

Distr.: General
20 November 2015

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of Uzbekistan*

1. The Committee considered the fifth periodic report of Uzbekistan (CEDAW/C/UZB/5) at its 1347th and 1348th meetings, on 4 November 2015 (see CEDAW/C/SR.1347 and 1348). The Committee's list of issues and questions is contained in CEDAW/C/UZB/Q/5 and the responses of the Government of Uzbekistan are contained in CEDAW/C/UZB/Q/5/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its fifth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-sessional working group. It welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party's delegation which was headed by Mr. Akmal Saidov, Director of the National Human Rights Centre and comprised representatives of the Ministry of Health, the Ministry of the Justice, the Ministry of Internal Affairs, the Vice Chairperson of the Women's Committee and a representative from the Office of the Prosecutor General, as well as of the Permanent Mission of Uzbekistan to the United Nations Office at Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's fourth periodic report (CEDAW/C/UZB/4) in undertaking legislative reforms, in particular the adoption in 2013 of amendments to article 47 of the Code of Administrative Liability establishing liability of parents, caregivers or guardians for preventing children, including girls, from receiving compulsory secondary education or secondary specialized vocational training.

5. The Committee notes the adoption of the following institutional and policy framework:

* Adopted by the Committee at its sixty-second session (26 October-20 November 2015).

- (a) The Action Plan for 2015 – 2016 on the prevention of human trafficking (2015);
- (b) The National Plan of Action on the implementation of the concluding observations of the Committee on the Elimination of Discrimination against Women (2010).

C. Principle areas of concern and recommendations

Oliy Majlis (Parliament)

6. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with the parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Oliy Majlis to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

Visibility of the Convention and the Committee's General Recommendations

7. The Committee notes with concern that there is inadequate knowledge among the different branches of the government of the rights of women under the Convention, the concept of substantive equality of women and men and the Committee's general recommendations. It is further concerned that women themselves, especially those in rural areas, are unaware of their rights under the Convention and thus lack the information necessary to claim their rights.

8. **The Committee recommends that the State party:**

(a) **Ensure that the Convention and the Committee's General Recommendations are sufficiently known and applied by all branches of government, including the judiciary, as a framework for laws, court decisions and policies on gender equality and the advancement of women; and**

(b) **Enhance women's awareness of their rights and the remedies available to them to claim violations of their rights under the Convention, and ensure that information on the Convention and the Committee's General Recommendations is provided to all women, including rural women.**

Legislative framework

9. While appreciating that the State party's legal system recognizes the precedence of international law over domestic law, the Committee is concerned that the State party has not undertaken a comprehensive legislative review or enacted new legislation to incorporate all the provisions of the Convention into domestic law. It notes with concern that, in the absence of such incorporation, the Convention is rarely directly applied in national courts. It is further concerned that a number of draft laws with an important bearing on women's rights such as the draft Law on the guarantees of equal rights and opportunities for men and women and the draft Law on violence in the family, have been pending for many years.

10. **The Committee urges the State party to:**

(a) **Carry out, within a clear time frame, a comprehensive legislative review and adopt new legislation in order to bring its domestic law in line with the provisions of the Convention; and**

(b) **Accelerate the adoption of the draft Law on the guarantees of equal rights and opportunities for men and women and the draft Law on violence in the family and ensure that they fully comply with the Convention.**

National machinery for the advancement of women

11. The Committee reiterates its previous concern (CEDAW/C/UZB/CO/4, para.15) that the Women's Committee, designed as the national machinery for the advancement of women, has the status of a non-governmental organization and does not receive funding from the State party, which limits its effective functioning in promoting women's rights and gender equality. The Committee is concerned that the national machinery for the advancement of women in the State party does not have the status, authority and human, technical and financial resources from the State budget that are necessary to effectively promote the implementation of the Convention. While noting the adoption of the national plan for the implementation of the Committee's previous concluding observations, it is concerned that on the one hand that there is no comprehensive national plan of action to promote gender equality and on the other hand that a proper monitoring and accountability mechanism has not been established.

12. **The Committee recommends that the State party:**

(a) Strengthen the Women's Committee by transforming it into an effective and genuine State machinery for the advancement of women with the status, authority and human, technical and financial resources necessary to effectively promote the implementation of the Convention, and enhance coordination between the Women's Committee and government agencies; and

(b) Use the Convention as the legal framework for the design of a comprehensive national plan of action to promote gender equality, and put in place monitoring mechanisms to regularly assess the progress made towards the achievement of the goals established in the plan.

Temporary special measures

13. The Committee notes with appreciation that the State party established a minimum quota of 30 per cent for women candidates on the electoral lists of political parties for Parliamentary elections. It also notes that the State party adopted several social policies in order to improve the situation of women and girls. However, the Committee reiterates that not all measures which potentially are or would be favourable to women qualify as temporary special measures. The Committee is concerned about the limited understanding and use of temporary special measures to achieve substantive equality of women in the State party in all areas of the Convention where women are under-represented or disadvantaged.

14. **In line with article 4, paragraph 1 of the Convention and recalling its General Recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) Familiarize all relevant State officials and policy-makers with the concept of temporary special measures, adopt and implement temporary special measures, including time-bound goals and quotas, directed towards the achievement of de facto or substantive equality of women and men in all areas where women are underrepresented or disadvantaged, including in public and political life, education, health and employment; and

(b) Address the root causes of the weak implementation of existing temporary special measures and adopt legislation to encourage the use of temporary special measures covering both the public and private sectors.

Stereotypes and harmful practices

15. The Committee remains concerned at the persistence of deep-rooted patriarchal attitudes and stereotypes concerning the roles and responsibilities of women and men in the

family and in society, which discriminate against women and perpetuate their subordination within the family and society and which, inter alia, are reflected in women's educational and professional choices, their limited participation in political and public life and their unequal participation in the labour market, as well as their unequal status in marriage and family relations. The Committee recalls that such stereotypes are also root causes of violence against women and expresses concern at the high prevalence of harmful practices that discriminate against women, such as child, early and forced marriages and polygamy, and that to date, the State party has not taken sustained measures to modify or eliminate discriminatory stereotypes and negative traditional attitudes, as well as harmful practices.

16. **The Committee urges the State party to:**

(a) **Put in place, without delay, a comprehensive strategy with proactive and sustained measures, targeting women and men at all levels of society, including traditional leaders, to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and in society, as well as harmful practices that discriminate against women;**

(b) **Expand public education programmes on the criminal nature and adverse effects of harmful practices such as child, early and forced marriage and polygamy, on women's enjoyment of their human rights in particular in rural and remote areas, as well as include it in school curricula at the different levels; and**

(c) **Use innovative measures targeting the media to strengthen understanding of substantive equality of women and men and enhance positive and non-stereotypical portrayals of women in all areas with a special emphasis on the education system.**

Violence against women

17. The Committee remains deeply concerned at the high prevalence of violence against women, in particular domestic and sexual violence, in the State party and at the lack of statistical information on violence against women, disaggregated by age and relationship between the victim and the perpetrator. The Committee notes with concern that cases of domestic violence against women are underreported as it is considered a private matter and that there is a limited use of protection orders and cases are taken mainly to *mahallas* for reconciliation. It further notes that notwithstanding the State party's efforts to establish a facility in 2015 for vocational training for women victims of violence, victim assistance and protection services are insufficient, as there are only two shelters for women victims of violence. The Committee further notes that the draft law on prevention of violence in the family contains a definition of violence against women, including domestic violence, however, it remains concerned at the delay in the adoption of this draft law.

18. **Recalling its General Recommendation No. 19 (1992) on violence against women, the Committee urges the State party to:**

(a) **Accelerate the adoption of the draft law on prevention of violence in the family and adopt comprehensive measures to prevent and address violence against women and girls, and ensure that women and girls who are victims of violence have access to immediate means of redress, including compensation, and protection and that perpetrators are prosecuted and adequately punished;**

(b) **Provide mandatory training for judges, prosecutors, the police and other law enforcement officials on the strict application of legislation criminalizing violence against women and on gender-sensitive procedures to deal with women victims of violence, as well as training to heads of the *mahallas*;**

(c) **Encourage women to report incidents of domestic, sexual and other forms of violence to the police and limit the use of mediation by officials in *mahallas*,**

by de-stigmatizing victims and sensitizing the police and the general public about the criminal nature of such acts;

(d) Provide adequate assistance and protection to women victims of violence by establishing shelters, including in rural areas, and enhancing its cooperation with non-governmental organizations providing shelter and rehabilitation to victims; and

(e) Collect statistical data on domestic, sexual and other forms of violence against women disaggregated by age and relationship between the victim and the perpetrator.

Trafficking and exploitation of prostitution

19. The Committee notes the adoption of the National Action Plan to combat human trafficking for 2015-2016 and the Programme of Cooperation for 2011-2013 between CIS States Members in Combating Trafficking in Persons. However, the Committee is concerned at:

(a) The lack of information on the number of complaints, investigations, prosecutions and convictions related to trafficking in and exploitation of prostitution of women and girls and on victim support and rehabilitation programmes; and

(b) Discrimination against women in prostitution, as well as at the absence of shelters and crisis centres for women in prostitution adapted to their needs and the lack of exit and reintegration programmes for women who wish to leave prostitution.

20. **The Committee recommends that the State party:**

(a) **Seek international assistance, if appropriate, in order to conduct studies on trafficking and exploitation of women in prostitution, including by collecting data, disaggregated by age and ethnicity, to identify and address the root causes of trafficking and include such data in its next periodic report; and**

(b) **Adopt a comprehensive approach to address the phenomenon of prostitution, provide shelters and crisis centres, exit and reintegration programmes, as well as alternative income generating opportunities, for women who wish to leave prostitution and take measures for the reduction of demand.**

Participation in political and public life

21. While noting the slight increase of women elected as heads of *mahallas*, the Committee remains concerned at the low percentage of women in political and public life, in particular in decision-making positions, including the decline of women's representation in Parliament (from 22% to 16%), despite the 30% quota for women candidates on party lists; the public administration (27%), the civil service (19%), the judiciary (13%) and in the diplomatic service (only 3% of all Ambassadors are women) owing to persistent traditional and patriarchal attitudes, lack of effective temporary special measures, and insufficient capacity building and campaign funding for potential women candidates. While welcoming the higher presence of women in some appointed decision-making positions, the Committee is concerned at the underrepresentation in general, of women in elected and appointed positions in the State party, as it considers this to be an indication of insufficient support for women by electorates. The Committee is also concerned at the lack of sex-disaggregated data on voters, a unified database of citizens and the absence of cross-reference data between Central Election Commission and different ministries, and insufficient information on women voters who may be excluded from voter list registration, as they live in the husband's home without permanent or temporary registration.

22. **The Committee recommends that the State party:**

(a) Take measures to increase the participation of women in political and public life at all levels and in both elected and appointed decision-making positions by:

(i) Effectively implementing the existing 30% quota for party candidates, including by taking measures to ensure that women candidates are placed in electable positions and/or constituencies by the political parties;

(ii) Conducting awareness-raising activities among the political actors and society at large to support women's equal participation in decision-making positions;

(iii) Engaging in capacity-building efforts for women candidates, including by taking measures to enhance their access to campaign financing;

(b) Conduct awareness raising activities for politicians, community leaders, journalists and the general public on the importance of women's participation in decision-making, both in elected and appointed positions, in order to enhance understanding that full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention; and

(c) Ensure cross-checking and exchange of information about voter lists between the Central Election Commission and other bodies and collect data on women voters and ensure that divorced/single women are registered on voters list.

Education

23. The Committee notes with appreciation that the State party has achieved parity in primary and secondary education. However, it is concerned that women and girls continue to choose traditionally female dominated fields of education and career paths such as health, education and the service industry, and that they remain underrepresented in natural science and technological education. While noting the intention of the State party to review the school curricula and textbooks, the Committee remains concerned about the persistence of certain negative stereotypes against women in school curricula and textbooks and at the absence of age-appropriate education on sexual and reproductive health and rights in schools.

24. **The Committee recommends that the State party:**

(a) Give priority to eliminating negative stereotypes and structural barriers to enrolment of girls in non-traditional fields of education, including through the adoption of temporary special measures, and provide career counselling for girls on non-traditional career paths such as science and technology; and

(b) Review school curricula and textbooks to eliminate gender stereotypes and integrate age-appropriate education on sexual and reproductive health and rights in school curricula, including sex education for adolescent girls and boys covering responsible sexual behaviours.

Employment

25. The Committee welcomes the significant progress made by the State party to eliminate child labour, including the exploitation of girls and boys in cotton harvesting season. However, the Committee is concerned at:

(a) The persistent gender pay gap;

(b) The list of occupations that are prohibited for women which appears to be overly protective, over-emphasizes women's role as mothers, and places excessive restrictions on working time, overtime work and night work for women, thereby limiting women's economic opportunities in a number of areas;

(c) Continued occupational segregation between women and men in the labour market and women's concentration in low-paid jobs in the formal and informal economy; and

(d) The lack of information on legislation prohibiting sexual harassment in the workplace, as well as on the number of prosecutions, convictions and on sentences imposed on perpetrators.

26. **The Committee recommends that the State party:**

(a) **Intensify its efforts to create an enabling environment for women to become economically more independent, including by sensitizing employers in the public and private sectors on the prohibition of discrimination against women in employment, and intensify efforts to promote the entry of women into the formal economy through the provision of vocational and technical training, as well as by increasing the availability of child care and pre-school education;**

(b) **Effectively apply legislation guaranteeing equal pay for work of equal value and adopt measures to narrow and close the gender wage gap, and regularly review wages in sectors where women are concentrated;**

(c) **Review the list of prohibited occupations and sectors in order ensure that such prohibition is strictly necessary for the protection of maternity and proportionate to the legitimate aim pursued, and promote and facilitate women's access to previously prohibited occupations by improving working conditions and occupational health and safety; and**

(d) **Adopt legislation to specifically define and prohibit sexual harassment in the workplace.**

Health

27. The Committee welcomes the progress made by the State party in reducing the high number of abortions in the State party. However it is concerned at:

(a) The stark increase in the use of sterilization as a method of contraception, due to the unavailability and/or inaccessibility of non-irreversible methods of contraception, as well as at allegations of forced sterilizations; and

(b) The lack of information on the main causes of mortality among women and girls in the State party.

28. **In line with its General Recommendation No. 24 (1999) on women and health, the Committee calls on the State party to:**

(a) **Adopt legislative amendments clearly defining the requirement of women's free, prior and informed consent to sterilization, in accordance with relevant international standards, and ensuring that the patient is informed about the permanent consequences and potential risks of and available alternatives to sterilization and the requirement of the patient's free, prior and informed consent;**

(b) **Provide adequate compensation to victims of coercive or non-consensual sterilizations and punish the perpetrators of such illegal practices;**

(c) **Enhance access to family planning services and affordable and safe modern contraceptives for all women and men in order to reduce the use of sterilization as a method of contraception; and**

(d) Collect disaggregated data on the causes of mortality of women and girls in the State party and to provide training to medical and health professionals, in particular in rural areas.

Rural women

29. The Committee notes with concern the disadvantaged status of women in rural areas, in particular that only 9 per cent of all farms are headed by women and that rural women occupy only 4.2 per cent of managerial positions in agriculture, primarily occupy low-paid positions and earn 82 per cent of men's salaries. The Committee regrets the lack of measures taken by the State party to address poverty among rural women and to ensure their ownership and use of land, as well as their access to justice, education, health, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and micro-credits. It is further concerned about the low participation of rural women in decision-making processes at the community level.

30. **The Committee recommends that the State party:**

(a) Seek international assistance and cooperation, which should focus on improving infrastructures in rural areas, and formulate and combat poverty among rural women to ensure their access to justice, education, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and micro-credits, and ownership and use of land, taking into account their specific needs;

(b) Ensure the participation of rural women in decision-making processes at the community level on an equal basis with men; and

(c) Study the impact of the economic and social strategy of rural development on women's human rights and collect specific disaggregated data.

Women in detention and women human rights defenders

31. While noting the information provided by the delegation that the Ombudsman has the power to visit detention facilities in the State party, the Committee is concerned at the conditions for women in detention and the lack of conducive environment for lodging complaints about their treatment. The Committee is further concerned at intersecting forms of discrimination, forced sterilization, ill-treatment and abuse of women human rights defenders in detention.

32. **The Committee calls upon the State party to:**

(a) Ensure adequate conditions and protection from violence and abuse for women in detention and establish independent and effective mechanisms to enable them to complain about their treatment, as well as independent monitoring and oversight mechanisms, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); and

(b) Ensure that complaints by women detainees, including women human rights defenders, about discriminatory treatment and sex and gender-based discrimination are effectively investigated and perpetrators prosecuted and adequately punished.

Marriage and family relations

33. The Committee notes the information provided by the delegation that an amendment to the Family Code introducing the same legal minimum age of marriage for girls and boys is under consideration. However, it remains concerned:

(a) That article 15 of the Family Code currently provides for different minimum ages of marriage for girls (17 years) and boys (18 years), with the possibility of authorizing the marriage of a girl at the age of 16 years;

(b) The persistent practice of early marriages and polygamy, in particular in rural areas, although both practices are in principle sanctioned by the law and the persistence of social norms on the role of women to preserve the family which impact on women's decision to divorce;

(c) That women are often unable to exercise their rights to equal share in marital property, due to the transfer of such property to the families of the husband or other third parties; and

(d) The growth in the number of de facto unions in the State party and the fact that women in de facto unions are left without economic protection upon dissolution of the union, in the absence of legal recognition of de facto unions, as they are not entitled to joint property acquired during the union.

34. The Committee recommends that the State party:

(a) **Amend the Family Code to increase the legal minimum age of marriage to 18 years for girls and boys, in accordance with Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014);**

(b) **Sensitize traditional leaders, representatives of *mahallas*, and the society at large on the importance of eliminating discriminatory practices, such as early marriages and polygamy, as well as ensuring that women take their own decision about marriage and divorce;**

(c) **Ensure that women are indeed able to enjoy their right to equal share in marital property; and**

(d) **Protect the economic rights of women upon dissolution of de facto unions regardless of their legal recognition, in line with the Committee's General Recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.**

Data collection

35. The Committee is concerned at the general lack of updated statistical data, disaggregated by sex, age, ethnicity, geographical location and socio-economic background, which is necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking, and for systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

36. **The Committee calls upon the State party to develop a gender indicator system to improve the collection of data disaggregated by sex and other relevant factors necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to its General Recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in securing the collection of accurate data.**

Optional Protocol to the Convention and amendment to article 20, paragraph 1, of the Convention

37. The Committee encourages the State party to ratify the Optional Protocol to the Convention and accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

38. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

39. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

40. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Oliy Majlis and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention and the Committee's General Recommendations to all stakeholders.

Technical assistance

41. The Committee recommends that the State party consider seeking international assistance and cooperation and availing itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.

Ratification of other treaties

42. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with

their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Rights of Persons with Disabilities and the Convention on the Rights of All Migrant Workers and the Members of Their Families, to which it is not yet a party.

Follow-up to concluding observations

43. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 10 (a and b) and 18 (a and e) above.

Preparation of the next report

44. The Committee invites the State party to submit its sixth periodic report in November 2019.

45. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).