

**Submission by the International Fellowship of Reconciliation
to the 128th Session of the Human Rights Committee**

UZBEKISTAN

(Military service, conscientious objection and related issues)

Updated January 2020.

Basic Information

POPULATION (November 2018, estimated¹): **30,023,000**

MILITARY RECRUITMENT: Conscription, 12 months' service.

MINIMUM AGE²: 18, "but children from 17 can enrol as cadets in military education units and are classified as members of the armed forces."

CONSCIENTIOUS OBJECTION: Limited provisions since 1992.

Approximate male population reaching 18 years old annually³: **252,193**

ARMED FORCES active strength, November 2018⁴: **48,000**
as a ratio of the number of men reaching "military age" annually⁵: **19.0%**

MILITARY EXPENDITURE: The Stockholm International Peace Research Institute (SIPRI), the usual reference point on this subject, has not included figures for Uzbekistan in its annual review since 2003.

¹ Source: The Military Balance 2019 (International Institute of Strategic Studies, London), which bases its estimate on "demographic statistics taken from the US Census Bureau".

² Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, London, September 2012.

³ Calculated from the population breakdown given in The Military Balance 2019.

⁴ As quoted by to the International Institute of Strategic Studies (London) in The Military Balance 2019.

⁵ This giving a very crude indication of the proportion of the male population who experience some form of military service.

Summary

Uzbekistan has legal provisions which have permitted some conscientious objectors to perform alternative service rather than armed military service, but these provisions do not explicitly recognise conscientious objection. The details of the arrangements fall far short of the generally accepted international standards, and it does not seem that anyone has taken advantage of them since 2005. It is probable that the lack of recent reports of conscientious objectors being punished for refusing military service reflects a low level of enforcement of the conscription laws.

Background

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 (e.g. 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 3rd July 1992.

The “Law on Universal Military Service” was amended on 12th 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, transferring the management of the conscription scheme from the Government to the presidential administration.⁶

Shortcomings of the alternative service provisions

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

Individual conscientious objection is not recognised at all; conscientious objectors may benefit only from group rights as members of religious denominations. Alternative service is described as “available to citizens [who] belong to registered religious organizations whose members are not allowed to bear arms or serve in the armed forces.” Although it may be felt that a conscientious objection is implicit in such a definition, it should be noted that this is a group right rather than an individual right, and that indeed the reference to a prohibition handed down by the religious denomination is in direct contradiction to the concept of individual conscience. Even the Jehovah's Witnesses, whose record of conscientious objection to military service worldwide is not in doubt, initially had difficulty in reconciling themselves to a formulation which implied an authoritarian edict rather than an individual decision of conscience.

The law discriminates against the majority of potential conscientious objectors, who are not granted access to alternative service. This includes those who do not belong to a registered religious organisation, whose religious communities are not prepared to require such a stance, and of course any whose conscientious objection is based on non-religious (ethical, humanist or pacifist) grounds.

In practice, access to alternative service is restricted even for adherents of qualifying denominations. An ongoing issue in Uzbekistan is the difficulty for religious communities of registering under the Freedom of Conscience and Religion Organizations Act.

⁶ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008,

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.⁷ However, registration is at the level of individual congregations, so that by no means all adherents even of these denominations have the possibility of applying for alternative service. The deregistration of congregations is also frequent.

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."⁸ IFOR cannot trace any individual cases since 2005. The explanation will be discussed below.

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

Alternative Service is not performed completely outside the military: 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".

Applications are not accepted without investigation. 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 conditions of alternative service are not equivalent to those of military service. 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 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). There is also some doubt as to whether all alternative service assignments are truly to "work in the public interest", in accordance with the wording of Human Rights Council resolutions on the subject.

The issue at the UN

In the Universal Periodic Review Working Group in December 2008, 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

⁷ "Uzbekistan introduces alternative military service" Radio Free Europe - Radio Liberty Newslines, 2nd June 2003 (www.rferl.org/newsline/2003/06/2-TCA/tca-020603.asp)

⁸ General Counsel of the Jehovah's Witnesses, March 2005 - supplementary response to a questionnaire from OHCHR issued in pursuance of Resolution 2002/45 of the Commission on Human Rights.

civilian control and to provide a non-punitive civilian alternative service .”⁹ In its response, delivered to the Human Rights Council in March 2009, Uzbekistan merely quoted the relevant stipulations of the Military Service Law¹⁰.

The subject was not raised in the Review of Uzbekistan during the Second and Third Cycles of the UPR.

In its Concluding Observations on Uzbekistan's Third Periodic Report under the International Covenant on Civil and Political Rights, the Human Rights Committee 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 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.”¹¹

In the List of Issues on the Fourth Periodic Report, the Committee asked Uzbekistan to “provide information on the implementation of the Committee's previous recommendations on the recognition of the right of conscientious objection to military alternative service (*sic*) without discrimination”¹².

Uzbekistan replied, “As to the question of recognition of the right to refuse military service, it may be pointed out that no-one may evade the performance of their legal obligations on grounds of religious belief. In accordance with the Universal Military Service and Military Duty Act of 12th December 2002, citizens between 18 and 27 years of age enrolled in the military register and liable for conscription have the right to alternative service if they are members of registered religious organizations whose members are not permitted to bear arms or serve in the armed forces. The following religious organisations are concerned: Jehovah's Witnesses, Evangelical Christians-Baptists and Seventh Day Adventists.”¹³.

In other words, nothing had changed, either in response to the Human Rights Committee or to the recommendations on this subject Uzbekistan received under the Universal Periodic Review. However, possibly in view of the lack of individual cases, the issue did not feature in the Concluding Observations on the Fourth Periodic Report or the List of Issues on the Fifth.

Military Recruitment in Practice

The lack of individual cases can perhaps be explained by the relatively low incidence of military recruitment in practice. From the figures given under “basic information” it is clear that if the twelve months' military service requirement were to be applied anything like universally Uzbekistan would have well over 200,000 conscripts per year. But the entire strength of the armed forces, conscript and professional together, is a mere 48,000.

⁹ A/HRC/10/83, para. 105.11.

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

¹¹ CCPR/C/UZB/CO3, 7th April 2010, para 26.

¹² CCPR/C/UZB/Q/4, end of para 27, 21st November 2014, which covered a range of freedom of religion issues.

¹³ CCPR/C/UZB/Q/4/Add.1, received 16th February, 2015, paras 182, 183.

A “Law on Service in the Armed Forces Reserve” of April 2003, attempted to tackle this discrepancy 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.¹⁴ It has also been reported that, while in the cities the payment of bribes to avoid military service is common, in rural areas with high unemployment, by contrast, the financial, social security and future employment benefits of military service are much coveted and bribes are paid *in order to* be conscripted.

It would appear on balance that potential conscientious objectors would have little difficulty in evading call-up, or may even be deliberately overlooked by the recruitment authorities.

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¹⁴ “Fee instituted for military reserve in Uzbekistan” Radio Free Europe - Radio Liberty Newslines, 18th June 2003 (www.rferl.org/newsline/2003/06/2-TCA/tca-180603.asp).