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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH  
PARAGRAPH 15 (A) OF THE ANNEX TO HUMAN RIGHTS  
COUNCIL RESOLUTION 5/1\***

**Uzbekistan**

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\* The present document was not edited before being sent to the United Nations translation services.

### **A. Methodology and consultation process**

1. The national report submitted for the universal periodic review within the framework of the United Nations Human Rights Council was prepared by the Uzbek National Centre for Human Rights. Drafting took place in accordance with the national action plan for preparation of the report; an interdepartmental working group including 32 government bodies and non-governmental organizations represented by the National Association of NGOs of Uzbekistan was established. The National Centre for Human Rights and the Ministry of Foreign Affairs coordinated efforts, analyzed information and worked out approaches for the preparation of the report.
2. The report was discussed in the Legislative Chamber (lower house) of the Oliy Majlis of the Republic of Uzbekistan (Parliament), national human rights institutions and all law enforcement agencies, ministries and departments and the higher judicial bodies at various stages during its preparation.
3. Broad participation by civil society institutions in the report's preparation enabled their views and proposals on human rights problems in Uzbekistan to be taken into account. A round table including members of non-governmental organizations, the media and government bodies was held in August 2008 to discuss the report, providing an opportunity for open discussion on measures to achieve human rights and consideration of the comments of NGOs and the media.
4. The methodology used to prepare the report follows the general guidelines for the preparation of information under the universal periodic review contained in document A/HRC/6/L.24. The information given in the report is based on the periodic reports submitted by Uzbekistan to United Nations treaty bodies and the recommendations made by these bodies, and this has influenced the report's structure.
5. The report covers the period from 1991 to the present, which is characterized by the establishment of independent statehood, the formation of a new legal system, the acquisition of rights and responsibilities under international law and membership of international organizations, including the United Nations, all of which have had an impact on the protection and promotion of human rights and fundamental freedoms in Uzbekistan and marked the recent past as a transitional stage from a totalitarian order to a democratic, law-based State.

### **B. Country background**

6. The Republic of Uzbekistan became a sovereign State by peaceful parliamentary means on 31 August 1991 in the territory of the former Uzbek Soviet Socialist Republic, part of the USSR. It is a unitary State with a presidential form of government. The acquisition of state sovereignty was the beginning of fundamental reforms and political changes in which human rights and freedoms have consistently been viewed as a priority objective. The administrative and territorial divisions of Uzbekistan include the Republic of Karakalpakstan, 12 viloyatlar (provinces) and the city of Tashkent.
7. Uzbekistan has been through two separate periods during its years of independent development, each of which has a special place in its history and in the protection of human rights.

8. The first period, from 1991 to 2000, was the initial phase of reforms and transition and building the foundations of national statehood. The legal and institutional foundations for a democratic and law-based State and a socially oriented market economy were laid, and a system for the promotion, observance and protection of human rights and freedoms was formed. It was during these years that Uzbekistan acceded to six major international human rights treaties of the United Nations and established national human rights institutions and a system of continuous human rights education.

9. The next stage, from 2001 to 2007, was a period of dynamic democratic renewal and modernization. Features of this period were, **first**, the increasing role and influence of the legislature, stemming from the establishment and functioning of a bicameral Parliament that takes national and regional interests into account when passing laws; **second**, the increasing role and influence of political parties and civil society institutions in the adoption of critical government decisions and the rising power and significance of NGOs in public monitoring of government activities; **third**, cardinal reforms to liberalize and humanize the judicial and legal system, abolish the death penalty and strengthen the independence and effectiveness of the judiciary; and, **fourth**, extensive human rights education and outreach activities.

### **1. Legal framework**

10. Current Uzbek legislation consists of a large number of legal instruments (the Constitution, constitutional laws, codes, laws and regulations). The Constitution, adopted in 1992, has a separate section on human rights that guarantees and covers all aspects of human rights provided for under the International Bill of Human Rights. A range of laws guaranteeing the individual, political, economic, social and cultural human rights established under the Constitution have been adopted: 15 codes, including the Civil Code; Code of Civil Procedure; Labour Code; Family Code; Land Code; Housing Code; Tax Code; Criminal Code; Code of Criminal Procedure; Penal Enforcement Code; Administrative Liability Code, and Code of Economic Procedure; and more than 400 laws.

11. No provision of any individual law may restrict basic human rights except as permitted by the Constitution, and if there is such a restriction, the case may be referred to the Constitutional Court to determine the constitutionality of the provision. The grounds justifying restrictions on human rights are consistent with international standards (Universal Declaration of Human Rights, article 29), are invoked to ensure the safety of individuals, society and the State and protect the nation's moral and psychological health, and are clearly set out in the relevant laws.

### **2. Human rights policy**

12. Uzbekistan's human rights policy is based on the following principles:

*The first principle* is a commitment to universally recognized human rights ideas and values and to its international human rights obligations;

*The second* is that the Government's human rights policy derives from its fundamental national interests, which are based on the rule of law and a strong civil society;

*The third* is the principle of balancing the interests of the individual, society and the State, as established under the Constitution of Uzbekistan, with priority given to the interests of the individual;

*The fourth* is that all social and economic, political, legal and judicial reform will be evolutionary, gradual and systematic;

*The fifth* is the priority given to protecting the social and economic rights of certain categories of citizens: children, young persons, women, persons with disabilities and older persons;

*The sixth* is openness and transparency;

*The seventh* is social partnership between the State and civil society and the media;

*The eighth* is active international cooperation in the area of human rights.

### **3. Institutional framework**

13. The bodies responsible for human rights in Uzbekistan include:

(a) The Legislative Chamber and Senate of the Oliy Majlis and local representative authorities;

(b) The President;

(c) The Cabinet of Ministers, ministries and departments, executive authorities and local public authorities;

(d) The judicial system;

(e) The procurator's offices;

(f) National human rights institutions.

14. In accordance with the 1993 Vienna Declaration and Programme of Action, the following national human rights institutions have been established in Uzbekistan: Human Rights Commissioner (Ombudsman) of the Oliy Majlis (1995); the National Centre for Human Rights (1996); and the Institute for Monitoring Current Legislation, reporting to the President of the Republic (1997). Each of these institutions has its own area of concentration, is attached to a different branch of government and is engaged in different aspects of human rights protection: handling complaints, preparing national reports, raising awareness and monitoring human rights.

15. The Ministry of Justice, Ministry of Internal Affairs and Procurator-General's Office and their regional branches have established specialized divisions and departments for the protection of human rights.

16. The national system of human rights bodies includes the **judiciary**. The Constitutional Court plays an important role in the system, as it hears cases on the constitutionality of action by the legislative and executive branches. Since its establishment, the Constitutional Court has issued 14 resolutions and decisions interpreting the law and protecting particular rights and freedoms.

17. Courts have become specialized during the judicial reform process, with the establishment of civil, criminal and economic courts. Military courts operate separately.

18. The ordinary courts system upholds rights and offers restitution if rights are infringed. The Supreme Court devotes special attention to the protection of all aspects of human rights when it reviews cases at its plenum sessions. Rulings by the plenum are interpretations of the law and binding on all law enforcement and judicial bodies. The plenum of the Supreme Court devotes special attention to ensuring the right of personal inviolability and combating torture. Examples of this can be seen in decision No. 12 of 24 September 2004 on certain issues arising in the application of criminal procedural law relating to the admissibility of evidence, and decision No. 16 of 14 November 2007 on the application by the courts of preventive measures in the form of pretrial detention.

#### **4. International obligations**

19. Uzbekistan has signed more than 60 international human rights agreements, including the Organization for Security and Co-operation in Europe (OSCE) documents on the human dimension. It is a party to six major United Nations human rights treaties. To date, Uzbekistan has submitted 20 national reports, 18 of which have been considered by United Nations bodies. The Government regularly enters into dialogue not only with the Charter and treaty bodies of the United Nations but also with Human Rights Council special procedures and mechanisms, supplying responses to questions, submitting information and issuing invitations to visit the country.

20. The universally recognized rules and principles of international law have primacy over domestic law under the Constitution. However, international human rights treaties ratified by Uzbekistan do not automatically become part of national legislation. International treaties require amendments to national legislation or the adoption of new laws.

21. Besides the six major United Nations human rights treaties Uzbekistan is a party to all four Geneva Conventions concerning international humanitarian law and the two protocols additional thereto. The most recent agreements to be ratified, in 2008, in accordance with the recommendations of United Nations treaty bodies, are International Labour Organization Convention (ILO) No. 138 concerning minimum age for admission to employment, ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and the Protocol of 2000 to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

**Table 1**

<i>Name of the treaty</i>	<i>Date of accession</i>	<i>Date of consideration of national reports</i>
International Convention on the Elimination of All Forms of Racial Discrimination	31.08.1995	Combined initial and second reports (CERD/C/327/Add.1) Considered in 2000  Third to fifth reports (CERD/C/463/Add.2) Considered in 2006
International Covenant on Civil and Political Rights	31.08.1995	Initial report (CCPR/C/UZB/99/1) Considered in 2000  Second report (CCPR/C/UZB/2004/2) Considered in 2005  Third report presented on 1.04.08
Optional Protocol to the International Covenant on Civil and Political Rights concerning communications from individuals	31.08.1995	-
Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty	Under consideration	-
International Covenant on Economic, Social and Cultural Rights	31.08.1995	Initial and second reports (E/1990/5/Add.63) Considered in 2005 <sup>1</sup>
Convention on the Elimination of All Forms of Discrimination against Women	06.05.1995	Initial report (CEDAW/C/UZB/1) Considered in 2001  Second and third reports (CEDAW/C/UZB/2-3) Considered in 2006  Fourth report submitted in August 2008
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	31.08.1995	Initial report (CAT/C/32/Add.3) 1999  Second report (CAT/C/53/Add.1) 2002 Third report (CAT/C/UZB/3) Considered in 2007
Convention on the Rights of the Child	9.12.1992	Second report (CRC/C/104/Add.6) Considered in 2006

## **C. Promotion and protection of human rights**

### **1. Civil and political rights**

22. Uzbekistan has been conducting systemic, gradual, liberal political, judicial and legal reforms affecting civil and political rights during its first years of independence. Building on the Constitution, it has adopted electoral laws setting out explicit guarantees of the voting rights of citizens and laws on political parties, non-governmental organizations, freedom of conscience and religious organizations, and the media. The national political and legal system has been shaped by

<sup>1</sup> *Note:* The initial report of Uzbekistan on the implementation of the International Covenant on Economic, Social and Cultural Rights was originally submitted to the Committee in 1999, but was lost within the United Nations. Consequently, Uzbekistan submitted its combined initial and second reports in a single document in 2004.

and functions in accordance with these laws. The current bicameral Parliament, multiparty system and established system of non-governmental organizations and the media are central elements of this system. The steady growth of non-governmental organizations and the media points to the development of a strong civil society. Great strides towards political reform have recently been made with the adoption of the constitutional law of 11 April 2007 strengthening the role of political parties in the renewal and further democratization of State governance and modernization of the country, which increases the influence of parties on the executive branch, and the passage of a law on guarantees of the work of non-governmental, non-profit organizations (2007), a new version of the law on the media (2007), a law on charitable activities (2007), a law on guarantees of the rights of the child (2008), and a joint order of both houses of Parliament on measures to strengthen support for non-governmental, non-profit organizations and other civil society institutions of 3 July 2008.

23. The judicial and legal reforms carried out in the mid-90s tended mainly to strengthen the independence of the judiciary and liberalize criminal penalties so as to offer increased protection for civic rights and freedoms. The abolition of the death penalty and the introduction of habeas corpus as from 1 January 2008 are the most recent, significant steps taken to guarantee the right to life and the inviolability of the person in Uzbekistan.

24. In 1994 the death penalty in Uzbekistan could be imposed under 13 articles of the Criminal Code; the number of articles under which it could be imposed was then gradually reduced, in 1998, 2001 and 2003, to two. In August 2005, with the adoption of the Presidential decree abolishing the death penalty, the State renounced capital punishment, introducing a de facto moratorium on the execution of death sentences. The State had led a huge, two-year organizational and legal campaign to abolish the death penalty and switch to life in prison or long prison sentences. It should be stressed that since August 2005 no death sentence has been carried out but has been commuted to other forms of punishment. Thus, Uzbek legislation and practice now permit ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, and this is envisaged in the programme of action to mark the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, approved by Presidential decree.

25. The introduction of habeas corpus is intended to afford more effective judicial protection of the civic rights established in articles 19, 25 and 44 of the Constitution.

26. Consistent legislative and practical efforts have been made to promote freedom of the press. Registered media outlets of all kinds - State and private, print and electronic - have grown in number in recent years. Associations and foundations to support the media have been created. The Journalists' Union, Writers' Union, National Association of Electronic Media, National Foundation for the Support and Development of Independent Print Media and news agencies are active in Uzbekistan. There are 1,069 media outlets operating in Uzbekistan, including 931 print publications, 4 news agencies, 78 electronic media outlets and 56 websites. As at 1 August 2008, 42 non-governmental electronic media outlets were in operation.

27. Freedom of conscience and religious organizations is established by the Constitution and the corresponding law, and safeguarded by State policy on ethnic and religious tolerance. There are 2,229 religious organizations - 179 non-Islamic and 2,050 Islamic - and 16 different faiths currently active in Uzbekistan, including Islam, the Orthodox, Catholic, Lutheran, Baptist, Full Gospel, Seventh Day Adventist and other Christian churches, religious communities of Bukhara and European Jews, Baha'i, Hare Krishnas and Buddhists. Every year, more than 120 members of non-Islamic religious communities make pilgrimages to their respective holy sites in Israel, Greece

and the Russian Federation, and enjoy all the privileges extended to believers travelling abroad. In 2005, 2,354 Muslim citizens went abroad for the umrah and 5,212 for the hajj; in 2006, 2,978 for the umrah and 5,028 for the hajj; and, in 2007, 4,075 for the umrah and 5,088 for the hajj.

28. The law of Uzbekistan upholds the principles of the prohibition of slavery and forced labour. Aware how acute the problem of human trafficking is, internationally and nationally, Uzbekistan adopted a law in April 2008 on combating human trafficking; in July 2008, a Presidential decision to increase the effectiveness of combating human trafficking endorsed the 2008-2010 national plan of action to combat human trafficking. These measures are seen as implementing the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified by the Uzbek Parliament in 2008.

## **2. Economic, social and cultural rights**

29. Uzbekistan is committed to the principle embodied in the Vienna Declaration and Programme of Action that, as human rights are universal, indivisible, interdependent and interrelated, social, economic and cultural rights are as important as civil and political rights. There has been a steady increase since 2000 in the allocation of public funds to developing the social sector, including education, health care and assistance to persons with disabilities and the poor. In recent years more than 50 per cent of the budget has been allocated to social development and more than 30 per cent to education. A significant indicator of people's greater well-being is the rise in life expectancy, which increased from 69.3 years in 1990 to 72.5 years in 2006.

30. Uzbekistan is committed to a systemic and dynamic economic, social and cultural policy. This is demonstrated by the annual and long-term national social development programmes undertaken by the Government. Uzbekistan has adopted the practice of devoting each year to resolving important social and economic aspects of human rights: the Year of Health in 2005, the Year of Charitable Work and Medical Personnel in 2006 and the Year of Social Protection in 2007. All activities under national programmes are ultimately aimed at increasing the well-being of the people and standard of living of every family, enhancing the rights and opportunities of civil society and promoting human rights and freedoms. Thus, 2008 has been declared the Year of Young Persons in Uzbekistan, and a programme of measures has been adopted to achieve specific goals relating to social and economic support for young persons, including preferential mortgage lending for housing purchase and construction, improved education, job creation for young persons, support for young families and extension of consumer credit.

31. Economic reforms and structural changes in the economy are a feature of the steady development of the State and society today, meaning that social and economic processes are transitional; this in turn influences citizens' economic and social rights.

32. Economic reforms in rural areas, underpinned by a restructuring of the agricultural sector, are aimed at bringing greater prosperity to the rural population, expanding business activity, developing medium and small businesses, [improving] access to education and health care, creating new jobs, improving welfare generally and providing more equal opportunities for urban and rural dwellers. They have been accompanied by a change in forms of ownership of business entities, an expansion of private property and an increase in individual farms, leading to increased social and economic activity and greater legal awareness among the people. These processes were reflected in the need to establish special human rights units within the Ministry of Justice and the Procurator-General's Office to help prevent human rights abuses in rural areas.



33. Uzbekistan has developed a strategic framework to address the problems of the Aral Sea and a programme of specific measures to improve the Aral Sea Basin environment, which were adopted by Heads of State of Central Asia in 1994. These measures formed the basis for the International Conference on Sustainable Development of the Aral Sea Basin in Nukus organized by the United Nations (September 1995). The Conference resulted in the adoption of the Nukus Declaration, which renewed the commitment to the international agreements upholding the main Rio principles and outlined a strategy and basic measures for the sustainable development of the Central Asian States. At an international conference on the Aral Sea crisis and its impact on the gene pool, flora and fauna and international cooperation to mitigate its effects held in March 2008, Uzbekistan signed an agreement on the implementation of the World Water Assessment Programme.

34. Uzbekistan has developed a national plan of action to protect the environment, a national strategy and plan of action to preserve biodiversity in Uzbekistan, a national programme to halt the use of ozone-depleting substances, a programme of measures to prevent climate change and to combat desertification, a national plan of action for a clean environment, and a transboundary project to conserve the biodiversity of the western Tien Shan in Kazakhstan, Kyrgyzstan and Uzbekistan. Efforts are under way to create and develop national parks, protected areas and nature reserves. Civil society is also actively involved in environmental protection, in particular the newly established Environmental Movement of Uzbekistan.

35. The Constitution of Uzbekistan guarantees the right to participate in cultural life. Any citizen has the right to demonstrate his or her talents and capabilities in cultural areas. Moreover, the Civil Code provides that citizens are free to take part in cultural life. Legislation on culture, libraries and science has been drafted in order to expand the scope of citizens' rights and obligations in cultural life.

36. Many foundations promote cultural development and public participation in cultural life. The Uzbekteatr Performing Arts Production Association has established the Artmadad Foundation, and the Mukarrama Turgunbaeva Foundation operates as part of the Uzbekraks National Dance Association.

37. Uzbekteatr currently includes 37 professional theatres and many amateur theatre groups: 1 opera and ballet theatre in 2 languages (Uzbek and Russian), 7 drama theatres (including 3 Russian-language theatres), 14 musical and musical drama theatres (including 1 Russian-language and 1 Karakalpak-language theatre), 4 youth theatres and 1 children's theatre (including 1 Russian and 1 Karakalpak), and 10 puppet theatres (including 1 Karakalpak and 4 bilingual - Uzbek and Russian - theatres). The theatres are located in the provincial capitals (except Navoi) and in the Republic of Karakalpakstan.

38. The Ministry of Culture oversees 85 museums. The museum collections comprise 1.5 million exhibits. These include historical documents, archaeological and ethnographic objects, coins and works of applied art, sculpture, painting and graphic art.

39. Uzbekistan has 10 art museums, including the Savitsky State Art Museum of Karakalpakstan, which became known throughout the world for its rich and unique collections during the country's first years of independence. Uzbekistan is proud of its huge open air museum cities - Samarkand, Bukhara and Xiva (Itchan-Kala) - which have been included in the World Heritage List.

40. The Ministry of Culture runs 5,735 libraries.

### 3. Combating torture

41. All three branches of government strictly of condemn torture and other cruel or degrading treatment or punishment. This policy is reflected in arrangements for parliamentary supervision, the work of the national human rights institutions, and the system for handling citizens' complaints and petitions set up within the Ministry of Justice, the Ministry of Internal Affairs and the Procurator's Office.

42. The Special Rapporteur of the United Nations Commission on Human Rights on the question of torture, Mr. Theo Van Boven, visited Uzbekistan in November 2002 at the invitation of the Government. During his visit, he had a number of official meetings with high-ranking officials, representatives of civil society groups, international organizations and foreign embassies. He also visited several places of detention. In February 2003, the Special Rapporteur presented a report containing recommendations for the Government of Uzbekistan to improve measures to combat torture, on the basis of which a national plan of action, approved by the Government of Uzbekistan on 9 March 2004, was elaborated. The provisions of that plan have essentially been implemented.

43. Between 2003 and 2006, efforts to strengthen and improve the judicial system, provide it with better resources and facilities and enhance its legal status and independence were reflected in the adoption of a number of decisions of plenums of the Supreme Court interpreting article 235 of the Criminal Code in the light of article 1 of the Convention against Torture and prohibition of the use of unlawful methods of investigation. Decisions of the plenums of the Supreme Court relating to protection of the rights of the accused are binding and have helped to raise the level of professionalism of law enforcement personnel, increase the degree of human rights protection in the system of criminal justice, overcome the bias in favour of the prosecution and ensure that both sides are heard during the judicial process.

44. Legislation introducing the institution of habeas corpus to Uzbekistan is the logical continuation of the judicial and legal reform and efforts to guarantee individual rights and freedoms.

45. In accordance with the national programme of action to implement the Convention against Torture, adopted by the Government in 2004, the human rights education programme aimed at disseminating information on the provisions of the Convention against Torture among law enforcement personnel and persons associated with them has been strengthened. The training and retraining curricula of the educational establishments run by the law enforcement agencies include study of the Convention against Torture.

46. Parliament monitors compliance with the provisions of the Convention against Torture by the law enforcement bodies. In 2006, the legislative chamber of Parliament in conjunction with the United Nations Development Programme (UNDP) held three events relating to the Convention against Torture. In January 2006, Parliament conducted an exercise to check compliance with the Convention against Torture by law enforcement bodies and penal institutions in Tashkent and the Tashkent province. In 2008, the Senate Committee on International Affairs of the Oliy Majlis conducted a parliamentary check on the implementation of the Convention.

47. The Government has submitted information on measures to combat torture several times to Geneva and New York in the form of official United Nations documents, beginning in 2003: CCPR/UZB/2004/2/Add.1; A/60/914 and A/59/675.

48. In 2004, the Government established an interdepartmental working group on the observance of human rights by law enforcement agencies. The working group coordinates the execution of the

national programme of action to implement the Convention against Torture and the concluding observations of the Committee against Torture. The Government's systematic measures to combat torture have enabled it to exercise strict control over the activities of law enforcement officers and punish those who countenance torture. Statistics on the application of article 235 of the Criminal Code demonstrate that any unlawful methods of investigation are severely punished by criminal and disciplinary measures. Between 2002 and 2008, a total of 20 criminal cases were filed and 26 persons were convicted under article 235 of the Criminal Code.

#### **4. Rights of the child**

49. As more than 40 per cent of the population of Uzbekistan consists of children under 18, the Government has made the promotion of children's rights a priority.

50. Together with 189 other countries, Uzbekistan signed the Millennium Declaration and the document entitled "A world fit for children". In accordance with those documents the Government, having undertaken to improve living conditions for children and monitor progress towards that goal, adopted a national programme of action to improve the well-being of the children of Uzbekistan in 2007. This programme is long-term, extending to 2011, and includes continuous monitoring and evaluation of the situation of children as regards education, health, recreation, the family environment, employment, vocational training and protection against the adverse effects of modern life.

51. Children's rights in Uzbekistan are protected by a wide range of national legislation, but chiefly by the provisions of family, criminal, civil and labour law. As recommended by the Committee on the Rights of the Child, a law on guarantees of the rights of the child, protecting children's right to health, education, social welfare and all-round development, was passed in 2007. The law particularly emphasizes the protection of the rights of vulnerable children and children with special needs.

52. The rights of children are provided for at both the legislative and the institutional level. The systemic approach involves the adoption and implementation of national programmes that include a range of measures taken by government bodies and institutions and by non-governmental organizations and foundations. Non-governmental children's organizations are multiplying and becoming more active. There is a network of national-level NGOs focusing on various areas of promoting and protecting the rights of the child, including: the Kamolot youth movement, which supports youth initiatives and the political and leadership activities of young persons; the Sen Yolgiz Emassan ("You are not alone") fund, which provides support for orphaned children, children without parental care, children with disabilities and children from needy families; the Children's Fund of Uzbekistan, which supports initiatives directly involving children themselves (Children's Parliament); the Soglom Avlod Uchun (For a Healthy Generation) fund, which conducts medical and educational programmes and advocates healthy living; and the Forum for the Culture and Art of Uzbekistan, which runs projects for gifted children.

53. Educational reform, including the establishment of life-long education, has been under way since 1997. More than 50 per cent of the state budget, or 12 per cent of gross domestic income, is allocated to education. According to the Education Act and the national personnel training programme, life-long education includes preschool, general secondary, specialized secondary, vocational, higher and postgraduate education, advanced training and retraining of personnel and non-formal education. Specialized secondary and vocational education is compulsory and free and conducted in seven languages. The population of Uzbekistan has achieved almost universal literacy; the literacy level rose from 97.7 per cent in 1991 to 99.3 per cent in 2003.

54. Government programmes have been providing children from low-income families with free textbooks since 2002. Winter clothes have been provided free of cost to children from needy families since 1997.

55. The specific mechanism by which children can exercise their right to qualified medical care is established in the Citizens' Health Care Act. The State provides children with access to health and convalescent care. Uzbekistan has a national reproductive health centre and a national centre for adolescent reproductive health, with branches in the provinces. All children receive a yearly medical check-up. The health-care reforms begun in 1998 were aimed at promoting extensive use of private health services in conjunction with a range of free medical services. They focus mainly on developing a network of primary health-care facilities and services for women and children. Key objectives include improving maternal and child health, encouraging the practice of breastfeeding and reducing infant mortality and child morbidity. The infant mortality rate has steadily declined since the 1990s. Today, it stands at 13.7 per thousand live births whereas it stood at 35.5 per thousand in 1991.

56. One of the priorities in implementing the Convention on the Rights of the Child is preventing disabilities in children and providing disabled children with social and medical rehabilitation. The work done with orphans and disabled children being cared for in children's homes and residential facilities is particularly important.

57. Uzbekistan has established a mechanism for dealing with juvenile offenders. Criminal, criminal procedure and penal law include detailed provisions on juvenile justice that are consistent with the standards of the Convention. Commissions on youth affairs have been at work since 2000 to prevent child neglect and homelessness and avert child delinquency. There are currently more than 246 such commissions operating under the local municipal and provincial authorities.

58. With support from the United Nations Children's Fund (UNICEF) in Uzbekistan, the Government has developed and implemented programmes to protect children's rights. Uzbekistan and UNICEF have signed a country programme action plan for 2005-2009 to provide women and children with access to decent basic services. Cooperation between Uzbekistan and UNICEF on similar programmes has become standard practice.

59. The Government has developed a national action plan to implement International Labour Organization Conventions No. 138 and No. 182. This sets forth a series of legislative proposals to bring the laws of Uzbekistan into conformity with the conventions, control and monitor their implementation and conduct a broad outreach campaign.

## **5. Women's rights**

60. Since first becoming independent, Uzbekistan has been setting government policy to prevent discrimination against women. Its policy is not to tolerate discrimination against women, since discrimination hampers participation by women, on equal terms with men, in all spheres of national life and makes it hard for them to exercise their rights and develop their potential to the full. Women's contribution to the welfare of the family, the social importance of motherhood and women's role in procreation and the upbringing of children are all growing. State and society are cooperating in changing the traditional role of both men and women in society and the family.

61. Uzbekistan has acceded to the basic international instruments establishing the principles and standards for the protection of women's rights, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women, the

ILO Maternity Protection Convention, the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women. National gender equality legislation takes full account of international standards and special measures have been taken to protect mothers and create conditions conducive to women's all-round development.

62. The laws of Uzbekistan grant women the right to work on equal terms with men, as an inalienable right of all people; to equal employment opportunities; to free choice of occupation; to education; to social security in the event of retirement, unemployment, sickness or disability; to health care; and to safe working conditions.

63. Uzbekistan has special programmes to develop the health-care system, protect the health of pregnant women and children and raise a healthy generation. A comprehensive social support system for mothers and children has been set up since independence. Social services and public assistance accounted for 51 per cent of total spending under the State budget in 2006, and 54.3 per cent in 2007.

64. An institutional framework has been established to coordinate women's rights activities at the government and local level. The Chairperson of the Women's Committee is also a Deputy Prime Minister and the chairpersons of provincial women's committees are the deputy *khokim* (local executive authorities) of the corresponding geographical areas. The proper conditions have been created for the development of women's non-governmental organizations, which are an important element of the national system to protect women's rights.

65. In order to enhance women's representation in Government and exercise of their political rights, a 30 per cent quota for women out of the total number of candidates for deputy put forward by political parties was established under the Oliy Majlis (Elections) Act. Two milestones were set between 2007 and 2008: for the first time in Uzbekistan's history a woman was put forward as a candidate for President and a woman was elected Speaker of the lower house of Parliament.

66. Women occupy 15.3 per cent of senior posts in executive bodies, including 16.7 per cent of Cabinet Ministers, 12.5 per cent of members of the Council of Ministers of the Republic of Karakalpakstan and 11.9 per cent of *khokim* and deputy *khokim* in the city of Tashkent.

67. Women make up more than half the country's population (50.02 per cent), and 52 per cent of all women are of childbearing age (from 15 to 49 years old). The average age of women who enter into marriage is about 20, and 60 per cent get married between the age of 20 and 24. About 32 per cent of children are born to women of that age. While running government programmes, the Ministry of Health strives specifically to improve the health of women of childbearing age, promote proper birth spacing, deter early marriage and marriage between close relatives, prevent unwanted pregnancies, upgrade the qualifications of health personnel, improve maternity and child-care facilities and inform the public about reproductive health issues. Medical examinations are available for women of childbearing age at primary health-care institutions in all provinces of the country, as are contraceptive aids for women in need of assistance to prevent an unwanted pregnancy or practice birth spacing. The efforts undertaken have resulted in a 26 per cent decrease in maternal mortality - from 32 per hundred thousand live births in 2002 to 23.8 in 2007.

68. Efforts to combat HIV/AIDS have been stepped up since 2000. In 2007 the Cabinet of Ministers approved the 2007-2011 strategic programme to prevent the spread of HIV/AIDS.

69. Uzbekistan condemns violence against girls and women and domestic violence. The latter - violence committed within the family or among relatives - is regarded as a criminal offence.

Violence against women, trafficking in women and sexual harassment are criminal offences in Uzbekistan under the Criminal Code, articles 118, 119 and 121, on offences against sexual freedom; articles 128, 129 and 131, on offences against the family, young persons and morality, and articles 135 and 136, on offences against freedom, honour and dignity; the Family Code regulates rights and obligations between spouses and parents' relations with their children. Special institutions have been established to assist female victims of violence, including crisis centres, hotlines, women's centres, health centres and many other social and psychological centres operating in various regions of the country.

## **6. Non-discrimination**

70. Uzbekistan's Constitution establishes the idea of equality before the law, equal protection under the law, and non-discrimination. Ethnic, religious, cultural and linguistic tolerance is a characteristic of its history. There has not been a single inter-ethnic or interreligious conflict since Uzbekistan gained independence.

71. Uzbekistan has acceded to and is honouring the following international instruments aimed at preventing discrimination: the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Discrimination in Education; the Discrimination (Employment and Occupation) Convention; and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. As a member of OSCE, it has undertaken commitments with respect to ethnic minorities (the principles set forth in article VII of the Final Act of the Conference on Security and Co-operation in Europe, signed in Helsinki on 1 August 1975) and other documents of the OSCE human dimension.

72. The legal system in Uzbekistan includes serious penalties for violations of citizens' equality. The Code of Administrative Responsibility prescribes fines for violating citizens' right to free choice of language in upbringing and education, for obstructing or restricting the use of a language, and for manifesting disrespect towards the State language or other languages of the nations and nationalities living in Uzbekistan.

73. Article 141 of the Criminal Code makes violating citizens' equality a punishable offence. Under article 156 of the Code, incitement to ethnic, racial or religious hatred is likewise punishable.

74. The following public policies are designed to prevent discrimination in all its forms and manifestations:

(a) A ban on political parties organized on racial or national principles (article 57 of the Constitution), and on voluntary associations seeking to propagate racial and religious division (article 3 of the Voluntary Associations Act);

(b) A prohibition against the use of religion to foment enmity, hatred or ethnic division (article 5 of the Freedom of Conscience and Religious Organizations Act);

(c) Prevention of the use of the media to propagate national, racial or religious hatred (article 6 of the 1997 Mass Media Act);

(d) Enforcement of the Information (Guarantees and Freedom of Access) Act, which regulates matters arising in the media when people assert their constitutional right freely and without hindrance to seek, obtain, study, transmit and disseminate information;

(e) A prohibition against hindering citizens from exercising their right to free choice of language in communication, the upbringing of children and education (article 24 of the State Language Act);

(f) The promotion of equality between men and women in political and social life.

75. Uzbekistan currently has about 150 ethnic cultural centres and associations. The process of registering ethnic cultural centres began in 1989 and is still under way. The establishment of cultural centres for the minority peoples of Uzbekistan is helping to arouse interest among the various strata of the country's minorities and encourage the movement to revive and preserve their ethnic and cultural traditions and identities. The activities of the ethnic cultural centres are coordinated by the National Inter-ethnic Centre and serve to engage ethnic minorities in the political, economic and cultural restructuring of life in Uzbekistan's multi-ethnic society. The cultural centres maintain extensive links with their ethnic homelands through close contacts with various artistic associations and other cultural and educational organizations, ministries of culture, institutions of higher education, parliaments and business circles.

## **7. Human rights education**

76. More than 100 basic international human rights agreements have been translated into Uzbek and published in large quantities in close collaboration with international partners such as UNDP, the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF, OSCE and the International Committee of the Red Cross (ICRC).

77. The entire educational system is linked to the national programme for enhancing legal culture adopted by Parliament in 1997, which seeks to inform the public about newly adopted laws and the laws on which human rights curricula are based. Human rights education in Uzbekistan is provided at the secondary (general secondary school) and upper secondary education (gymnasium and lyceum) level, in institutions of higher education and in the career development system. Specialized training in human rights is given at law schools.

78. In preschools and kindergartens elementary instruction and training in the law are incorporated in daily games and exercises. Such exercises are conducted for children in the middle to final stages of pre-primary education. Sixteen hours per year are devoted to lessons on the Constitution in the form of games and nine hours in the form of playtime activities and celebrations.

79. In grades 1 to 4 of schools of general education, pupils are introduced, depending on their age, to such notions as the law, duty and obligations. Forty hours are devoted to studying the subject the ABCs of the Constitution. In grades 5 to 7, the subject matter grows increasingly complex with the introduction of examples of relations between the State and the individual drawn from daily life and the topics of personal autonomy, equality, freedom of speech, freedom of information and juvenile criminal liability. Each grade spends 51 hours yearly studying "A voyage into the world of the Constitution". In grades 8 and 9, the main objective of legal training and civics classes consists in:

(a) Informing students about the social and economic, political, legal, scientific and cultural development of the State;

(b) Fostering individuals who think creatively and are able to communicate their views on vital personal issues. Thirty-four hours per year are devoted to studying the principles of constitutional law. Gymnasiums and lyceums offer 68 hours of law classes over two years of study providing background on various branches of the law.

80. Every November, in all schools, after-school institutions and Mehribonlik homes (orphanages), the Ministry of National Education and the regional UNICEF branches in Uzbekistan conduct a week of courses on the Convention on the Rights of the Child with contests on topics such as “Do you know your rights?” and “What is a right?”.

81. All college and university students are given a basic grounding in the law and Constitution, including information on human rights and how they are protected.

82. Specialized human rights courses are taught to students at the Tashkent State Institute of Law, the Academy of the Ministry of Internal Affairs and the Institute of the National Security Service, to professional lawyers at the Professional Development Centre for Lawyers of the Ministry of Justice, and to those taking the advanced classes at the Procurator-General’s Office. These specialized programmes include a mandatory introduction to international human rights standards in the area of criminal justice, law enforcement, prison administration and crime prevention, distinct categories of human rights and national human rights mechanisms and means of protection.

### **8. National human rights institutions**

83. In addition to the customary system of law enforcement bodies with responsibility for the protection of human rights, Uzbekistan has the following national human rights institutions: the Human Rights Commissioner of the Oliy Majlis (Ombudsman), the National Centre for Human Rights and the Institute for Monitoring Current Legislation within the Office of the President.

84. A significant role in ensuring that human rights legislation is observed is played by the Human Rights Commissioner of the Oliy Majlis, who uses the resources provided to him to help to remedy rights violations and to improve Uzbek legislation. The Ombudsman’s main tasks are to review citizens’ complaints and remedy rights violations, improve human rights legislation and harmonize it with international legal standards, inform citizens about human rights law and develop international cooperation in human rights.

85. Considering citizens’ appeals and assisting them in remedying violations of their rights and freedoms are one of the Ombudsman’s leading tasks as he endeavours to build relations between his Office and State bodies, judges and law enforcement officials with a view to full and effective observance and protection of human rights and freedoms in Uzbekistan. Between 1995 and 2007 the Commissioner’s Office reviewed more than 55,000 appeals from citizens, more than 14,000 of which were monitored by the Ombudsman and 3,170 (22.3 per cent) of which were settled in favour of the petitioner. Representatives of the Ombudsman have been operating in all provinces of Uzbekistan since 2000, significantly enhancing the effectiveness of his work by conducting their own investigations into complaints from citizens and making site visits to places of detention and elsewhere.

86. The National Centre for Human Rights was established on 31 October 1996 by Presidential decree. It is a State advisory, interdepartmental coordinating body with primary responsibility for: drawing up a national plan of action on civil rights and freedoms; preparing national reports on the observance and protection of human rights in Uzbekistan and submitting them to international organizations; coordinating the efforts of State agencies to offer training and advocacy and publish teaching material on the promotion and protection of human rights; preparing recommendations to State agencies on how to improve their observance and protection of human rights; developing national programmes for the protection of human rights and freedoms; and promoting international coordination in human rights. The Centre acts broadly in accordance with the Principles relating to the Status of National Institutions (the Paris Principles).



87. The Institute for Monitoring Current Legislation is an academic research unit within the Office of the President performing system analysis of the legal framework governing human rights, monitoring legislation and performing legal evaluations of laws that have been adopted. It assesses whether newly adopted and existing laws meet international rights standards and puts forward proposals for improving legislation.

## **D. Achievements, best practices and problems**

### **1. Achievements**

#### **(a) Support for international initiatives**

88. Uzbekistan supports United Nations human rights initiatives. In 1998, marking the fiftieth anniversary of the Universal Declaration of Human Rights, Uzbekistan carried out a project entitled, "Democratization, human rights and governance in Uzbekistan" with the support of UNDP, which included regional educational seminars, and publications of international agreements in the form of compilations, brochures and posters. A series of events was held in 2003 to mark the tenth anniversary of the Vienna Declaration and Programme of Action. International agreements were published and a human rights education system was established within the framework of the United Nations Decade for Human Rights Education.

89. In May 2008 the President issued a decree announcing a programme of activities devoted to the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, in support of the message by the Secretary-General and the High Commissioner for Human Rights. The programme includes the following five areas of activity: improving human rights legislation; monitoring; information management and advocacy in the area of human rights; and international cooperation. Under the programme, the Legislative Chamber of Parliament is preparing to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and the two optional protocols to the Convention on the Rights of the Child. International human rights agreements and information material explaining Uzbekistan's human rights policies are being issued and reissued in large print runs, and a special State commission has been established to support the events marking the sixtieth anniversary in all regions of Uzbekistan. The Ministry of Finance has allocated \$100,000 as a voluntary contribution by Uzbekistan to a special OHCHR fund to support United Nations efforts in implementing the main objectives of the Universal Declaration.

#### **(b) Strong international cooperation**

90. Uzbekistan supports strong international cooperation at the level of United Nations principal organs, treaty bodies and specialized agencies. Uzbek delegations regularly participate in meetings of the Third Committee of the United Nations General Assembly and the Human Rights Council, including its high level segment, launching and supporting a variety of initiatives on human rights education, a moratorium on the death penalty and the promotion of equitable, mutually respectful dialogue on human rights.

91. Uzbekistan's cooperation with treaty bodies is demonstrated by its regular submission of national reports, its responses to supplementary questions and its delegations' participation in the consideration of the reports. Uzbekistan also recognizes the competence of the Human Rights Committee to receive individual communications from its citizens. The number of individual communications alleging human rights violations by Uzbekistan decreases every year. While 70 cases were registered in late 2005, as at 1 July 2008, just 48 cases were under consideration by

the Human Rights Committee. The Committee has issued Views on 15 cases regarding violations by Uzbekistan of the applicants' rights under several articles of the Covenant, recommending measures to restore them and inform the public about the measures taken. It has decided to discontinue consideration of several communications, because they do not show Uzbekistan to have violated any provisions of the International Covenant on Civil and Political Rights.

92. There is growing, active cooperation with UNICEF, ILO, UNESCO and ICRC. In 2001 the Government signed an agreement with ICRC which has resulted in humanitarian cooperation and regular prison visits. The following projects have been carried out in collaboration with UNDP since 1997: democratization, human rights and governance in Uzbekistan (1997-1999); the Legal Aid Society (1999-2003); supporting communities (2003-2005); and the umbrella project for the promotion and protection of human rights (2004-2005). Successful projects to build the legislative and institutional capacity of Parliament, develop national human rights institutions and enhance the capacity and role of women were carried out in 2006 and 2007.

**(c) Public audit of the activities of law enforcement bodies**

93. The presidential decree on the sixtieth anniversary of the Universal Declaration of Human Rights established procedures for a public audit of the human rights machinery at the Ministry of Justice, the Ministry of Internal Affairs and the Procurator-General's Office. The audit was organized with assistance from the Bar Association, national human rights institutions and non-governmental organizations. The outcome of their critical analysis was widely reported in the media and specific proposals to improve their operation of the human rights machinery were submitted to the heads of the parent institutions. Twenty-six round tables were held in the various provinces of Uzbekistan between May and August 2008 to discuss the outcome of the audit; they were attended by non-governmental organizations and representatives of the human rights entities concerned.

**(d) Support for the development of civil society institutions**

94. As reform has proceeded in Uzbekistan, steps have been taken to create the necessary legislative, organizational and material conditions for the establishment of civil society. Laws on local government, non-governmental and non-profit organizations, community organizations and public trusts, trade unions, charitable activity and safeguards for the activities of non-governmental and non-profit organizations have been passed. A programme to attain the goals and objectives of democratization, renew society and reform and modernize the country, including measures for the further development of a strong civil society, is in progress.

95. The number of non-governmental organizations has grown steadily since the 1990s. While there were about 200 NGOs in the early 1990s, by 2000 they numbered more than 2,000, and, as at 1 August 2008, more than 5,000 NGOs were registered with the justice authorities. The activities of the four political parties, voluntary organizations, associations, non-governmental and non-profit organizations and local government agencies are a testament to the vitality and effectiveness of the regulatory framework of civil society.

96. In 2005 the National Association of Non-Governmental and Non-Profit Organizations of Uzbekistan was established to coordinate NGO activities in Uzbekistan. The Non-Governmental and Non-Profit Organizations Support Fund was established under the auspices of this Association.

97. The joint decision adopted in June 2008 by the Kengash (Council) of the Legislative Chamber and the Senate Kengash of the Oliy Majlis on measures to strengthen support for non-governmental,

non-profit organizations and other institutions of civil society is a further move by the Government to develop relations and support civil society institutions.

**(e) Preventing trafficking in persons and protecting the victims of such trafficking**

98. The law against trafficking in persons adopted on 17 April 2008 makes a significant contribution to efforts to combat trafficking in women and children. It establishes a list of State bodies combating trafficking in persons, including the Ministry of Internal Affairs, the National Security Service, the Ministry of Foreign Affairs, diplomatic and consular missions, and the Ministry of Health.

99. The law provides for the establishment of special-purpose institutions to assist and protect victims of human trafficking: their main functions are to provide victims with decent living conditions, personal hygiene, nutrition, medicine, health products and emergency medical, psychological, social, legal and other assistance, and to see to their personal safety.

100. The national action plan to combat trafficking in persons for 2008-2010 was confirmed by the July 2008 decision of the President announcing measures to increase the effectiveness of action against trafficking in persons, which provides for surveys, criminal investigations, and specific measures to protect witnesses and victims of trafficking in persons.

**(f) Implementing the concluding observations of United Nations treaty bodies**

101. It has become the practice in Uzbekistan to develop and adopt national action plans to implement the concluding observations of United Nations treaty bodies. Such plans include detailed measures to give effect to international human rights agreements and act on the recommendations of the treaty bodies. They are carried out not only by State and law enforcement bodies but also by non-governmental organizations.

102. The need to ensure that international human rights commitments are met has led to the establishment of an interdepartmental coordinating body, the interdepartmental working group to monitor the observance of human rights, headed by the Minister of Justice. This develops, coordinates and implements national action plans to comply with the recommendations of United Nations treaty bodies.

## **2. Problems**

103. The main challenges in promoting and protecting human rights have to do with the difficulty of fostering social, economic and political advance in the country during the transition period. The swift pace of legislative change poses the problem of raising awareness and keeping officials and the public informed of developments in the law besides improving law enforcement. Promoting a legal culture and legal literacy among the general public is among the major objectives facing the State. Efforts to accomplish it include administrative reform, measures to improve governance, closer public scrutiny of State bodies and officials, and the programmes and measures adopted to democratize the work of the media and improve education and advocacy.

104. Threats to national security (terrorism, religious extremism and drug trafficking) in the region and the need to guarantee national security also greatly affect the promotion of human rights.

105. In the light of threats to environmental security (global warming) and the problem of the Aral Sea, the reasonable and rational use of water resources from the region's transboundary rivers is becoming a matter of great urgency.

### **E. National priorities**

106. Uzbekistan is committed to fulfilling its international obligations under the international agreements that it has ratified. It is endeavouring to update its legislation and meet international standards with a view to preparing for the ratification of other basic human rights agreements.

107. Uzbekistan continues to strengthen its cooperation with the United Nations, the Human Rights Council and its special procedures, OHCHR, the treaty bodies and the specialized agencies of the United Nations as well as regional organizations that deal with human rights.

108. Uzbekistan has made a priority of strengthening its social policies, which is reflected in the adoption of social programmes to enhance public welfare and social and legal protections.

109. The development of and support for human rights institutions is a priority for the State. This trend is confirmed by the decision to establish a Children's Ombudsman in Uzbekistan.

### **Abbreviations**

UDHR	Universal Declaration of Human Rights
HRC	Human Rights Committee
CRC	Convention on the Rights of the Child
CESCR	Committee on Economic, Social and Cultural Rights
CERD	Committee on the Elimination of Racial Discrimination
MFA	Ministry of Foreign Affairs
ICCPR	International Covenant on Civil and Political Rights
NPO	Non-profit organization
NGO	Non-governmental organization
MM	Mass media
NSS	National Security Service
HRC	Human Rights Council
OHCHR	Office of the United Nations High Commissioner for Human Rights
CC	Criminal Code

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