



Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

NGO in Special Consultative Status with the Economic and Social Council of the UN

International non-profit organization (Belgium 15.075/96)

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UPR SUBMISSION

UZBEKISTAN

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Executive summary:

CPTI (Conscience and Peace Tax International), while welcoming the amendments to the military recruitment legislation since 2002 which permit a number of conscientious objectors to perform alternative service is concerned that in terms of the international standards for the recognition of the right to conscientious objection, particularly as expounded in General Comment 22 of this Committee and in Resolution 1998/77 and subsequent resolutions of the Commission on Human Rights, the legislative position and the practice in Uzbekistan leave much to be desired.

Particular concerns are

- i) **The right of conscientious objection to military service is not explicitly recognised,**
- ii) **The essential nature of conscientious objection as an individual right, which may or may not be observed in community with others, is not recognised at all.**
- iii) **The law discriminates against the majority of potential conscientious objectors, who are not granted access to alternative service.**
- iv) **Alternative Service is not completely independent of the military;**
- v) **Applications to be assigned to alternative service, even on religious grounds, are not accepted without investigation.**
- vi) **The decision on whether to assign an applicant to alternative service is not taken by an independent body.**
- vii) **The application cannot be made at any time.**
- viii) **Information on the possibility of conscientious objection and the means of application are not drawn to the attention of draftees.**
- ix) **The conditions of alternative service are not equivalent to those of military service.**
- x) **The differences in conditions are explicitly meant to be punitive and deterrent**
- xi) **Conscientious objectors who refuse the call up have in the past been subject to repeated call-ups and increasing penalties.**
- x) **Finally, CPTI has no evidence that the system is operating in practice.**

The right of conscientious objection to military service is not explicitly recognised,

1. In 1992, Uzbekistan was the first of the former Soviet republics of Central Asia to set up its own armed forces. Under the “Law on Universal Military Service”, military

service was made compulsory for all males aged 18 to 27, but allowance was made for exemption on grounds of occupation or family situation (eg. for shepherds and for those with four or more siblings aged under 16), for those whose father or brother had been incapacitated in the course of military service, and for “members of registered religious organisations whose religious teaching forbids the bearing of arms or service in the armed forces”. Those thus exempted would be required to perform alternative service; details were set out in the Law on Alternative Service of 3 July 1992. The “Law on Universal Military Service” was amended on 12 December 2002. These amendments were followed by a “Resolution on Alternative Service” put forward in March 2003. The provisions regarding alternative service were incorporated in the Law on Universal Military Service, when this was amended in 2006. This transferred the management of the conscription scheme from the Government to the presidential administration.

2. A parallel “Law on Service in the Armed Forces Reserve” of April 2003, attempted to deal with the discrepancy between the 200,000 to 300,000 males who become eligible for conscription each year and the size of the armed forces, less than 70,000, by instituting a self-funding “mobilisation /conscription reserve” in which, for a payment of 25 times the minimum wage (approximately \$140), conscripts would be certified as having duly performed their military service after a period of training, possibly one month..

Conscientious objection as an individual right

3. A statement on 31st May 2003 by the Chairman of the State Religious Affairs Committee indicated that, under the law of 12th December 2002, three religious groups: Jehovah's Witnesses, Evangelical Christians-Baptists and Seventh-day Adventists would be eligible for alternative service.

The law discriminates against the majority of potential conscientious objectors

4. This includes conscientious objectors on religious grounds whose religious communities do not absolutely *require* such a stance, those who belong to an unregistered religious community, and of course any whose conscientious objection is based on non-religious (ethical, humanist or pacifist) grounds.

Alternative Service is not completely independent of the military

5 It would appear that under the 1992 Law those who performed Alternative Service were required to follow two months’ basic military - including weapons - training before they could commence their non-military service. The reforms of 2002/2003, while still inadequate, have brought some rationalisation: those performing Alternative Service will, according to the statement quoted above, henceforth be required to be trained in “a military skill that does not involve the bearing of arms”.

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Applications not accepted without investigation.

6. Those claiming to be conscientious objectors must not only provide a certificate to prove that they belong to a religion accepted for this purpose; they must also provide convincing written and oral explanations of their objection.

The decision on whether to assign an applicant to alternative service is not taken by an independent body.

7. Under article 37(2) of the Law of 12th December 2002, this decision is made by the draft commission of the military commissariat.

The application cannot be made at any time.

8. The application and evidence must be presented before military service is due to begin. After that point there is no provision for transfer to alternative service.

Lack of information

9. There is no evidence that information on the possibility of conscientious objection and the means of application are not drawn to the attention of draftees.

The conditions of alternative service are not equivalent to those of military service.

10. Whereas the length of military service was set in 1992 as 18 months (12 months for graduates of higher education) and reduced in the December 2002 amendments to 12 and 9 months respectively, the lengths of alternative service were set at 24 months and 18 months, and have not been shortened. The discrepancy has thus increased, and the duration of alternative service is now be exactly double the length of the equivalent military service. It is believed that in the past some of those admitted to alternative service were permitted to remain in their usual job, but a quarter of their pay was deducted by the state. The pay for those performing alternative service, according to the previously-quoted statement by the Chairman of the State Religious Affairs Committee, is 80% of that for those performing military service, who also receive free food and clothing. according to reports of the same statement.

The differences in conditions are explicitly meant to be punitive and deterrent

Repeated punishment of conscientious objectors

It is reported that conscientious objectors who refuse the call up have in the past been subject to repeated call-ups and increasing penalties. These have however generally been in the form of fines or forced labour; there are no reports of the imprisonment of conscientious objectors.

no evidence that the system is operating in practice.

In February 2005, the Jehovah's Witnesses reported that few of their members had applied and "In fact we know of only one case in Uzbekistan where an individual with religious convictions has been assigned to alternative civilian service. Usually... an applicant... is either given a deferment or the Commissariat postpones making a decision until a much later date."