which allow girls and boys to be married at younger ages than legally established?
 - If Uzbekistan does not have concrete, near-term plans in place, recommend in its concluding observations that Uzbekistan amend the Family Code to remove any exceptions to the minimum age of marriage for girls and boys.





DETAIL OF CONSTITUTIONAL AND LEGISLATIVE FINDINGS

GENERAL PRINCIPLES: EQUALITY AND NON-DISCRIMINATION (ARTICLE 2)

Article 2.1 of the CRC states that:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

➤ Uzbekistan's Constitutional Provisions: Missing Explicit Guarantees of Equality and Non-Discrimination for Disability Status

Constitutions state the values of a country, outlining the rights of people living within the country and profoundly influencing norms and practices. In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for delineating and implementing equal rights. New constitutions and new rights guaranteed in constitutions can be used to overturn discriminatory laws, as well as to legislate non-discrimination guarantees. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. For these reasons and others, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights.

We reviewed full text constitutions for all 193 UN member states available from official government sources to determine whether the constitution took any approach to equality across the grounds listed in article 2.1 of the CRC by prohibiting discrimination based on each specific status, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

Article 18 of the Constitution of Uzbekistan guarantees equality to and prohibits discrimination of all persons regardless of sex, race, nationality, language, religion, social origin, and conviction. **However, the constitution does not explicitly prohibit discrimination based on other characteristics, including disability status.**

Article 18. All citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before the law, without discrimination by sex, race, nationality, language, religion, social origin, convictions, individual and social status.

Any privileges may be granted solely by the law and shall conform to the principles of social justice.





➤ **Uzbekistan’s Legislative Provisions: Missing Explicit Non-Discrimination Provisions for Students with Disabilities**

We systematically reviewed education acts, child protection legislation, and anti-discrimination legislation available through UNESCO’s Observatory on the Right to Education Library and International Labour Organization’s NATLEX database for all 193 UN member states to determine whether national legislation guaranteed non-discrimination in education based on disability status.

Our review identified provisions from the Law on Education and the Law on Social Protection of Persons with Disabilities that legislate the education of students with disabilities, but these provisions do not explicitly prohibit discrimination against students with disabilities. We recognize there may be other policies and programs that currently govern or extend equal educational opportunities based on disability, or general practices.

SPECIAL PROTECTION MEASURES: CHILD MARRIAGE (ARTICLES 19, 24, 28, 34, AND GENERAL COMMENT NO. 4)

General Comment No. 4 (2003) states that:

The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

Child marriage has life-long health, educational, and economic consequences. For girls in particular, child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Convention, specifically the right to protection from violence (Article 19), the right to health (Article 24), the right to education (Article 28), and the right to protection from sexual exploitation and abuse (Article 34).

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labour Organization’s NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBASE, and official country websites.

➤ **Uzbekistan’s Legislative Provisions: Children Can Marry at the Age of 16 in Special Circumstances**

Based on our review, the Family Code of Uzbekistan establishes a minimum age of marriage of 17 years for girls and 18 years for boys. In special circumstances, girls and boys can be married one year prior to these ages, ultimately allowing girls as young as 16 to be married.





Семейный кодекс РУз

Раздел II. Брак

Статья 14. Добровольность вступления в брак

Брак заключается добровольно.

Для заключения брака необходимо, чтобы будущие супруги обладали способностью свободно выражать свое согласие. Принуждение к заключению брака запрещается.

Статья 15. Брачный возраст

Брачный возраст устанавливается для мужчин в восемнадцать лет, для женщин в семнадцать лет.

При наличии уважительных причин, в исключительных случаях (беременность, рождение ребенка, объявление несовершеннолетнего полностью дееспособным (эмансипация) хоким района, города по месту государственной регистрации брака может по просьбе лиц, желающих вступить в брак, снижать брачный возраст, но не более чем на один год. (Часть в редакции Закона РУз от 30.04.2013 г. № ЗРУ-352)





RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the committee will:

GENERAL PRINCIPLES: EQUALITY AND NON-DISCRIMINATION (ARTICLE 2)

- Recommend in its concluding observations that Uzbekistan amend its constitution to add explicit guarantees of equality and non-discrimination regardless of disability status, consistent with CRC commitments. These guarantees could be added to Article 18 of the constitution, which already guarantees non-discrimination based on other characteristics and statuses.

In its list of issues, ask Uzbekistan:

- Can Uzbekistan outline any concrete, near-term plans to pass legislation that guarantees non-discrimination in education to students with disabilities?
 - If Uzbekistan does not have concrete, near-term plans in place, recommend in its concluding observations that Uzbekistan pass and implement legislation that ensures equal education opportunities by guaranteeing non-discrimination in education to students with disabilities.

**SPECIAL PROTECTION MEASURES: CHILD MARRIAGE (ARTICLES 19, 24, 28, 34, AND
GENERAL COMMENT NO. 4)**

In its list of issues, ask Uzbekistan:

- Can Uzbekistan outline any concrete, near-term plans to pass legislation that eliminates the existing gender disparity in the minimum age of marriage by raising the minimum age of marriage to 18 years for girls?
- Can Uzbekistan outline any concrete, near-term plans to amend the current Family Code to remove any exceptions or special circumstances which allow girls and boys to be married at younger ages than legally established?

Recommend in its concluding observations that Uzbekistan:

- Pass and implement legislation that equalizes the minimum age of marriage for boys and girls at 18 years old, consistent with CRC commitments from General Comment No. 4 and concerns the Committee has previously raised (CRC/C/UZB/CO/3-4, para. 7e).
- Amend the Family Code to remove any exceptions to the minimum age of marriage for girls and boys.

