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Introduction

The Republic of Uzbekistan is located in Central Asia between the Amudarya and Syrdarya rivers. Its geographical features are typical of a region of steppe, desert and semi-desert, while in the east Uzbekistan abuts upon the spurs of the Pamir-Alai mountain range.

In a short historical period since the early 1990s, when independence was proclaimed, Uzbekistan has covered enormous ground in moving from a Soviet system of government by command and a totalitarian society towards the laying of the foundations of the rule of law. Uzbekistan is passing through a period of transition and is continuing to upgrade its legislative, institutional and educational foundations and the machinery for a democratic State based on the rule of law and open civil society.

Today's Uzbekistan, with its population of 25 million, is at the heart of Central Asia both geographically and politically. One of the most ancient civilizations in the world emerged in this region. The Great Silk Road passed through here in antiquity. The history of the Uzbek people stretches back into the depths of time, covering more than three millennia. The States of ancient Turan, Maverannahr and Turkistan, which flourished in these lands, left brilliant traces in the development of world culture.

The present State politico-legal structure of Uzbekistan is a synthesis of its rich cultural and historical experience and is founded on cultural diversity and the close cohabitation of members of various ethnic and religious groups which is typical of the entire Central Asian region. The current administrative and geographical division of Uzbekistan into the Republic of Karakalpakstan and 12 viloyats was completed in the 1980s.

This core document has been prepared on the basis of United Nations guidelines relating to the introductory parts of reports by States parties under six major international human rights treaties. Its structure corresponds to the suggestions set out in those guidelines. Uzbekistan is presented in all its cultural, historical, political and legal diversity - in other words, the report covers the land and people, the general political structure, the general legal foundation for the construction of a democratic society and the protection of human rights, and information and publicity.

I. LAND AND PEOPLE¹

| | |
|--------------------------------|---|
| Capital | Tashkent |
| Total area | 447,400 sq. km. |
| Administrative structure | Republic of Karakalpakstan 12 viloyats: Andizhan, Fergana, Bukhara, Djizak, Khorezm, Namangan, Navoi, Kashkadarya, Samarkand, Syr-Darya, Surkhan-Darya and Tashkent, plus Tashkent city |
| Population | 25.5 million |
| Ethnic composition | Uzbeks - 80 per cent (29,298,000) Tajiks - 4.5 per cent (1,150,000) Kazakhs - 3.8 per cent (1 million) Russians - 3.8 per cent (1 million) Tatars - 2.5 per cent (650,000) Karakalpaks - 1.9 per cent (500,000) Kirghizes - 1.45 per cent (370,000) Ukrainians - 1.2 per cent (300,000) Koreans - 0.9 per cent (230,000) |
| Urban population | 37 per cent |
| Proportion of young people | Under 25 - 56 per cent Under 15 - 36 per cent Under 5 - 11 per cent |
| Average population growth rate | 1.2 per cent per year |
| Life expectancy | Women - 74.4 years Men - 70.5 years |
| Maternal mortality | 32.0 |
| Infant mortality | 16.3 per 1,000 births |
| Religion | 2,134 religious organizations belonging to 16 religious faiths, including: Muslims (1,948 organizations) Christians (170 organizations): <ul style="list-style-type: none"> - Russian Orthodox Church (36) - Union of Evangelical Christian Baptist Churches (24) - Full Gospel Church (20) - Seventh-day Adventist Church (11) - Evangelical Lutheran Church (4) - Roman Catholic Church (5) - Armenian Apostolic Church (1) - Korean Protestant Churches (62) |

| | |
|-------------------------|--|
| | <ul style="list-style-type: none"> - New Apostolic Church (4) - "Jehovah's Witnesses" Church (2) - "Voice of God" (1) - Bible Society (interfaith association) |
| | Jewish (7) |
| | Buddhist (1) |
| | Baha'i (6) |
| | Krishna Consciousness (2) |
| GDP per capita | US\$ 2,460 |
| Inflation rate | 1.6 per cent per year |
| Level of unemployment | 0.4 per cent |
| Level of employment | In the year 2000, 65.3 per cent of the population in the age group 15-59 were employed |
| Literacy rate | Women - 98.9 per cent Men - 99.6 per cent |
| Representation of women | Parliament - 7 per cent Senior management posts in the State sector - 18 per cent Local authorities - 9 per cent |

II. GENERAL POLITICAL STRUCTURE

A. Historical survey

1. The Republic of Uzbekistan occupies an extensive area in the heart of Central Asia, for the most part between the rivers Amudarya and Syrdarya. In the north and north-west it is bordered by Kazakhstan, in the north-east by Kyrgyzstan, in the south-east by Tajikistan, in the south by Afghanistan and in the south-west by Turkmenistan. Under the Constitution, the State frontier and territory of Uzbekistan are inviolable and indivisible (art. 3).

2. During the sixth century, various tribes and peoples in the Altai, the Semirechye (the region of seven rivers) and Central Asia combined in the Turkish chaganate, which rapidly expanded its possessions by incorporating the whole of the Central Asian Dvurechye (the region between two rivers). At the beginning of the seventh century, the chaganate split into western and eastern parts. The sixth and seventh centuries were notable for growth in the economy, artistic handicrafts and construction in the farming areas of Central Asia. The predominant religions among the farming population were Zoroastrianism and Buddhism. In the large towns there were communities of Jews, Manicheans and Nestorian Christians. At the end of the seventh century the Turkish chaganate split into small independent units. At the end of the seventh century and the beginning of the eighth century Arabs invaded Central Asia. At the beginning of the ninth century the Arab Khalifate began to split apart in the areas it formerly occupied.

3. By 1221 all of Central Asia was under the authority of Genghis Khan. In 1227, after the death of Genghis Khan, Central Asia together with the Semirechye and eastern Turkestan constituted an ulus whose ruler was Genghis Khan's second son, Chagatai. In the 1240s the Chagatai ulus split into a number of units. Taking advantage of the situation, the great Amir Timur (1336-1405) came to power in the second half of the fourteenth century and, after uniting various territories in Central Asia, created a powerful State with its capital in Samarkand. Following the death of Amir Timur, his State split into two: Khorasan with its centre in Herat, and Maverannahr with its centre in Samarkand. In 1499, nomadic tribes led by Shaybani invaded Maverannahr.

4. In the second half of the nineteenth century, Central Asia was a major economic area, and this drew the Tsarist Government of Russia to the region. The Governorate-General of Turkistan was formed on the conquered lands, with its centre in Tashkent. Bukhara and Khiva fell into dependence as vassals. After the 1917 revolution in Russia and the civil war, the republics of Turkistan, Bukhara and Khorezm were set up on the territory of the Central Asian khanates. In 1924 the Central Committee of the Communist Party, headed by Stalin, decided in Moscow to divide up Central Asia into ethnically based Soviet republics, one of which was the Uzbek SSR. The first capital of the Uzbek SSR was Samarkand, replaced by Tashkent from 1928. During the Soviet era, despite the assistance provided by the central authorities for the development of industry, science, culture and education, Uzbekistan remained an appendage of the Soviet Union, supplying farm products and raw materials. The constantly rising State targets for cotton output led to the complete exhaustion of the fertile Uzbek soils. The single communist ideology, under which heterodox views were not allowed, delayed for many years the development of Uzbek culture, traditions and language.

5. In the context of the disintegration of the Soviet Union, which was clearly apparent as early as 1990, the institution of the presidency was created on 24 March 1990 at a session of the Supreme Soviet of the Uzbek SSR with the aim of radically changing the way in which the republic was run. The first President of the Republic of Uzbekistan, Islam Karimov, is taking active steps to secure the recognition of Uzbekistan in international law and to strengthen its independence. In this context, the Declaration of Independence was adopted on the initiative of the President at a session of the Supreme Soviet - the parliament - proclaiming the State sovereignty of the Uzbek SSR.

6. On 31 August 1991, at the sixth regular session of the Supreme Soviet, Uzbekistan was declared an independent State. The Uzbek SSR was renamed the Republic of Uzbekistan. The Supreme Soviet adopted the Republic of Uzbekistan (State Independence) Act, thereby laying the legal foundations for State independence. 1 September has been declared Independence Day in Uzbekistan - the principal national holiday. On 29 December 1991, in a nationwide referendum, 98.2 per cent of citizens approved the proclamation of the independence of Uzbekistan. Between September 1991 and July 1993, Uzbekistan was recognized as a sovereign State by 160 countries. On 2 March 1992, Uzbekistan became a Member of the United Nations. This action confirmed once and for all Uzbekistan's place as a full subject of international law.

7. On 8 December 1992, at the eleventh session of the twelfth Supreme Soviet, the Constitution of Uzbekistan was adopted. It is founded on the provisions of the basic documents of the United Nations, including the Charter, the Universal Declaration of Human Rights and other norms of international law.

8. Uzbekistan's accession to independence as a State and its entry into the United Nations and other international organizations have enabled it to conduct its own foreign policy independently, develop its own approach to the world community and define the main features of its relations with other States, and the priorities among them.

9. The following fundamental principles underlie Uzbekistan's foreign policy and its practical application:

First. Mutual interests are taken into account in every way, while our national interests are paramount. Our independent State does not intend to fall into the sphere of influence of any great Power. Uzbekistan did not become independent only to kowtow to outsiders again.

Second. While attaching priority to universal human values in relations between people and between States, the Republic will speak out on the international stage for the strengthening of peace and security, and the peaceful settlement of disputes. Uzbekistan will remain a nuclear-free zone, and does not intend to enter into aggressive military blocs or alliances. It recognizes, and will unswervingly respect, international instruments on human rights, non-aggression and renunciation of the use of force or the threat of force in the settlement of disputes.

Third. The Republic's foreign policy is founded on the principles of equal rights and mutual benefit, and non-interference in the internal affairs of other countries. To be equal among equals, to rid ourselves of the "elder brother" syndrome once and for all - that is our motto both in the CIS and throughout our foreign policy.

Fourth. The pursuit of the principle of openness in foreign policy, irrespective of ideological views, will help in establishing extensive external links with all peace-loving States.

Fifth. The young sovereign State of Uzbekistan, which is creating its own legal system, recognizes that the rules of international law prevail over domestic laws. Without losing its own character, when playing a role in the world community, our independent State stands ready to comply with international rules.

Sixth. Uzbekistan favours the development of both bilateral and multilateral foreign links on the basis of the principles of wholehearted trust, as well as the expansion of cooperation through international organizations.

10. In drawing up and implementing its own foreign policy, Uzbekistan will strictly comply with the above-mentioned principles, enriching and extending them, and will pursue its principal activities in the fields of foreign policy and foreign economic relations firmly and consistently.

B. Administrative and territorial structure

11. Article 68 of the Constitution states that "the Republic of Uzbekistan shall consist of viloyats, districts, cities and towns, settlements, kishlaks and auls, and the Republic of Karakalpakstan". The formation or abolition of these entities, and any alteration of their

boundaries, must be sanctioned by the Oliy Majlis. The sovereign Republic of Karakalpakstan, which occupies roughly 37 per cent of the total area of Uzbekistan, has its own capital and constitution and has the right to secede from Uzbekistan.

The Republic of Karakalpakstan

12. The Republic of Karakalpakstan is a sovereign democratic republic which is part of Uzbekistan. It was created as a sovereign republic on 9 January 1992. Its capital is Nukus. It covers 165,600 square kilometres, equivalent to roughly 37 per cent of the total area of Uzbekistan. It has a population of 1.4 million. It has its own constitution, which does not conflict with the Constitution of Uzbekistan.² The sovereignty of Karakalpakstan is protected by Uzbekistan. The territory and boundaries of Karakalpakstan may not be altered without its consent. It has the right to secede from Uzbekistan on the basis of a nationwide referendum among the people of Karakalpakstan. Relations between Uzbekistan and Karakalpakstan are built on the basis of treaties and agreements, and disputes are settled by conciliation.

Viloyats

13. There are currently 12 viloyats in Uzbekistan: Andizhan, Bukhara, Djizak, Kashkadarya, Navoi, Namangan, Samarkand, Syr-Darya, Surkhan-Darya, Tashkent, Fergana and Khorezm. In addition, the following administrative and territorial entities have been identified: 174 districts, 163 of which are rural, 119 towns and cities, 115 urban settlements and many kishlaks and auls. Tashkent, the capital, has autonomous administrative and legal status.

C. Official language

14. The official language of Uzbekistan is Uzbek, which belongs to the Turkic group of languages. The State “[ensures] a respectful attitude towards the languages, customs and traditions of all nations and peoples living on its territory, and the creation of the conditions necessary for their development” (Constitution, art. 4). On 21 October 1989, the Official Language Act was adopted. On 21 December 1995 the Official Language Act (Amendment) Act was adopted. Under the official programme, measures to establish the Uzbek language definitively as the official language should be complete by 1 September 2005.

D. National currency

15. On 15 June 1994 the President of Uzbekistan issued a decree on the introduction of the national currency into circulation. Starting on 1 July 1994, the sum entered into circulation as the national currency in the form of banknotes issued by the National Bank.

E. State symbols

16. Uzbekistan has its own State symbols - the flag, the coat of arms and the anthem, as approved by law (Constitution, art. 5). The National Flag Act was adopted on 18 November 1991 at the eighth extraordinary session of the Supreme Soviet. The flag of Uzbekistan consists of blue, white and green bands separated by narrow red stripes. In the left-hand corner of the upper blue band appear a crescent moon and 12 stars, arranged in

three rows. The blue colour symbolizes the sky and water as the principal sources of life. Amir Timur's State flag was blue in colour. The white band is a traditional symbol of peace and moral and spiritual purity. The green band symbolizes nature, a new era and abundance in the countries where the bulk of the population is Muslim. The red dividing stripes symbolize the flow of life forces in any living organism, and also link our pure and noble thoughts with the sky and the land. The crescent moon, in addition to its traditional historical symbolism, is the symbol of the birth of independence. The symbolism of the 12 stars is historically linked with the solar calendar beginning with Navruz, and embodies the 12 principles underlying the government of the State.

17. The coat of arms was approved on 2 July 1992 at the tenth session of the Supreme Soviet. It features a valley in bloom and a shining sun. On the right the valley is framed by ears of wheat, and on the left by a garland of cotton. It is crowned by an eight-pointed star, symbolizing the unity of the republic. Inside the star are sacred Muslim symbols - a crescent moon and a star. In the centre of the coat of arms is the legendary sacred bird, the khumo, with outspread wings, symbolizing generosity, nobility and service to the motherland. The State Coat of Arms Act was adopted by the Supreme Soviet on 2 July 1992.

18. The national anthem was adopted on 10 December 1992 at the eleventh session of the twelfth Supreme Soviet. The words are by Abdulla Aripov and the music by Mutal Burhanov. The National Anthem Act was adopted by the Supreme Soviet on 10 December 1992.

III. STRUCTURE OF THE STATE

A. The President

19. The President is head of State and head of the executive (Constitution, art. 89). He is elected for a term of seven years on the basis of universal, equal and direct suffrage by secret ballot. Any citizen of Uzbekistan who has reached the age of 35, is fluent in the official language and has permanently resided in Uzbekistan for at least 10 years immediately prior to the elections is eligible for the post of President. No one may be elected to the office of President for more than two consecutive terms.

20. The President is elected by the citizens of Uzbekistan for a term of seven years on the basis of universal, equal and direct suffrage by secret ballot. The procedure for electing the President is specified in the electoral law (Constitution, art. 90).

21. The powers of the President under the Constitution are extensive. He acts as guarantor of human rights and respect for the Constitution, represents Uzbekistan in international relations, concludes international agreements and treaties and ensures that they are complied with, forms the administration and leads it, signs laws, serves as Supreme Commander-in-Chief, etc.

22. A President who retires on completion of his term of office becomes a member of the Senate for life (Constitution, art. 97).

B. The executive

1. The Cabinet of Ministers

23. Executive authority is exercised by the Cabinet of Ministers, which is formed by the President and approved by the Oliy Majlis. The Cabinet of Ministers consists of the Prime Minister, his deputies, ministers and chairs of State committees. The head of government of Karakalpakstan is an ex officio member of the Cabinet of Ministers.

24. The Cabinet of Ministers provides guidance for the effective functioning of the economy and the social and spiritual spheres, as well as the application of the laws of Uzbekistan and decisions of the Oliy Majlis and decrees, ordinances and regulations issued by the President.

25. The Cabinet of Ministers issues ordinances and regulations in accordance with current legislation. These are binding on all bodies, enterprises, institutions, organizations, officials and citizens throughout the Republic (Constitution, art. 98).

26. The amended version of the Cabinet of Ministers Act was adopted on 29 August 2003 at the thirteenth session of the Oliy Majlis.

2. Local authorities

27. The Kengashes of People's Deputies, headed by khokims, are the representative organs of authority in viloyats, districts, towns and cities, except in towns under district jurisdiction and districts forming part of cities. They deal with matters within their authority in accordance with the interests of the State and citizens (Constitution, art. 99).

28. The khokims of viloyats, districts, towns and cities serve as heads of representative and executive authorities in the areas concerned (Constitution, art. 102). It was for this reason that the position of khokims was revived under the Constitution of independent Uzbekistan. Khokims ensure law and order, settle issues relating to economic and social development, draw up the local budget, etc. Khokims at all levels - viloyat, district and town or city - exercise their powers in accordance with the principle of sole authority, which means that they are personally answerable for their decisions and the actions of the bodies they head. The President has the right to put forward candidates for the posts of khokims of viloyats, who in turn have the right to put forward candidates for the posts of town, city and district khokims.

C. The legislature

The Oliy Majlis

29. The highest State representative body is the Oliy Majlis, which exercises legislative power (Constitution, art. 76). On 28 December 1993 the Oliy Majlis (Elections) Act was adopted. Following the first elections held on 25 December 1994, 250 deputies elected from geographical constituencies in multiparty elections for a term of five years formed one chamber of the country's parliament. The second Oliy Majlis was elected in December 1999.

30. With the aim of strengthening the parliamentary branch of government, a referendum was held in January 2002 in accordance with the Constitution and the new Referendum Act adopted

by the parliament in August 2001 at the sixth session of the Oliy Majlis. The subject of the referendum was the election of a two-chamber parliament at the next convocation. Of the more than 12 million voters, 93.65 per cent approved the proposal.

31. On 24 April 2003, the Oliy Majlis adopted the Constitution of Uzbekistan (Amendment) Act. Under this law, the single-chamber parliament will consist of two chambers: the Legislative Chamber (lower chamber) and the Senate (upper chamber). The Legislative Chamber Act and the Senate Act were duly adopted in August 2003 at the thirteenth session of the Oliy Majlis.

32. In accordance with these Acts and the Constitution, the Legislative Chamber consists of 120 deputies, elected from geographical constituencies in multiparty elections. The Senate is the chamber in which the various parts of the country are represented. Members of the Senate (Senators) are elected in equal numbers - six persons - from the Republic of Karakalpakstan, the viloyats and Tashkent city by secret ballot at joint sessions of deputies of the Jokargy Kenes (parliament) of Karakalpakstan and the representative bodies of State authority in the viloyats, districts and towns or cities, from among those deputies. Sixteen members of the Senate are appointed by the President from among the most distinguished citizens with wide practical experience and special merit in the fields of science, the arts, literature, industry and other areas of the life of the State and society (Constitution, art. 77).

33. The Legislative Chamber and Senate of the Oliy Majlis are vested with authority for a term of five years.

34. Any citizen of Uzbekistan who has reached the age of 25 by the date of the elections and has permanently resided in Uzbekistan for at least five years may become a deputy to the Legislative Chamber of the Oliy Majlis or a member of the Senate.

D. The judiciary

35. A new judicial system which complies with international standards in the field of the administration of justice has been established during the years of independent development in Uzbekistan.

36. The judiciary in Uzbekistan functions independently from the legislative and executive branches, political parties and other public organizations (Constitution, art. 106). The courts are the only organs of State which dispense justice. The judicial system consists of the Constitutional Court, the Supreme Court, the Higher Economic Court, the Supreme Courts of Karakalpakstan for civil and criminal matters, and the Economic Court of Karakalpakstan, which are elected for a term of five years, as well as viloyat courts, Tashkent city civil and criminal courts, inter-district, district and city civil and criminal courts, military courts and economic courts appointed for the same term (Constitution, art. 107).

37. Articles 109-111 of the Constitution and the Constitutional Court Act of 30 August 1995 provide as follows:

1. **The Constitutional Court:**

(a) Hands down rulings on the constitutionality of laws, decisions taken by the chambers of the Oliy Majlis, decrees issued by the President, decisions taken by the Government and local authorities, inter-State treaties and other obligations entered into by Uzbekistan;

(b) Hands down rulings on whether the Constitution of Karakalpakstan is in conformity with the Constitution of Uzbekistan, and whether the laws of Karakalpakstan are in conformity with the laws of Uzbekistan;

(c) Interprets the provisions of the Constitution and the laws of Uzbekistan;

(d) Hears other cases which fall within its competence under the Constitution and laws of Uzbekistan.

The judgements of the Constitutional Court take effect upon publication. They are final and are not subject to appeal.

2. **The Supreme Court** is the highest judicial authority in the field of civil, criminal and administrative justice. Its rulings are final and binding throughout Uzbekistan. The Supreme Court has the right to monitor the judicial activities of the supreme courts of Karakalpakstan, as well as the viloyat, city, inter-district, district and military courts.

3. Any economic disputes that may arise in the economic sphere, or during the process of economic management, between enterprises, institutions or organizations in different types of ownership, or between entrepreneurs, are settled by the **Higher Economic Court and the economic courts** within their spheres of competence.

38. Under article 112 of the Constitution and the Courts Act, judges are independent and subject solely to the law. Any interference in the work of judges in administering the law is inadmissible and punishable under the law. The immunity of judges is guaranteed by law. Judges may not belong to any political parties or participate in political movements, or engage in any other types of paid activity, other than scientific and educational activity.

39. At the third session of the second Oliy Majlis, held in Tashkent on 30 August 2000, an amended version of the Courts Act was adopted. The new Act strengthens the role of the judiciary, guarantees its genuine independence and makes provision for the organization of a system of courts based on the principle of specialization among the courts, which will enable citizens' rights and freedoms to be truly protected.

40. The constitutional principle of the separation of powers is consistently applied, and the genuine independence of the courts and judges is guaranteed. For this purpose a department has been set up in the Ministry of Justice to meet the organizational, material and financial needs of the courts.

41. Under the process of specialization introduced by the amended Courts Act, the courts are being divided into courts of general jurisdiction, criminal courts and civil courts. The specific features of the modern judicial system in Uzbekistan are as follows.

42. **First**, legal means have been devised for the application of the constitutional principle of the separation of powers and the independence of the courts as a separate branch. The power to recommend candidates for posts as judges, or to suspend or prematurely terminate their services, has been taken away from the Minister of Justice, and transferred to the Higher Commission for Selection and Recommendation of Judges.

43. **Second**, legislative authority has been given for specialization among courts of general jurisdiction, machinery has been devised for the creation of independent civil and criminal courts, and specialization has been introduced among judges. Specialization among courts has led to an improvement in the handling of cases, and has strengthened guarantees for the protection of citizens' rights and freedoms.

44. **Third**, the task of providing material and financial support for the work of the courts has been entrusted to an independent body, the Judicial Department in the Ministry of Justice. The courts have been relieved of the extraneous task of enforcing their own decisions and those of other State bodies. These measures are aimed at ensuring that the courts are independent and subject solely to the law.

45. **Fourth**, an effective and democratic legal mechanism for the selection and placement of judicial officials has been set up.

46. Under the Courts Act:

1. The initial pool of judicial officials is formed as a result of scrutiny of candidates' qualifications by teams of judges on the basis of proposals put forward by the courts, law enforcement agencies, institutions, organizations and members of informal associations of judges.

2. Recommendations for posts of judges are collected in the Judicial Department, which has the task of selecting and preparing documents concerning candidates for judges' posts and upgrading the skills of judicial officials.

3. The tasks of reviewing candidates on a competitive basis and making recommendations for appointments to judges' posts are carried out by the Higher Commission for Selection and Recommendation of Judges, which is composed of judges, parliamentary deputies, legal specialists and representatives of law enforcement agencies and non-governmental organizations. This system for selecting and appointing judicial officials guarantees the independence of the judiciary, and objectivity in appointments to the posts of judges.

47. Under the new Courts Act, amendments have been made in the legislation on criminal procedure and civil procedure. These may be summed up as follows:

1. An appeal procedure has been introduced, as a major guarantee that judicial errors will be promptly rectified, and that procrastination will not be permitted in judicial proceedings. In accordance with the law, the appeal court has the right to review the merits of each case without sending it back for retrial.

2. The cassation procedure has been reformed. Persons who do not accept a court ruling that has entered into force may now defend their rights personally and directly in a court of cassation. In such cases the appellant's counsel and the prosecutor have equal rights.

3. Citizens have been granted the right to choose the manner in which their rights are defended by means of appeal or cassational review of court rulings.

48. In Uzbekistan the judiciary operates independently of the legislative and executive branches, political parties and non-governmental organizations.

49. Decisions of the courts are binding on all State bodies, public associations, enterprises, institutions and organizations, officials and citizens, and are enforceable throughout the country.

50. The country's laws and judicial norms are increasingly in harmony with widely accepted international democratic standards in the field of the administration of justice.

IV. GENERAL LEGAL SYSTEM ENSURING PROTECTION OF HUMAN RIGHTS

A. Administrative and other competent bodies with functions in the human rights field

1. Human Rights Commissioner of the Oliy Majlis (Ombudsman)

51. The post of Human Rights Commissioner of the Oliy Majlis (Ombudsman) has become very important in protecting human rights and freedoms in the legislative branch. This post was created at the first session of the Oliy Majlis in February 1995 with the aim of enhancing guarantees of respect for citizens' rights and freedoms under the Constitution. The Ombudsman's activities are governed by the Human Rights Commissioner of the Oliy Majlis (Ombudsman) Act of 25 April 1997. The Ombudsman performs functions in the area of education and public information, and is an impartial and benevolent defender of citizens' rights. The Ombudsman studies and analyses situations involving respect for human rights. A Commission for the Observance of Citizens' Constitutional Rights and Freedoms was established by special decision of 6 May 1995 in order to provide help to the Ombudsman.

52. Each year the Ombudsman presents an annual report of activities to the Oliy Majlis at its spring session for approval.

53. The Ombudsman has regional representatives in all viloyats of Uzbekistan and Karakalpakstan.

2. Judicial bodies

54. From the moment when Uzbekistan declared its independence, the protection of human rights and freedoms became one of the fundamental elements of the activities of its judicial bodies. Together with the Constitutional Court, the Supreme Court plays a major role in upholding the ideals of democracy. The rulings of the plenum of the Supreme Court ensure a constant focus by the lower courts on the need to respect fundamental human rights and freedoms.

3. Ministry of Justice

55. The Ministry of Justice is a body within the executive whose purpose is to implement the State's policies in the legal field. These policies encompass the provision of legal services, the organization and functioning of the judicial system, the drafting of legislation for the protection and enhancement of human rights, and the expert review of laws and regulations which affect the rights, freedoms and lawful interests of citizens. In 2003 a human rights department was set up in the Ministry. Under Cabinet of Ministers decision No. 370 of 27 August 2003, the main tasks of the department are as follows:

- Protection of human rights and freedoms enshrined in the Constitution and the law, the all-round development of the institutions of civil society and the strengthening of their legal underpinnings;
- Continuous analysis of legislation in the field of human rights and submission of suggestions for its improvement;
- Study of experience abroad and drafting of proposals for the application of the norms of international law in Uzbekistan's legislation;
- Development of measures to raise awareness of the law among the population in the field of human rights and freedoms, and popularizing the concept of respect for human rights;
- Analysis and synoptic review of compliance with human rights legislation, and submission of proposals for improvement to the appropriate State bodies;
- Assistance in strengthening the role of teams and associations of lawyers in the protection of human rights, development of the institutions of civil society and strengthening of their legal underpinnings;
- Liaison with the Human Rights Commissioner of the Oliy Majlis (Ombudsman) and the National Centre for Human Rights, in such areas as monitoring respect for human rights and freedoms;
- Objective and thorough consideration of communications from citizens relating to violations of their constitutional rights and freedoms, and response to them in accordance with legislation.

4. Law enforcement agencies

56. The system of law enforcement agencies includes the procurator's office, the Ministry of Internal Affairs and the National Security Service. The procurator's office plays the dominant role in supervising the proper and uniform application of the law through the country. The legal status of the procurator's office is defined in chapter XXIV of the Constitution and in the Procurator's Office Act of 29 August 2001. The centralized system of procurator's offices is headed by the Procurator General.

57. The procurator's offices discharge their functions independently of the organs of State and their officials, and are subject solely to the law.

5. National Centre for Human Rights

58. The National Centre for Human Rights was set up under a decree issued by the President on 31 October 1996. It is a State organization, part of the executive, which coordinates activities involved in the protection of human rights in the country in the light of the Constitution and the International Bill of Human Rights.

59. The Centre's main purpose is to draw up and introduce the national programme of action in the field of human rights, a multifunctional system whereby rights and freedoms are protected by addressing priority issues in an integrated manner:

- Improvements to human rights legislation;
- Provision of legal aid and judicial protection of human rights;
- Creation of a system of non-judicial protection of human rights;
- Devising of a strategy for the protection of the rights of specific categories of persons: socially vulnerable population groups, those living in areas affected by environmental disasters, believers and representatives of various faiths, prisoners and military personnel;
- Development of constructive types of activity on the part of human rights non-governmental organizations;
- Ensuring freedom of information as a guarantee that human rights will be respected;
- Organization of a multipurpose system of human rights education, ranging from strictly vocational courses to programmes of awareness creation among the population;
- Promotion of integration into global society through the development of the concept of human rights and freedoms in Uzbekistan.

60. The Centre's main areas of activity are:
- Coordination of research, educational and awareness creation activities carried out by State and voluntary organizations, through the development of a national programme of action in the field of human rights;
 - Creation of a national ideology relating to the rule of law on the basis of Uzbekistan's national declaration of human rights;
 - Establishment of an operational mechanism for the integration of Uzbekistan into global society through the phased adoption of a wide range of laws and regulations relating to the human rights proclaimed by the United Nations.
61. Scope for cooperation is offered by the exchange of information through international communication channels, joint publications and monographs, textbooks, collections of articles, seminars, round tables, symposiums, production of television programmes and educational and popular science films, field operations, and the conduct of field research in various parts of the country.

B. Legal protection of individuals' rights

62. Citizens can make use of all the executive, legislative and judicial bodies referred to above for the protection of their fundamental rights and freedoms: the Supreme Court, the Higher Economic Court and all the lower courts, the Human Rights Commissioner of the Oliy Majlis, the Ministry of Justice, the office of the Procurator General, the Ministry of Internal Affairs, the State Security Service, the National Centre for Human Rights, legal aid centres, non-governmental organizations and other institutions.
63. In all these bodies citizens are provided with free, high-quality legal assistance. The only exceptions are the courts, where fees are payable.
64. In addition, in accordance with the Optional Protocol to the International Covenant on Civil and Political Rights, to which Uzbekistan is a party, citizens of Uzbekistan who have completed all the required procedures may contact the Human Rights Committee directly in connection with violations of their rights and freedoms.

C. Constitutional protection of individuals' fundamental rights and freedoms

1. Guarantees of fundamental rights and freedoms

65. The Constitution offers legal guarantees of the rights and freedoms of citizens. This means, first and foremost, that the people constitutes the source of State power. The will of the people determines the policy of the State, the aim of which is to ensure the well-being of the individual and society as a whole. The new political and State structure guarantees freedom of political, economic and social choice. A multiparty system, the abandonment of domination by a single ideology, the transition to pluralism in opinions, ideologies and political institutions - all this offers a guarantee of freedom of expression of the wishes of citizens. Priority is given to the principles of humanism and respect for the traditions, beliefs, language and culture of all peoples

living in the republic. At the same time, parties and movements which favour the forcible change of power, are opposed to the territorial integrity and security of the republic, inflame ethnic or religious enmity or infringe on the constitutional order or the people's moral principles are declared illegal.

2. Individual rights and freedoms

66. Under the Constitution, everyone has an inalienable right to life (art. 24). Any infringement of this right is a very serious offence. The Constitution guarantees the right to freedom and inviolability of the person (art. 25), and protection from encroachments on personal honour and dignity. Everyone has the right to inviolability of the home and non-interference in his or her private life, as well as the right to the presumption of innocence (art. 26). The principles of freedom of thought, conscience and religion are enshrined in the Constitution. Everyone has the right to uphold his or her convictions and beliefs. The propagation of religious views through coercion is inadmissible. The State is mindful of the deep roots of the Islamic faith in society, and provides requisite support for the hajj, which is holy for every Muslim.

3. Political rights

67. The political rights granted to citizens of Uzbekistan signify confirmation of the principles of genuine democracy, which corresponds to the ethnic and cultural traditions and interests of all social groups and strata. Citizens of Uzbekistan have the right to participate in the running of public and State affairs, both directly and through their representatives. In independent Uzbekistan the political system has undergone a process of renewal, and the functions and powers of national and local authorities have been clearly defined. Citizens have the right to hold rallies, meetings and demonstrations in accordance with the law. Article 34 of the Constitution grants the right to associate in trade unions, political parties and other voluntary associations, and to participate in mass movements. No one may infringe on the rights, freedoms and dignity of individuals who make up a minority opposition in parties or other voluntary associations. Every citizen has the right to submit applications, proposals and complaints to State bodies and public representatives.

4. Economic, social and cultural rights

68. Maintaining popular consent in society is based on the application of the principles of social justice. The Constitution grants all citizens equal economic and social rights. Every citizen has the right to own property, as well as the right to work and free choice of employment. The Constitution guarantees fair working conditions and protection against unemployment. Forced labour is prohibited, except in instances specified by the law, such as punishment imposed by a court. Every citizen has the right to leisure, and to social security in old age or in the event of loss of ability to work or loss of the breadwinner. Pensions, allowances and other types of social welfare may not be set lower than the officially fixed minimum subsistence level. All citizens are provided with high-quality medical care, and effective steps are taken to protect mothers and children. All citizens are granted an equal right to receive free general education. The State watches over the cultural, scientific and technical development of society.

5. Civic obligations

69. The obligations of citizens of Uzbekistan are set out in chapter XI of the Constitution. Citizens have an obligation to comply with the Constitution and the laws, and to respect the rights, honour and dignity of others. Citizens must protect the historical, spiritual and cultural heritage, and treat the environment with care. Every citizen must pay local and other taxes established by law. The defence of the country is the duty of every citizen. The people of Uzbekistan, having embarked on the path of independent development, are guided by the history of the evolution of the Uzbek State, in which law-abidingness is a characteristic feature. And this serves as a solid foundation for the practical application of the principles of respect for the law, and especially the Constitution, as the principal duty of the citizens of Uzbekistan.

D. Incorporation of international human rights standards in Uzbekistan's legislation

70. After the attainment of independence in 1991, the application of international human rights standards became one of the basic principles underlying the shaping of State policy in Uzbekistan.

71. In Uzbekistan's legal system, international treaties once ratified become part of domestic legislation. This also applies fully to international treaties which contain human rights norms and principles. The Foundations of State Independence Act of 31 August 1991 defines international law as a major source of the State order.

72. The special status of the universal norms of international law and of human freedoms is confirmed in the preamble to the Constitution, which contains, in addition to a direct reference to human rights, an indirect mention of such rights as the right to a worthy life and to social justice (social rights), as well as the right to the civil and political freedoms which are indissociable from the concept of a "democratic State subject to the rule of law". The provisions relating to the protection of human rights in the Constitution and other laws generally correspond to the standards set out in the 1948 Universal Declaration of Human Rights and the 1966 International Covenants on Human Rights.

73. Many international human rights norms are embodied in the Criminal Code and the Code of Criminal Procedure. In accordance with section 2.3 of the United Nations Minimum Standard Rules for Non-custodial Measures (the Tokyo Rules), "in order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in such a way so that consistent sentencing remains possible". The inclusion of this rule in the legislation on criminal procedure gave rise to a new provision under which suspects may be released on bail.

74. In pursuance of article 6 of the International Covenant on Civil and Political Rights (guaranteeing the right to life as an inherent human right), and in the framework of domestic legislation and the active human rights efforts of non-judicial protection bodies (the National Centre for Human Rights, the Ombudsman and a number of non-governmental organizations),

the Oliy Majlis, by adopting the Certain Legislative Acts (Amendment) Act of 29 August 1998, abolished the death penalty in respect of the following five offences: gratification of deviant sexual desires with the use of force (Criminal Code, art. 119, part 4), violation of the laws and customs of war (art. 152), attempt on the life of the President of the Republic of Uzbekistan (art. 158), organization of a criminal conspiracy (art. 242, part 1) and smuggling (art. 246, part 2). Following the adoption of an Act on 29 August 2001 amending the Criminal Code, the Code of Criminal Procedure and the Administrative Liability Code in connection with the liberalization of criminal penalties, the number of articles under which the death penalty is applicable fell to four.

75. On 13 December 2003, at the fourteenth session of the Oliy Majlis, the death penalty was abolished for offences under two more articles of the Criminal Code - aggression (art. 151) and genocide (art. 153). The Criminal Code now contains only two articles - article 97, part 2 and article 155 - under which the death penalty is applicable.

76. In addition, under article 51 of the Criminal Code, the death penalty cannot be imposed on women, on persons who committed the offence while aged under 18 or on men aged over 60.

77. In Uzbekistan, as in many other countries, a system of pardons is in operation. Anyone who has been sentenced to death has the right to appeal to the head of State through the Pardons Commission. If the appeal is accepted, the death penalty is replaced by a prison term of 25 years.

78. The Criminal Code forbids the use of torture or brutal treatment against suspects. In August 2003, in order to define the concept of torture more precisely, the Oliy Majlis amended article 235 of the Criminal Code in such a way that the definition of torture in criminal law is now in keeping with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This definition is also set out in a ruling handed down by the plenum of the Supreme Court on 19 December 2003. The term "torture" means "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

E. Invoking international human rights treaties

79. As noted above, any international treaty ratified by the Oliy Majlis prevails over domestic legislation - in other words, an international commitment entered into by Uzbekistan becomes an inseparable part of the legal system in the country and is binding on all branches of government.

80. Each newly adopted item of legislation stipulates that if an international treaty to which Uzbekistan has acceded contains a provision which conflicts with an international instrument,

those responsible for interpreting it must proceed from the norms of international law and be guided by them. In this way, Uzbekistan acknowledges the primacy of the norms of international law over domestic legislation.

81. Citizens of Uzbekistan have the right to invoke the provisions of international treaties in various courts.

F. Monitoring respect for human rights

82. The principal mechanism by which respect for human rights is monitored in the system of legislative authority is the Human Rights Commissioner of the Oliy Majlis (Ombudsman). He monitors and follows up every report that is received. The Ombudsman prepares a report on his activities during the year for approval by the highest government body.

83. Among the organs of judicial power, monitoring of respect for human rights is entrusted to judges in various courts - criminal, economic and civil.

84. In the system of organs of executive power, the principal agency engaged in monitoring respect for the rights and freedoms of citizens is the office of the Procurator General, which plays a supervisory role. As mentioned above, the Ministry of Internal Affairs, the State Security Service and the Ministry of Justice also have monitoring functions.

85. The National Centre for Human Rights also has a public access service, which keeps respect for human rights in Uzbekistan under review on the basis of reports lodged by citizens.

V. INFORMATION AND PUBLICITY

86. Uzbekistan is playing an active role in the implementation of the Vienna Declaration and Programme of Action, and also in the United Nations Decade for Human Rights Education (1995-2004).

87. A national plan of action in the field of human rights education has been drawn up in Uzbekistan. The following activities have been carried out under it:

- A continuous human rights education programme has been established. Starting with the 1997-1998 academic year, a special course entitled "Human rights" has been taught. Issues related to the protection of human rights, the enhancement of democracy and the strengthening of the rule of law are included in the curricula of educational establishments at all levels, first and foremost in general schools, universities, institutes for legal training and teacher training, management institutes and the training facilities of the Ministries of Defence, Justice and Internal Affairs, the procurator's office and the State Security Service;
- A 40-hour special course entitled "Human rights" was introduced in the 1997/98 academic year from the first year of all educational establishments, in pursuance of order No. 200 issued by the Ministry of Higher and Secondary Special Education on 29 July 1997;

- The Ministry of Popular Education has drawn up a blueprint for law studies in pre-school, general and secondary institutions, while a model for State education on the topic “Foundations of the State and of the law” has been drawn up for general and secondary institutions;
- The National Centre for Education, together with the Tashkent City Institute for Teacher Retraining and Further Training, has drawn up a programme entitled “Foundations of the State and of the law” for forms 1 to 11 in schools which offer advanced law courses;
- Discussions on “An ABC of rights” have been introduced into the list of subjects for forms 1 to 4 in general and secondary schools, and “Lessons on law” for forms 5 to 7;
- Starting from the school year 2001/02, the topic “Foundations of the State and of the law” has been taught once a week to forms 8 and 9 on the basis of the new programme, giving 34 hours per academic year. This subject has been introduced into the curriculum;
- Since 2002 the International Relations Department of the Ministry of Popular Education and the National Centre for Education, jointly with the United Nations Children’s Fund (UNICEF), have been regularly conducting training seminars on the topic “Study of the Convention on the Rights of the Child” for teachers, educators and teaching specialists, as part of the programme on “Legal foundations of juvenile justice and psychological factors”, and promoted awareness of the Convention among parents;
- In the Centre for Further Training of Legal Specialists in the Ministry of Justice, between 4 and 10 hours of human rights education have been introduced, depending on the ability level of the students and the length of the courses;
- The topic of “Human rights” has also been introduced into the curricula of two special educational establishments - the Centre for Further Training of Procuratorial and Investigative Officials in the office of the Procurator General and the Tashkent City Institute for Teacher Retraining;
- A UNESCO chair in human rights, democracy, tolerance and international understanding has been established in the University of the World Economy and Diplomacy;
- A chair in “Theory and practice of human rights” has been established in the Academy of the Ministry of Internal Affairs;
- The National Centre for Human Rights and the Organization for Security and Cooperation in Europe (OSCE) are organizing seminars and training courses on international human rights norms and human rights monitoring and reporting for officials from the procurator’s office and the Ministry of Internal Affairs, judges and procurators;

- Under a project entitled “Democratization, human rights and better governance”, the National Centre for Human Rights published an illustrated book entitled “The Universal Declaration of Human Rights” for primary and secondary school children in Uzbek (100,000 copies) and Russian (30,000 copies). Half of the Uzbek edition was published in Roman script and the other half in Cyrillic;
- The following posters were also issued under the project:
 - Universal Declaration of Human Rights (10,000 copies in Uzbek and Russian);
 - International Covenant on Civil and Political Rights (two posters, 5,000 copies in Uzbek);
 - International Covenant on Economic, Social and Cultural Rights (two posters, 5,000 copies in Uzbek);
 - Convention on the Elimination of All Forms of Discrimination against Women (two posters, 5,000 copies in Uzbek);
 - Convention on the Rights of the Child (two posters, 5,000 copies in Uzbek);
- Between 1997 and 2000 a special quarterly newsletter was issued containing a wide range of information on the state of human rights education in Uzbekistan;
- In 1997 the National Centre for Human Rights, together with the “Ijtimoiy Fikr” Public Opinion Study Centre, began to publish the popular science newspaper *Obshchestvennoe Mnenie. Prava Cheloveka (Public Opinion. Human Rights)*. In 1999 the Centre began to publish the new newspaper *Demokratizatsia i Prava Cheloveka v Uzbekistane (Democratization and Human Rights in Uzbekistan)*. The purposes and aims of the newspapers are to popularize human rights and raise awareness of human rights issues among the personnel of State institutions and the population as a whole. The newspaper is issued in Uzbek, Russian and English;
- In 2000, with support from the United Nations Development Programme (UNDP), the National Centre for Human Rights translated and published an Uzbek-language handbook on Uzbekistan and international human rights treaties;
- With support from UNESCO, the National Centre for Human Rights published the Uzbek-language books *Human Rights: Questions and Answers* and *Democracy: 80 Questions and 80 Answers*;
- With support from UNICEF, a handbook of international instruments on the rights of minors was translated into the national language and published in 2002;

- In 2002, as part of the joint activities of the Regional Representative of the International Committee of the Red Cross in Central Asia and the National Centre for Human Rights, a handbook on international humanitarian law, covering the Geneva Conventions of 1949 and the additional protocols to them, was translated into the national language and published;
- In 2002 a compilation of OSCE documents on the human dimension was published. This collection of international instruments was published for the first time in Uzbekistan in full in the national language. The textbook is primarily aimed at students and teachers in law institutes, students in military academies and the personnel of law enforcement agencies;
- Articles are regularly printed and educational and informative programmes broadcast in the mass media, from the State radio and television to commercial radio stations and newspapers. Thus, between August 2002 and January 2003 the National Centre for Human Rights, together with the international organization Internews, the Sabo women's and children's centre and the Grand television and radio studio, carried out an informative educational radio project entitled "In support of the new generation". The main purpose of the radio project was to promote better understanding of the underpinnings of children's rights among young people and the radio audience;
- Five law surgeries on protection of human rights, where questions are answered by law students, were opened in universities;
- The non-governmental Centre for the Study of Human Rights and Humanitarian Law was established. The Centre deals with studies and awareness creation in the field of human rights and humanitarian law, for which purpose it organizes seminars, training courses, conferences for students, teachers and representatives of the mass media, non-governmental organizations and State institutions whose activities are directly linked to human rights. Since 2002 the Centre, together with UNDP, the Office of the United Nations High Commissioner for Refugees, the University of the World Economy and Diplomacy and Samarkand State University has held an annual competition among students for the best scientific work on the topic of human rights in the twenty-first century.

88. In accordance with a decree issued by the President on 31 October 1996, the task of preparing reports on human rights has been entrusted to the National Centre on Human Rights. For this purpose a special department has been set up in the Centre for analysis and research in the field of human rights.

89. In order to prepare national reports, the Centre studies available information and also requests and receives any additional information required from State institutions,

non-governmental organizations, political parties, cultural centres, trade unions, foundations, etc., which is subsequently collated and returned to them for review. After approval is received from all the organizations which have supplied information, the Centre sends the report to the appropriate United Nations committee through the Ministry of Foreign Affairs.

90. Once a given report has been considered, all the organizations which participated in its preparation familiarize themselves with the findings, observations and proposals of the members of the committee. All the observations made by the members of the committee are brought to the attention of the public and published through the mass media.

Notes

¹ Data for 1 September 2003 from the Ministry of Macroeconomics and Statistics and the Committee on Religious Affairs.

² The Constitution of the Republic of Karakalpakstan was adopted on 9 April 1993.
