



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION**

**Fifth periodic reports of States parties due in 2004**

**Addendum**

**UZBEKISTAN\***

[2 December 2004]

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\* The present report brings together in a single document the third, fourth and fifth periodic reports of Uzbekistan, which were due on 28 October 2000, 2002 and 2004 respectively. The initial and second periodic reports can be found in document CERD/C/327/Add.1; information on their consideration can be found in documents CERD/C/SR.1428 and 1433.

The annexes to the report submitted by the Government of Uzbekistan may be consulted in the Secretariat's files.

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## Introduction

1. Having acquired national sovereignty, Uzbekistan has had considerable success in observing and protecting human rights and freedoms. Since independence, it has established a system of human rights legislation which includes more than 100 laws. The core of Uzbek human rights legislation is the Constitution and the international standards set by the Universal Declaration of Human Rights and other international legal instruments in this field.
2. By decision No. 129-1 adopted by the Oliy Majlis (Parliament) on 31 August 1995, Uzbekistan ratified the Convention on the Elimination of All Forms of Racial Discrimination, and began forthwith to implement the provisions of the Convention that were not reflected in domestic law.
3. Pursuant to article 9 of the Convention, Uzbekistan presented its initial and second periodic reports on the implementation of the Convention to the relevant treaty monitoring body. The initial and second periodic reports were considered in August 2000.
4. The Committee on the Elimination of Racial Discrimination considered the initial and second periodic reports of Uzbekistan (CERD/C/327/Add.1) at its 1428th meeting (CERD/C/SR.1428) on 18 August and at its 1433rd meeting (CERD/C/SR.1433) on 23 August 2000. In response to the Committee's concluding observations, a series of laws and regulations have been passed, which will be discussed in this report.
5. In addition to this periodic report on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination, periodic reports have been presented to the United Nations bodies monitoring all six core treaties.<sup>1</sup>
6. The principal guidelines used in drafting this report were the Convention on the Elimination of All Forms of Racial Discrimination, the general comments adopted by the Human Rights Committee (HRI/GEN/1/Rev.5), and the concluding observations adopted by the Committee on the Elimination of Racial Discrimination, at its fifty-seventh session. In particular, Uzbekistan has fully taken into account the desire expressed in paragraph 30 of the concluding observations that information about implementation of the Committee's recommendations should be incorporated into the third periodic report. Material submitted by 12 governmental bodies and 15 non-governmental organizations was taken into account in the preparation of the report.

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<sup>1</sup> International Covenant on Civil and Political Rights: the initial report of Uzbekistan was considered at the 1908th, 1910th and 1911th meetings of the Human Rights Committee, on 4 April 2001. Convention on the Rights of the Child: the initial report of Uzbekistan was considered in October 2001 (CRC/C/41/Add.8). Convention on the Elimination of All Forms of Discrimination against Women: the initial report of Uzbekistan was considered in January 2001 (CEDAW/C/UZB/1). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: the initial report of Uzbekistan was considered in 1999 (CAT/C/32/Add.3), and the second periodic report was considered in Geneva in May 2002 (CAT/C/53/Add.1).

7. The report consists of seven sections, which include information on steps taken by Uzbekistan between 1999 and 2004 to bring national legislation and practice into line with the Convention on the Elimination of All Forms of Racial Discrimination, information on trends in progress, and factors and difficulties influencing the degree of implementation of the Convention.

### **I. POLICY OF THE REPUBLIC OF UZBEKISTAN WITH REGARD TO RACIAL DISCRIMINATION (art. 1)**

8. All legislative instruments of the Republic of Uzbekistan accord citizens equal liberties and rights to equality before the law irrespective of race, sex, nationality, language, religion, social origins, beliefs, and personal or social status.

9. The 1992 Constitution is the primary legislative instrument ensuring that fundamental human rights and freedoms are upheld even-handedly in the political, economic, social, cultural and other spheres of public life. Article 8 of the Constitution states that the Uzbek nation is made up of the citizens of the Republic of Uzbekistan irrespective of their nationality, and article 15 of the Principles of State Independence Act of 1991 provides that all citizens of the Republic of Uzbekistan, irrespective of their nation and ethnic group, shall have identical civil rights and enjoy the protection of the Constitution and Uzbek law.

10. The legal foundations for Uzbekistan's policies on the elimination of all forms of racial discrimination are:

- The Constitution and other legislative instruments;
- International treaties in the area of human rights and humanitarian law that have been ratified by Uzbekistan;
- The resolutions and recommendations of international organizations to which Uzbekistan belongs;
- Inter-State agreements directly or indirectly regulating the status of racial or ethnic groups in the economic, cultural, political and other spheres;
- The tradition of ethnic and religious tolerance which has developed in Uzbekistan over many centuries of coexistence among various national and religious communities.

11. National policy on racial discrimination has a number of components:

- Actions by the Government to create an atmosphere of ethnic harmony and tolerance in society;
- The development of institutions and legislative machinery to safeguard individual and collective rights, including those of racial, national and ethnic minorities;

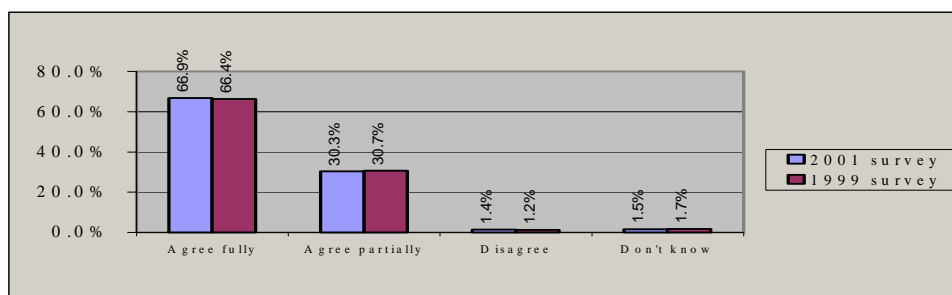
- Measures to preserve the cultural identity of national minorities and encourage their integration into Uzbek society;
- Measures to ensure the proportional representation of national groups in all areas of public life.

12. Uzbekistan’s domestic and foreign policies are informed by the principles of the Vienna Declaration and Programme of Action.

13. The non-governmental Centre for the Study of Public Opinion, Ijtimoi Fikr, has prepared and carried out a sociological study entitled “Uzbekistan: our common home”, the aim of which was to find out about relations between the different nationalities, and their dynamics over the years since Uzbekistan gained independence. When asked “Do you agree that the most valuable possession of independent Uzbekistan is peace and stability, and harmony between nationalities and citizens in our common home?” an absolute majority (98.2 per cent) answered affirmatively.

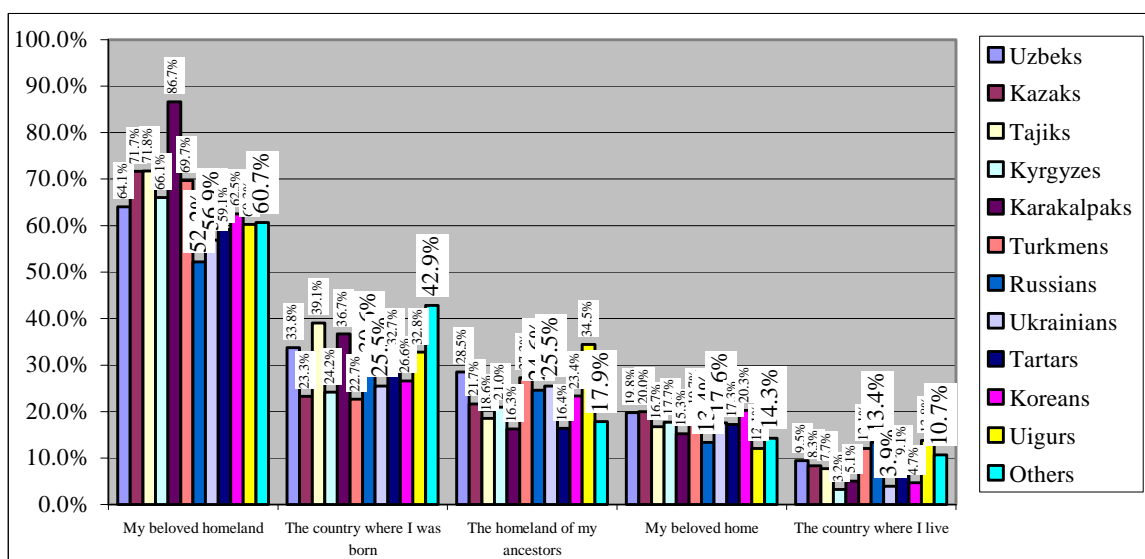
**Diagram 1**

**Attitude towards the peace, stability and harmony between nationalities and citizens achieved in Uzbekistan**



**Diagram 2**

**Attitudes among respondents of different nationalities towards Uzbekistan**



**Table 1****Population of Uzbekistan on 1 January 2005**

	Population		
	Total	Urban	Rural
Republic of Uzbekistan	25 707.4	9 381.3	16 326.1
Republic of Karakalpakstan	1 560.3	760.6	799.7
Andijan region	2 309.1	687.1	1 622.0
Bukhara region	1 490.1	446.4	1 043.7
Djizak region	1 030.7	308.6	722.1
Kashkadar region	2 336.4	579.7	1 756.7
Navoi region	804.2	319.8	484.4
Namangan region	2 042.5	765.2	1 277.3
Samarkand region	2 826.1	732.6	2 093.5
Surkhan-Darya region	1 864.2	361.3	1 502.9
Syr-Darya region	668.5	209.7	458.8
Tashkent region	2 430.4	960.6	1 469.8
Fergana region	2 799.2	795.0	2 004.2
Khorezm region	1 410.3	319.3	1 091.0
Tashkent city	2 135.4	2 135.4	0.0

**Table 2****Ethnic composition of the population of Uzbekistan**

Population	25.7 million	
Ethnic composition of the population	Uzbeks	79% (20.298 million)
	Karakalpaks	1.9% (0.5 million)
	Tajiks	4.5% (1.15 million)
	Kazakhs	3.8% (1 million)
	Russians	3.8% (1 million)
	Ukrainians	1.2% (0.3 million)
	Tartars	2.5% (0.65 million)
	Kyrgyz	1.45% (0.37 million)
	Koreans	0.9% (0.23 million)
	Other nationalities	1% (0.7 million)
Urban population	37%	
Youth population	56% - under 25, 36% - under 15, 11% - under 5	
Average population growth	1.2% per annum	
Life expectancy	74.4 years for women, 70.5 years for men	



14. When Uzbekistan started down the road to independent development, it set itself the aim of attaining an adequate standard of living for the whole multiethnic population. The course of its democratic and political reforms shows a stable tendency to preserve harmony between nationalities in Uzbek society. This has been helped to a considerable degree by a civilized legislative base, which allows all problems of equality between Uzbek citizens to be addressed, irrespective of ethnicity.

15. There were no instances of inter-ethnic conflict registered in Uzbekistan between 2000 and 2004. Cases of inter-ethnic tension are, as a rule, confined to the domestic area and have no connection with the activity of any State or public institutions.

## **II. ACTION TAKEN PURSUANT TO ARTICLE 2, PARAGRAPH 1, OF THE CONVENTION (art. 2)**

### **A. Undertaking to engage in no act of racial discrimination**

16. The undertaking to engage in no act of racial discrimination is reflected, first, in the constitutional affirmation of the equality of citizens irrespective of race, nationality, language and other attributes (art. 18), which is to be respected unconditionally by the State, its bodies, and officials (art. 15). The State is thus committed not to admit discrimination on the basis of race or nationality. This provision is elaborated in other legislation: article 6 of the 1995 Labour Code prohibits discrimination in labour relations: “All citizens have equal opportunities to possess and exercise labour rights. The imposition of any limit on, or the granting of privileges in, labour relations on the basis of ... race, nationality, language, religion ... or other considerations unrelated to employees’ qualifications and the results of their work is unacceptable and shall be deemed discrimination.”

17. Secondly, in securing respect for the culture of all the peoples of Uzbekistan, the State undertakes “to ensure a respectful attitude to the languages, customs and traditions of the peoples and nationalities residing in its territory and to create conditions for their development” (article 4 of the Constitution).

18. Thirdly, the State is committed by the priority accorded to the universally accepted norms of international law as recognized in the preamble to the Constitution and in other legislation. This means that the provisions of the Convention are directly applicable in the territory of Uzbekistan.

19. That State bodies will act in accordance with Uzbekistan’s obligations under the Convention on the Elimination of All Forms of Racial Discrimination is guaranteed by:

- The recognition in the Constitution and other legislation of obligations relating to racial discrimination;
- The independence of the judiciary as the chief mechanism under Uzbek domestic policy for enforcing legislation.

20. Article 19 of the Constitution provides that “citizens’ rights and freedoms as enshrined in the Constitution and the law are inviolable, and no one shall be entitled to deny or restrict them without recourse to the courts”. Under the Actions and Decisions Violating the Rights and Freedoms of Citizens (Legal Recourse) Act, all citizens of Uzbekistan, irrespective of race and nationality, aliens and stateless persons are entitled to bring complaints before the courts if they consider that their rights and freedoms have been violated through the unlawful actions (decisions) of State bodies, enterprises, institutions, organizations, voluntary associations, local authorities or officials (art. 1). Article 6 of the Labour Code provides that persons who believe that they have suffered discrimination at work may apply to the courts to halt the discrimination and obtain compensation for material and moral injury.

21. Measures are taken to ensure freedom of the media (article 67 of the Constitution), and to promote the development of civil society, as public mechanisms for monitoring the activities of the authorities and individuals which might be racially discriminatory in nature.

### **B. The undertaking not to sponsor, defend or support racial discrimination**

22. First, this undertaking is reflected in the ban on political parties organized on racial or national principles (article 57 of the Constitution), and on public associations seeking to propagate racial and religious division (article 3 of the Public Associations Act).

23. Second, the use of religion to foment enmity, hatred or ethnic division is prohibited (article 5 of the Freedom of Conscience and Religious Organizations Act, passed in 1991 and amended in 1998).

24. Third, the use of the media for the purpose of propagating national, racial or religious hatred is banned (article 6 of the 1997 Mass Media Act).

25. Fourth, this undertaking is reflected in the Information (Guarantees and Freedom of Access) Act of 2002, which regulates matters arising in the media when people exercise their constitutional right freely and without hindrance to seek, obtain, study, transmit and disseminate information.

26. Fifth, preventing citizens from exercising their right to free choice of language in communication, the upbringing of children and education is prohibited (article 24 of the State Language Act).

### **C. Review of governmental, national and local policies, and amendment, rescission or annulment of laws and regulations which create or perpetuate racial discrimination**

27. Since independence, Uzbekistan has passed no laws or regulations that have the effect of creating or perpetuating racial discrimination.

**D. The undertaking to prohibit racial discrimination  
by all possible means, including legislation**

28. Incitement to racial hatred is an administrative and criminal offence under Uzbek legislation. Article 156 of the 1994 Criminal Code states: “Acts calculated to wound national honour and dignity or insult the feelings of believers or non-believers, committed with a view to inciting hatred, intolerance or discord with regard to certain populations groups on national, racial, ethnic or religious grounds, the direct or indirect restriction of rights or the establishment of direct or indirect privileges depending on nationality, race, ethnicity or attitude to religion, shall be punishable by deprivation of liberty for up to 5 years.

29. “The same actions committed by a person in authority, committed by prior agreement or by a group of persons, accompanied by the violent eviction of citizens from their homes, or accompanied by the infliction of serious bodily injury, shall be punishable by deprivation of liberty for a period of 5 to 10 years.”

30. According to article 153 of the Criminal Code, “genocide” is the premeditated creation of living conditions designed to achieve the total or partial physical extermination of any group of persons on national, ethnic, racial or religious grounds. Such total or partial physical extermination, forcible sterilization or transfer of children from one such group to another is, like issuing orders to perform such acts, punishable by deprivation of liberty for a period ranging from 10 to 20 years.

31. Secondly, the 1994 Code of Administrative Law states that violation of citizens’ right to free choice of language in upbringing and education, the imposition of obstacles to or limits on the use of a language, and disrespect for the State language or other languages of the nations and nationalities living in Uzbekistan shall be punishable by a fine of between once and twice the minimum wage (art. 42).

**E. The undertaking to encourage integrationist multiracial organizations  
and other means of eliminating barriers between races**

32. According to article 56 of the Constitution, “trade unions, political parties, scientific associations, women’s, veterans’ and youth organizations, unions of creative artists, mass movements and other citizens’ associations which have been registered in accordance with the established procedure are recognized as voluntary associations in the Republic of Uzbekistan”.

33. The principal legislative acts governing the organization and activities of voluntary organizations are the Constitution (arts. 56-62); the Voluntary Associations Act of 15 February 1991 (as amended on 3 July 1992 and 25 April 1997); the Trade Unions (Rights and Safeguards) Act of 2 June 1992; the Political Parties Act of 26 December 1996; and the Non-governmental Not-for-profit Organizations Act of 14 April 1999.

34. Government action in this regard is manifested:

- In the designation of firmer peace and friendship among peoples as one of the goals of the creation of public associations in Uzbekistan (article 3 of the Public Associations Act);

- In the institution of the “Dustlik” (“Friendship”) order, awarded to those working in the fields of science, culture, education, health care, the media and social welfare for contributions to ethnic harmony among the peoples living in Uzbekistan;
- In its creation of and support for the Uzbekistan Inter-Nations Cultural Centre, opened in 1992 to coordinate the work of the national cultural centres. The cultural centres devote special attention to events linked to national traditions. Among these are Ramadan, Kurban Khait, Christmas, Easter, Shrovetide, Purim, Hansik, Khosil Bayrami and Chusok. Anniversaries have been widely celebrated, including the one hundred and twenty-fifth anniversary of the Tashkent and Central Asian Eparchy of the Russian Orthodox Church, the thousandth anniversary of the Manas epic, the six-hundredth anniversary of our great ancestor Amir Timur, and the anniversaries of Jami, Imam Al Bukhari, Akhmad Al-Fergani, Abai, Pushkin, Makhtumkuli, Shevchenko, Yesenin, Mukhtar Avezov, Chingiz Aitmatov and others;
- In its creation of and support for friendship associations with foreign countries, primarily the historical homelands of the national minorities living in Uzbekistan: Russia, Korea, Ukraine, Latvia, Poland, Azerbaijan, Kazakhstan and others;
- In the celebration of days of culture of the States that are the historical homelands of certain of Uzbekistan’s national minorities. An annual conference on “Harmony between nationalities and religious tolerance - a factor of progress” is organized by the Uzbekistan Inter-Nations Cultural Centre, the National Council for Religion and Education, the Academy of Sciences, and the Committee on Religious Affairs reporting to the Cabinet of Ministers. Furthermore, in 2003, a conference to mark the tenth anniversary of the Vienna Declaration and Programme of Action on human rights, and another entitled “The Constitution of the Republic of Uzbekistan and Ethnic Tolerance - Guarantees of Civil Harmony in Society”, marking the International Day for Tolerance, were held in Tashkent;
- On 19 January 2005, a seminar entitled “Integrating Ethnic Groups into Uzbekistan’s Multiethnic Society: Legal Aspects” was held by the Centre for Legal and Business Information at the Russian Cultural Centre, in cooperation with the Central Asian regional office of the United Nations High Commissioner for Human Rights.

### **III. CONDEMNATION OF RACIAL SEGREGATION AND APARTHEID AND THE UNDERTAKING TO PREVENT, PROHIBIT AND ERADICATE ALL PRACTICES OF THIS NATURE (art. 3)**

35. Uzbekistan bases its domestic and foreign policy on international norms, including those that condemn racial segregation and apartheid. The Main Principles of Foreign Policy Act stresses that the foreign policy and international activities of the Republic of Uzbekistan are rooted in the principles and purposes of the United Nations and OSCE, and in the obligations flowing from the international treaties and agreements ratified by the Oliy Majlis to which Uzbekistan is party (art. 1).

36. As a member of OSCE, Uzbekistan has assumed the obligations relating to national minorities set forth in section VII of the Helsinki Final Act, 1975 and other OSCE documents on the human dimension.

#### **IV. LEGISLATIVE MEASURES TO ERADICATE ALL INCITEMENTS TO, OR ACTS OF, RACIAL DISCRIMINATION (art. 4)**

37. Incitement to racial and ethnic discrimination is prohibited by article 57 of the Constitution, article 3 of the Public Associations Act, article 5 of the Freedom of Conscience and Religious Organizations Act, article 6 of the Mass Media Act, and article 24 of the State Language Act.

38. Penalties for contravening these articles are stipulated in articles 141, 153 and 156 of the Criminal Code. Under article 141, a direct or indirect infringement of or restriction on rights or the granting of direct or indirect privileges to citizens on the basis of race, nationality or language is punishable by a fine of up to 25 times the minimum wage or deprivation of a specified right for a period of up to three years.

39. Under article 156 of the Criminal Code, deliberate actions injurious to the national honour and dignity, perpetrated with a view to exciting hatred, intolerance or division toward any population groups on national, racial or ethnic grounds, and the imposition of direct or indirect restrictions or the granting of direct or indirect privileges on the basis of national, racial or ethnic affiliation, are punishable by deprivation of liberty for a period of up to five years. The same actions committed by a person in authority, committed by prior agreement or committed by a group of persons are punishable by deprivation of liberty for a period of 5 to 10 years.

40. Objectively, these offences are manifested in: (a) acts injurious to the national honour and dignity; (b) acts offensive to citizens' feelings in the light of their religious or atheistic convictions; (c) the imposition of direct or indirect restrictions on citizens' rights on the basis of their national, racial, ethnic or religious affiliation; (d) the granting of direct or indirect privileges on the basis of national, racial or ethnic affiliation or attitude to religion.

41. The range of conduct covered by this offence extends to instances where citizens are granted any privileges on the basis of their national, racial or religious affiliation, such as the provision of housing on a preferential basis to citizens of a particular nationality or religion.

42. Article 153 of the Criminal Code stipulates a penalty of deprivation of liberty for a period of 10-20 years for genocide, namely, the deliberate creation of conditions of life designed to bring about total or partial physical extermination, enforced birth control or the transfer of children from one group of people to another, and, similarly, for giving instructions for such actions to be performed.

43. Accordingly, three types of genocide are defined: physical, manifested in the physical extermination of persons of a particular national, ethnic, racial or religious group; social and economic, consisting in the creation of conditions of life conducive to such extermination; and biological, including actions designed to prevent procreation among the members of certain groups. The range of conduct covered by the offence in this case comprises not only the act of

genocide itself, but also conspiracy to commit genocide, manifested in direct and public incitement to its perpetration, the issuing of instructions for such actions to be performed, attempted genocide and complicity therein.

44. Article 42 of the Code of Administrative Responsibility contains a provision which is likewise designed to eradicate any incitement to racial discrimination or such discrimination itself, stating: “violation of citizens’ right to free choice of language in upbringing and education, the imposition of obstacles to or limits on the use of a language, and disrespect for the State language or other languages of the nations and nationalities living in Uzbekistan shall be punishable by a fine of between once and twice the minimum wage”. Officials and citizens above the age of 16 may be held guilty of this offence, which falls within the competence of the administrative courts.

**V. MEASURES UNDERTAKEN TO PROHIBIT AND TO ELIMINATE RACIAL DISCRIMINATION AND TO GUARANTEE THE RIGHT OF EVERYONE, WITHOUT DISTINCTION AS TO RACE, COLOUR, OR NATIONAL OR ETHNIC ORIGIN, TO EQUALITY BEFORE THE LAW (art. 5)**

**A. The right to equal treatment before the tribunals and all other organs administering justice**

45. The right of all persons resident in Uzbekistan to equal protection from the courts, irrespective of their national, racial and ethnic affiliation, is guaranteed by article 5 of the Courts Act, as amended in 2001.

46. The requirement that justice should be administered on the principle that citizens are equal before the law and the courts is enshrined in article 1 of the Actions and Decisions Violating the Rights and Freedoms of Citizens (Legal Recourse Act), article 3 of the Criminal Code, article 16 of the Code of Criminal Procedure and article 1 of the Code of Civil Procedure. The equality of citizens before the law is defined by article 3 of the Code of Administrative Responsibility as the fundamental principle of the legislation governing such liability.

47. To ensure the fullest exercise of their right to equality before the courts, persons belonging to ethnic or linguistic minorities and not proficient in the State language or the language of the majority population in the area where legal proceedings are being conducted are provided with an interpreter. This right is established in article 11 of the State Language Act and article 7 of the Courts Act. The latter states that legal proceedings in Uzbekistan shall be conducted in Uzbek, Karakalpak or the language of the majority population in a given area, and parties to the proceedings who are not proficient in the language in which the proceedings are being conducted have the right to be fully apprised of the case and participate in the court proceedings through an interpreter, and the right to address the court in their native language. The arrangements for the exercise of this right are established in article 20 of the Code of Criminal Procedure and articles 294 and 300 of the Code of Administrative Responsibility. Article 20 of the Code of Criminal Procedure states that legal proceedings in Uzbekistan shall be conducted in Uzbek, Karakalpak, or the language of the majority population in a given area.

48. Parties to legal proceedings who are not proficient in the language in which the proceedings are being conducted have the right to make statements, give testimony and explanations, submit petitions and complaints and address the court in their native language or another language in which they are proficient, either orally, or in writing. In such circumstances, and when being apprised of the case in accordance with the law, they are entitled to employ the services of an interpreter.

49. Article 294 of the Code of Administrative Responsibility states that a person subject to proceedings for an administrative offence is entitled to speak in his native language and to employ the services of an interpreter. Under article 300, the interpreter must be appointed by the body (official) responsible for the conduct of the proceedings. Only persons with no interest in the outcome of the case and fluent in the language may serve as interpreters. The functions of interpreter and person examining the case, attorney, witness, etc., may not be exercised by one and the same person.

50. This rule is reflected in article 9 of the Code of Civil Procedure: “Legal proceedings in civil cases in Uzbekistan shall be conducted in Uzbek, Karakalpak or the language of the majority population in a given area. Persons not proficient in the language in which the proceedings are being conducted have the right to be fully apprised of the case and give testimony and explanations, to speak on the case, to make statements and to submit petitions in their native language, and to employ the services of an interpreter in accordance with the procedure established by this Code. Writs served on persons participating in the case shall be served in translation into their native language or another language in which they are proficient.”

**B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution**

51. This right is established in article 156 of the Criminal Code. Deliberate acts injurious to the national honour and dignity, perpetrated with a view to exciting hatred, intolerance or division towards any population groups on national, racial or ethnic grounds, and the imposition of direct or indirect restrictions or the granting of direct or indirect privileges on the basis of national, racial or ethnic affiliation, are punishable by deprivation of liberty for a period of up to five years.

52. The same actions committed, first, in a manner hazardous to the life of other persons, second, with the infliction of grievous bodily harm, third, with the forcible eviction of citizens from their homes, fourth, by a person in authority or fifth, by prior agreement or by a group of persons, are punishable by deprivation of liberty for a period of 5 to 10 years.

**C. Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service**

53. The core legislative instruments guaranteeing the right of citizens to participate in elections are:

- The Constitution of 1992;
- The Election of the President Act of 1992;
- The Elections to the Oliy Majlis Act of 2003, and the 2004 amendments thereto;
- The Elections to Regional, District and Municipal Councils of People’s Deputies Act of 2003;
- The Suffrage Guarantees Act of 1994;
- The Central Electoral Commission Act of 1998, and the 2004 amendments thereto.

54. Everyone is guaranteed the right to vote. The notions of a “Senate” and a “Legislative Chamber” became part of people’s lives following the elections of 2004. In a national referendum in January 2002, the citizens of Uzbekistan accepted the idea of creating a bicameral parliament, which has opened up new possibilities for the further development of democracy, social progress and open and constructive dialogue between citizens and the State.

55. The Legislative Chamber of the Oliy Majlis has 120 members, elected from geographical constituencies in multiparty elections, for a term of five years.

56. Elections to the Senate take place no later than one month after the election of local representative State bodies. Members of the Senate are elected by secret ballot in equal numbers - six persons apiece - from the Republic of Karakalpakstan, the regions and Tashkent City at joint sessions of the local representative bodies for each region. Candidates receiving the most votes are elected, on condition that they have received over 50 per cent of the votes of the members of the representative bodies attending the joint sessions. Pursuant to article 77 of the Constitution, 16 members of the Senate are appointed by the President from among the most distinguished citizens with wide practical experience and special merit in the fields of science, art, literature, industry and other areas of the life of the State and society.

57. On 26 December 2004 and 9 January 2005, elections were held for the Legislative Chamber of the Oliy Majlis and the regional, city and district *Kengashes* (councils) of People’s Deputies. The parliamentary elections were observed by local observers and by 227 foreign observers from 35 different countries. Representatives of the Executive Committee of the Commonwealth of Independent States, the OSCE Office for Democratic Institutions and Human Rights, the Shanghai Cooperation Organization, the European Parliament and several other international organizations participated in the electoral campaign as international observers. On the whole, the international observers found the elections for the Legislative Chamber to be consistent with Uzbek electoral legislation, and declared them legitimate, free and transparent. It was noted that there had been improvements since the last parliamentary elections in 1999, such as the 30 per cent quota for female candidates and the new funding rules on support for political parties.

58. Pursuant to article 105 of the Constitution, the organs of self-government in villages, *kishlaks* (hamlets), *auls* (settlements) and the *makhallas* (neighbourhoods) of cities, villages,



*kishlaks* and *auls* are gatherings of citizens which elect a president (*Aksakal*) and advisors for a term of two and a half years. The elections of *Aksakals* of *makhalla* committees are also regulated by the Election of *Aksakals* and Their Advisors Act of 29 April 2004.

59. *Kengashes* of People's Deputies, headed by *khokims* (governors), are the representative organs of authority in the regions, districts, towns and cities, except in towns under district jurisdiction and districts within cities. They deal with matters within their authority in accordance with the interests of the State and citizens (Constitution, art. 99). *Kengashes* of People's Deputies and *khokims* serve a five-year term of office (Constitution, art. 101). Elections to local *Kengashes* of People's Deputies took place on 26 December 2004.

60. In accordance with these various laws, all citizens of Uzbekistan who have reached the age of 18 at the time of the elections, irrespective of their origin, social or material status, racial or national affiliation, sex, education, language, attitude to religion or type and nature of occupation, have equal suffrage. Judicial protection of citizens' suffrage irrespective of their racial and ethnic affiliation is guaranteed by article 20 of the Suffrage Guarantees Act.

61. Under article 3 of the Elections to the Oliy Majlis Act, all citizens of Uzbekistan have equal suffrage, irrespective of their racial or national affiliation, language or religion. The same principle in respect of presidential elections is set forth in article 2 of the Election of the President Act. That the President of the Republic must be fluent in Uzbek (article 90 of the Constitution, article 1 of the Election of the President Act) cannot be considered discriminatory, since fluency in Uzbek presupposes neither that this language should be the President's native language nor that the President should be Uzbek by nationality.

62. There are no legislative or other impediments to participation by members of ethnic minorities in Uzbekistan in administrative bodies at different levels.

#### **D. Other civil rights**

##### **The right to freedom of movement within the border of the State**

63. Under article 28 of the Constitution, Uzbek citizens have the right to freedom of movement throughout Uzbekistan and to enter and leave the Republic except as restricted by law.

64. Freedom of movement and citizenship are regulated by a series of laws and regulations. Among these are the Presidential Decree of 23 September 1994 introducing the regulations on the passport system, regulations on residence permits for foreigners and stateless persons and the certification of stateless persons (annex to the Decree of 23 September 1994), and decision No. 143 of the Cabinet of Ministers dated 14 March 1997.

65. Aliens and stateless persons in the territory of the Republic of Uzbekistan enjoy rights and freedoms in accordance with the rules of international law (Constitution, art. 23). In August 1999 the Uzbek Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Tashkent reached a verbal agreement that refugees bearing a UNHCR certificate would not be detained, deported or expelled.

**Table 3**

**Refugees covered by the mandate of the UNHCR Office  
in Uzbekistan as at 1 January 2003<sup>2</sup>**

	Men	Women	Total
Number of refugees	1 405	1 224	2 629

66. The positive steps taken by the Government were recently noted by the United Nations: “The Government has recently taken a positive step by providing, with effect from November 2003, free access to basic education for the children of refugees accorded this status by the UNHCR Office in Tashkent.”

**The right to leave any country, including one’s own, and to return to one’s country**

67. Citizens of Uzbekistan have the right to leave the territory of the Republic (article 28 of the Constitution). Residence abroad does not entail loss of citizenship of the Republic of Uzbekistan (article 7 of the Citizenship Act). To facilitate the procedure guaranteeing exercise of this right, Uzbekistan has signed a number of inter-State agreements, primarily within the Commonwealth of Independent States, designed to simplify to the maximum extent procedures relating to the movement and residence of citizens of one State in the territory of another State, and to guarantee the right of citizens of these States to travel freely and without visas, duties, registration formalities or other restrictions.

**The right to nationality**

68. The right to citizenship of Uzbekistan is accorded to all persons permanently resident in the country, irrespective of their racial or national affiliation (article 4 of the Citizenship Act). Aliens and stateless persons may, upon application, be granted citizenship irrespective of their racial or national affiliation. The following conditions apply:

- Renunciation of foreign citizenship;
- Continuous residence in Uzbekistan over the previous five years (this rule does not apply to persons wishing to become citizens if they were born in Uzbekistan and can prove that at least one parent or grandparent was born there, and if they are not citizens of other States);
- A lawful means of subsistence;
- Recognition of and compliance with the Uzbek Constitution.

69. In exceptional circumstances, the above requirements may be waived by the President for individuals who have rendered outstanding service to the country or achieved high distinction in science, technology or culture, or who practise professions or hold qualifications of interest to

<sup>2</sup> Source: UNHCR, Tashkent, 2003.

Uzbekistan. An application for Uzbek citizenship will be rejected if the applicant advocates violent change of the constitutional order of the Republic or is serving a sentence of imprisonment for acts prosecuted under Uzbek law (article 17 of the Citizenship Act).

70. Under article 4, paragraph 3, of the Citizenship Act, citizens of Uzbekistan are persons who have acquired citizenship in accordance with the Act. The granting of Uzbek citizenship to aliens and stateless persons is regulated by article 17 of the Act, which establishes that stateless persons may, upon application, be granted citizenship of the Republic. In accordance with article 93, paragraph 19, of the Constitution and article 30 of the Act, the decision to grant citizenship to stateless persons is taken by the President of the Republic.

### **The right to marriage and choice of spouse**

71. This right is regulated by the Family Code. All citizens of Uzbekistan have the right to enter freely into marriage and to choose their spouse (art. 14). The racial, national and ethnic affiliation of intending spouses is not listed among the impediments to marriage (art. 16). No direct or indirect restriction on rights is permitted in family relations, nor may any direct or indirect privileges depending on race, nationality, language or other attributes be granted upon entry into matrimony (art. 3). Members of the nations and peoples living in Uzbekistan have the right to follow their own customs and traditions in the regulation of family relations where the country's legislation lacks corresponding rules, so long as these traditions do not run counter to the principles of Uzbek legislation (art. 8). The proportion of inter-ethnic marriages is fairly high in Uzbekistan (as high as 20 per cent in the larger cities).

### **The right to own property alone as well as in association with others**

72. This right is established in article 36 of the Constitution. Neither the Property Act nor any other legislation on property law limits ownership of property on the basis of racial, national, linguistic or religious affiliation. Article 4 of the Property Act states: "The right of ownership shall be enjoyed by citizens of the Republic of Uzbekistan, collectives, associations of collectives, public and religious organizations, family and other civic associations, local authorities, councils of people's deputies at all levels and their executive arms, other States, international organizations, the bodies corporate and citizens of other States, and stateless persons. Title to property may be held jointly by more than one party, be they bodies corporate, citizens, or stateless persons."

### **The right to inherit**

73. Safeguards of this right are laid down in article 36 of the Constitution. In Uzbekistan, all persons have the right to inherit. Civil-law relations pertaining to the right to inherit are regulated by the rules of civil law. Chapter five of the Civil Code is entirely dedicated to inheritance law.

74. According to the Civil Code, inheritance comprises all rights and responsibilities incumbent on the testator at the time of the opening of the inheritance which do not cease to exist when he or she dies. Article 1113 lists the rights and responsibilities of the testator that are indissolubly linked with his or her person and do not form part of the inheritance.

75. Pursuant to article 1118, both citizens who are living at the time of the opening of the inheritance and children conceived during the testator's lifetime but born after the opening of the inheritance can inherit. In accordance with article 1119, persons who have wilfully taken or made an attempt on the life of the testator or any possible heirs, or have wilfully obstructed the making of the last will and testament and thus enabled themselves or persons allied to them to be recognized as entitled to an inheritance or an increased share in the inheritance due to them, may not inherit either by devise or by law. An exception is made for persons to whom the testator makes a bequest after they have made an attempt on his or her life.

76. Further, parents may not inherit by law from children over whom they have been deprived of their parental rights if they have not regained those rights at the time of the opening of the inheritance; nor may parents (or adoptive parents) and adult offspring (or adoptive children) who have shirked their legal obligation to support the testator. In such cases, the grounds for disbarring unworthy heirs from inheriting are established by the courts on application from a person for whom such disqualification would have proprietary consequences.

77. Inheritance occurs by devise or by law. Anyone may bequeath all or part of his or her property to one or more persons within the category of heirs by law, or to juridical persons, the State or civil authorities. The testator can annul or change his or her will at any time, and is not obliged to make known his or her reasons for doing so. A will must be made by the testator in person and in writing. The confidentiality of wills is guaranteed by the State. Articles 1197-1199 of the Civil Code stipulate that the inheritance of real property is regulated by the law of the country where that property is situated, and inheritance of real property entered in the State register of the Republic of Uzbekistan is regulated by Uzbek law.

### **The right to freedom of thought, conscience and religion**

78. Uzbekistan has many centuries of historical experience: for millennia, since time immemorial, different religions and beliefs have coexisted on its territory. Now the independent Republic has 136 different nations and peoples, the majority of whom identify with 1 of the 17 official faiths living peacefully together, and this historical experience again has its uses.

79. In accordance with article 29 of the Constitution, everyone has the right to freedom of thought, conscience and conviction. Under article 31, freedom of conscience is guaranteed for all. Everyone has the right to profess any religion or none.

80. The imposition of religious views by force is proscribed. These provisions are fleshed out in article 3 of the Freedom of Conscience and Religious Organizations Act, which states that no coercion shall be applied to citizens in determining their attitude to religion, their profession or non-profession of religion, their participation or non-participation in worship, religious rites and ceremonies and whether or not they receive a religious education. It also provides that aliens and stateless persons shall enjoy the right to freedom of conscience and freedom of creed on an equal footing with Uzbek citizens.

81. Religious organizations are registered pursuant to Decree No. 263 of the Cabinet of Ministers on the procedure for State registration of religious organizations of 20 June 1998.

On 1 January 2005, the country had over 2,000 registered religious organizations. An Islamic institute, 10 *madrassas* and 2 seminaries (1 Orthodox and 1 Protestant) are also registered. Details of the registration of religious organizations are given in annex 3 to this report.

82. The Code of Criminal Procedure (art. 12) provides for freedom of conscience for persons deprived of their liberty. Persons undergoing punishment in the form of short-term rigorous imprisonment or deprivation of liberty can request visits from the clergy of duly registered religious organizations. Convicts are permitted to engage in religious ceremonies, and to use the paraphernalia of worship and religious literature.

83. The Psychiatric Assistance Act of 31 August 2000 similarly regulates the rights of patients in psychiatric hospitals. Article 34 of the Act states that patients undergoing treatment or monitoring in psychiatric hospitals have the right to private meetings with clergymen.

84. Several events recently celebrated have traditionally been devoted to freedom of religion and the rights of the faithful:

- The presentation of a sociological survey on “Islam in the life of the population of Uzbekistan” in Tashkent City (May 2003);
- A round table on “The implementation of international standards on freedom of religion and belief in Uzbekistan” in Tashkent City (June 2003), in the context of a seminar entitled “Interfaith dialogue - a basis for stability”;
- International conferences on “The State and religion in countries with Muslim populations” in Samarkand (October 2002, October 2003 and October 2004);
- A conference marking the International Day of Tolerance, entitled “The Uzbek Constitution and ethnic tolerance - guarantees of civil harmony in society” in Tashkent City (November 2003).

### **The right to freedom of opinion and expression**

85. Everyone in Uzbekistan “has the right to freedom of thought, speech and conviction. Everyone has the right to seek, receive and impart any information, except for information directed against the existing constitutional order or otherwise restricted by law” (article 29 of the Constitution). Everyone has the right to air views in the media and to unrestricted expression of opinions and convictions (article 3 of the Mass Media Act). Censorship is prohibited by law (article 67 of the Constitution, article 4 of the Mass Media Act).

86. Calls for violent change to the constitutional order, disclosures of State secrets, advocacy of war, violence or pornography, incitement to religious or national discord, slights upon personal honour and dignity and libel may not be published in print (article 4 of the Publishing Act of 30 August 1996).

87. The right of all citizens of Uzbekistan to freedom of opinion and expression without restriction on racial or national grounds does not mean that they are able to express opinions or convictions propagating racial or national supremacy (article 6 of the Mass Media Act).

### **The right to freedom of peaceful assembly and association**

88. Under article 33 of the Constitution, “citizens have the right to engage in public life by holding rallies, meetings and demonstrations in accordance with the laws of Uzbekistan”, and under article 34, they have the right “to form trade unions, political parties and other public associations and to participate in popular movements. No one may encroach upon the rights and freedoms or cast aspersions on members of the minority opposition in political parties, public associations, popular movements, or representative authorities”.

89. These principles are reflected in article 3 of the Political Parties Act: “Political parties shall be created and operate to give effect to citizens’ rights and freedoms on the basis of freedom of choice, freedom to join and to leave parties, equality of party members, autonomy, lawfulness and transparency”; and, in article 1 of the Public Associations Act: “Public associations are voluntary formations which have come into existence through the free will of citizens united for the collective exercise of their rights, freedoms and lawful interests in politics, social development, science, culture, the environment and other areas of life.”

90. The five major political parties in Uzbekistan today are the People’s Democratic Party of Uzbekistan, The Movement for Entrepreneurs and Business People - the Liberal Democratic Party of Uzbekistan, the Social Democratic Party of Uzbekistan “Adolat”, the Democratic Party of Uzbekistan “Milli Tiklanish”, and the National Democratic Party of Uzbekistan “Fidokorlar”. All restrictions on citizens’ rights, and all privileges or advantages conferred on grounds of party affiliation, are prohibited.

91. Uzbekistan has a series of laws regulating freedom of association (the Voluntary Organizations Act, the Financing of Political Parties Act, the Non-Governmental Not-for-Profit Organizations Act, the Freedom of Conscience and Religious Organizations Act, the Voluntary Funds Act, the Housing Owners’ Associations Act, and the Civic Authorities Act). Bills on State support for the activities of non-governmental not-for-profit organizations and on charity work are currently being drafted.

92. On 1 January 2005, there were over 4,000 non-governmental not-for-profit organizations active in the country. The State is operating a policy of social partnership and actively developing civil society institutions. Not-for-profit organizations are registered by the Ministry of Justice. Registration, which is regulated by law, allows organizations to operate. There are currently no difficulties in registering not-for-profit organizations, as the steady increase in numbers testifies. All such organizations are united in an association that represents their interests in relations with the State. Uzbekistan has a system of State-supported national cultural centres (of which there are 138), which bring together the ethnic minorities living in Uzbekistan.

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

#### **The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration**

93. Under article 37 of the Constitution, everyone has the right to work, to free choice of employment, to just conditions of work and to protection against unemployment. Article 6 of the

Labour Code prohibits discrimination in employment: “All citizens shall have equal opportunities in gaining and exercising their labour rights. The imposition of any limits or granting of privileges in labour relations on the grounds of race, nationality, language, religion or other considerations not associated with employees’ professional qualities and output is unacceptable and shall be deemed discrimination.”

### **The right to form and join trade unions**

94. Citizens of Uzbekistan have the right to join together in trade unions (article 34 of the Constitution). Article 2 of the Trade Unions (Rights and Safeguards) Act states: “Working people and persons studying in institutions of higher and specialized secondary education, without any distinction whatsoever, have the right to form trade unions of their own choice and without prior permission and the right to join trade unions on condition that they comply with their statutes.” Article 34 of the Constitution accords the right to form trade unions, political parties and other voluntary associations, and to take part in mass movements. These rights are fleshed out in the Voluntary Associations Act of 15 February 1991 and the Trade Unions (Rights and Safeguards) Act of 2 July 1992.

95. Uzbekistan currently has 14 trade unions which encompass 180 regional, 559 district and 42,808 grass-roots organizations. The membership of these unions is indicated in annex 4.

### **The right to housing**

96. Article 2 of the Principles of State Housing Policy Act (1996, as amended in 1997) states that the principal tasks of State housing policy shall be to establish conditions under which each citizen, in accordance with his needs and abilities, should be able to build, acquire or rent housing, and to provide municipal housing to citizens registered for that purpose who need better housing.

97. The right to ownership of housing is regulated by article 11 of the Housing Code of 24 December 1998: “Citizens, juridical persons and the State are entitled to own housing. Houses and flats under private ownership cannot be confiscated, and homeowners cannot be deprived of their title to a house or flat except as specified by law. Enforced confiscation of housing is permitted only by court order.”

### **The right to public health, medical care, social security and social services**

98. This right is established in articles 39 and 40 of the Constitution: “Everyone has the right to social security in old age, in the event of disability or loss of breadwinner, and in other circumstances prescribed by law. Pensions, benefits and other types of social assistance shall not be lower than the officially established minimum subsistence level” (art. 39). “Everyone has the right to properly qualified medical attention” (art. 40).

99. One element in all public health programmes is improved reproductive health care. Uzbekistan has a State Reproductive Health Centre and a Centre for Adolescent Reproductive Health for regional branches which stage seminars for reproductive health workers.

100. The Ministry of Health is successfully pursuing joint reproductive health programmes with international organizations and donors including the United Nations Population Fund (UNFPA) and the United States Agency for International Development (USAID) through Project Hope (family health) and The ZdravPlus project, and with the German Development Bank.

101. Audiovisual and computer equipment has been provided for 12 reproductive health centres in the regions.

102. Under Cabinet of Ministers decision No. 242 of 5 July 2002, optional 16-hour courses on the basics of reproductive health and family health have been introduced in schools, high schools and colleges. In order to teach young people about reproductive health issues, brochures (800,000 copies) for teachers and pupils have been compiled and published with technical cooperation from the German Development Bank, along with 400,000 booklets.

103. Pursuant to article 3 of the State Pensions Act of 1993, as amended in 2002, citizens may apply to receive a pension at any time after they have accrued the right to it.

104. The Social Protection for the Disabled Act states that all disabled persons shall enjoy the full range of social, economic and individual rights and freedoms; discrimination against them is prohibited and shall be prosecuted under the law.

105. Article 13 of the Public Health Care Act passed in 1996 and amended in 1999 establishes: "The State shall provide health care for its citizens irrespective ... of race, nationality, language or attitude to religion. The State shall guarantee protection of its citizens from discrimination regardless of any diseases from which they might suffer." Article 44 of the same Act states that doctors, upon receiving their diplomas, shall swear on oath that they will render medical assistance to any sick person irrespective of that person's sex, age, race, nationality, language, attitude to religion or faith. Article 14 establishes the right of aliens and stateless persons to health care: "Aliens in Uzbekistan shall be guaranteed the right to health care in accordance with the international treaties to which Uzbekistan is party. Stateless persons permanently resident in Uzbekistan shall enjoy the right to health care on an equal footing with citizens of the Republic, except as otherwise provided by international treaties to which Uzbekistan is party."

106. Under Cabinet of Ministers decision No. 33 of 25 January 2002 on the execution of the programme to provide targeted support for socially vulnerable segments of the population in 2002-2003, besides primary school pupils from poor families, students from poor families attending the higher grades in ordinary schools have been provided with free winter clothing since 1 September 2002. All the resources allocated for the first quarter of 2003, 100 million SUM, have been earmarked in the budget for this purpose. Every year, students from poor families attending ordinary school are provided with a set of textbooks from the library collection. Beginning on 1 September 2002, no less than 75 per cent of students from poor families were provided with textbooks; since 1 September 2003, all such students have received textbooks. Foster parents who have assumed the responsibility of bringing up a child or children receive a monthly allowance equivalent to three times the minimum wage for each child in their care.



107. Direct payments in the form of material assistance to poor families and allowances to families with children provide needy families with additional income. Forty per cent of Uzbekistan's total budget expenditure is allocated to social and cultural activities and social protection. Annual competitions are held to mark World Disability Day: over 1,000 disabled children participate. In order to improve physical education facilities for disabled children, sports centres are constantly being outfitted with special equipment and the children are provided with sportswear and shoes.

108. A range of not-for-profit organizations in Uzbekistan do work directly linked to disadvantaged children: the "Kamila" Centre in Angren, KRIDI (The Club for Rehabilitation and Integration of Children with Disabilities), the "Umidvorlik" Coalition, which comprises 23 such organizations, the "Pegas Al Falak" Centre, and others. Some work with the disabled and the elderly. The "Ishonch va Khaet" organization of people living with HIV/AIDS is functioning successfully.

### **The right to education and training**

109. Article 41 of the Constitution states: "Everyone has the right to education. The State shall guarantee that general education is provided free of charge." Secondary education in Uzbekistan is offered in seven languages: Uzbek, Karakalpak, Russian, Kazakh, Turkmen, Tajik and Kyrgyz. Schools teaching in the languages of the national minorities are provided, under an arrangement between the Uzbek Ministry of Education and the countries of the Commonwealth of Independent States where these minorities have their historical homelands, with teaching programmes, textbooks and other teaching aids purchased in those countries.

110. Over 6 million children are currently being educated by about 500,000 teachers in 9,000 schools. Since 1997, over 520 schools and outbuildings have been built, creating places for almost 200,000 students. The number of educational institutions with computer and information technology facilities has increased by 340, which means that 50 per cent of such institutions are now equipped with such facilities.

111. Modern educational institutions are being brought into operation every year. By 2008, specialized secondary and vocational education will be available at 1,689 colleges and 178 high schools. Annual enrolment for bachelor's degree programmes on the basis of competitive entry test results has reached 51,000.

112. Presidential Decree No. UP-3431, announcing a State nationwide programme for the development of school education for the period 2004-2009, was adopted on 21 May 2004 in order to boost State policy on educational reform as a key link in the reform and rejuvenation of society, a necessary and compulsory condition for social democratization, sustainable economic development and the Republic's integration into the global community.

113. Pursuant to Presidential Order No. R-1910 of 19 February 2004, special commissions and working groups were set up to travel around the country and conduct full inventories of all ordinary schools and critical and detailed studies of the state of their equipment and infrastructure.

114. In accordance with the National Personnel Training Programme, which is designed to cover all pupils completing the nine grades of the vocational education system and to give students a specific profession in addition to a general secondary education, a network of fundamentally new vocational secondary educational institutions has been established: 533 vocational colleges and 54 academic lycées with modern study and laboratory equipment have been constructed.

115. The Cabinet of Ministers has issued two orders pursuant to the Presidential Decree of 21 May 2004, one on the execution of the State Nationwide Programme for the Development of School Education for the period 2004-2009, and one on the trial introduction of additional incentives for teachers and a shift to an industrial pay scale for education workers.

116. Over 20 per cent of children aged between 3 and 5 attend organized early-learning programmes. Free access to 12-year education and education in new education institutions including academic high schools and vocational colleges is guaranteed for all. The literacy rate among the adult population is 99.2 per cent.

117. In accordance with the Education Act of 29 August 1997, “everyone is guaranteed equal rights to an education, irrespective of sex, language, age, racial or ethnic origin, beliefs, attitude towards religion, social origin, occupation, social status, place of residence, or length of residence in the territory of Uzbekistan”. The right to education is guaranteed by:

- The development of State and non-State educational establishments;
- The organization of day-release and full-time courses of instruction;
- Free instruction under State education and personnel training programmes, and paid (contractual) vocational training at educational establishments;
- Equal rights for graduates from all types of educational institution to continue their studies;
- The granting to all home-taught or self-taught citizens of the right to gain qualifications as external students at accredited educational institutions.

118. Citizens of other States can receive an education in Uzbekistan under international agreements. Stateless persons living in Uzbekistan have the same rights to an education as Uzbek citizens. According to article 12 of the Education Act, primary education comprises grades 1 to 4 and is one of the stages towards a general secondary education. The aim of primary education is to lay the groundwork for literacy, knowledge and the habits necessary for obtaining a general secondary education. Children are accepted into the first grade at the age of 6 or 7. Uzbekistan provides universal access to free 12-year education, including primary education, incomplete secondary education and study at the new types of educational establishments: academic high schools and vocational colleges.

119. Since 1997, first-grade pupils in orphanages, special schools and boarding schools have been provided with all the required textbooks and study aids at government expense. There are 62 boarding schools for children of limited ability and 22 special schools for the mentally retarded. Details on schools are provided in annex 4 to this report.

120. Everyone with a general secondary education has the right to choose, of his or her own accord, a field of study at an academic high school or vocational college in which to obtain a specialized secondary or vocational education.

121. In accordance with annex 1 to Cabinet of Ministers Order No. 320-F of 4 July 1998 (on the procedure for the admission of undergraduate students to institutions of higher education in Uzbekistan) tests are held in three languages: Uzbek, Russian and Karakalpak. The language of instruction for each subject field and speciality at an institution of higher education, within the intake indicators ratified by decision of the Cabinet of Ministers, is determined by ministries and departments and ratified by the State Commission before the submission of documents commences. Applicants for higher education are tested in the language in which their courses will be taught. Appropriate tests are set for the different subject areas. For some subjects (special fields), supplementary (essay) exams are set, alongside the tests.

122. Enrolment in institutions of higher education where certain subjects (special fields) are taught in Tajik, Kazakh or Turkmen is based on specialized examinations with a points system and on tests. Applications for these subjects are accepted only from school-leavers whose secondary schooling was in the corresponding language.

123. Article 42 of the Constitution states that everyone is guaranteed the right to enjoy the benefits of culture and that the State shall promote the cultural, scientific and technological development of society. These undertakings apply also to physical education and sport. Under article 2 of the Physical Education and Sport Act, citizens of Uzbekistan, irrespective of sex, age, nationality, creed, property or social status, has the right to engage in physical education and sport, to join voluntary organizations of a sporting and recreational nature and participate in the management of the recreation and sports movement.

124. The State has defined strategic areas and progress checks for cultural promotion: the Government has produced a number of instruments to foster spiritual values, to promote art, culture and enlightenment, and to reform the country's cultural sphere, enhancing its social and educational role.

125. Pursuant to a Presidential Decree of 26 March 1998 on the development of theatre in Uzbekistan and the Cabinet of Ministers Decision establishing the Uzbekteatr creative association, 37 professional theatres and many drama schools are now part of the association: 1 opera and ballet theatre operating in two languages (Uzbek and Russian), 7 drama theatres (3 Russian-speaking), 14 musical and musical drama theatres (1 Russian- and 1 Karakalpak-speaking), 4 young people's theatres and 1 theatre for young audiences (including 1 Russian and 1 Karakalpak), and 10 puppet theatres (1 Karakalpak and 4 bilingual among them). Uzbekistan has many drama schools: the Ilhom, Aladin, Mulokot, Eski Machit, Turon and others. In addition, almost all higher educational establishments have drama studios. Every year there is a Nihol or Hazina festival for such groups (the festivals alternate).

126. The Ministry of Culture runs 85 museums. Its museum collections comprise 1.5 million exhibits: historical documents, archaeological and ethnographic objects, coins and works of applied art, sculpture, painting and graphic art.

127. Uzbekistan has 10 art museums, of which the Savitsky State Art Museum in Karakalpakstan has recently become world famous owing to the richness, uniqueness and significance of its collections.

128. The Federal Council of Trade Unions is active in the field of welfare protection and assistance for workers' families with issues related to child health and leisure, creating the necessary conditions for the all-round development of the next generation. Through a system of collective agreements, trade union organizations seek to maintain the range of services on offer to workers and their families from cultural institutions, and the sports, leisure and social support facilities operated by businesses and organizations.

129. Representatives of ethnic groups are active in each and every sphere of cultural life in the Republic. An amateur performing group comprising persons awarded diplomas at the national festival of friendship and culture "Uzbekistan, our common home" has been established at the Uzbekistan Inter-Nations Culture Centre. It performs throughout Uzbekistan. There are no restrictions on participation in the cultural life of the country on the basis of nationality.

**F. The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks**

130. Uzbek law does not provide for such a right since it is covered by the legal principle that all citizens are equal irrespective of their racial or national affiliation (in particular, the right to freedom of movement, to equal participation in cultural activities, etc.). There are no established occurrences in Uzbek legal practice or public life of violations of this right.

**VI. ACCESS TO JUSTICE (art. 6)**

**A. Measures to assure to everyone effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate human rights and fundamental freedoms contrary to this Convention**

131. Under article 19 of the Constitution, the civic rights and freedoms established by the Constitution and the law are inviolable and no one can deny or restrict them except through the courts.

132. Article 1 of the Code of Civil Procedure guarantees everyone judicial protection of their rights and freedoms and the right to appeal to the courts against unlawful actions by State authorities, officials and voluntary associations. Any interested party can apply to the courts in accordance with the procedure established by law for protection of a right which has been violated or contested, or of a legally protected interest. Denial of the right to apply to the courts is invalid.

133. The Actions and Decisions Violating the Rights and Freedoms of Citizens (Legal Recourse) Act gives all citizens of Uzbekistan, irrespective of race and nationality, aliens and stateless persons the right to bring complaints before the courts if they consider that their rights and freedoms have been violated through the unlawful actions (decisions) of State agencies, enterprises, institutions, organizations, voluntary associations, local authorities or officials (art. 1).

134. In addition to the legal machinery already in existence, there are institutions in Uzbekistan affording pre-judicial and extrajudicial protection for human rights. These include the Parliamentary Commissioner for Human Rights (Ombudsman) and the National Human Rights Centre.

135. The Ombudsman's activities are regulated by the Parliamentary Commissioner for Human Rights (Ombudsman) Act, under which the Ombudsman's office complements existing arrangements for the protection of human rights and freedoms. Article 9 of the Act states: "The Ombudsman shall consider complaints from citizens of Uzbekistan and from aliens and stateless persons in the territory of the Republic about action or failure on the part of organizations or officials to act which infringes their rights, freedoms and lawful interests; the Ombudsman shall have the right to conduct his own inquiry. The Ombudsman shall take into consideration complaints from third persons, including voluntary associations, about infringement of the rights, freedoms or lawful interests of a specific person or group of persons provided that the person or persons concerned consent." Categories and trends in communications are described in annex 7 to this report.

**B. Measures guaranteeing the right to seek from these tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination**

136. Under article 44 of the Constitution and articles 1 and 3 of the Decisions and Acts Violating the Rights and Freedoms of Citizens (Legal Recourse) Act, appeals may be lodged in court against any acts or decisions by State bodies, enterprises, institutions, organizations, voluntary associations or officials other than those which only the Constitutional Court is competent to verify.

137. Article 100 of the Civil Code, on the protection of honour, dignity and business reputation, stipulates that a citizen is entitled to demand through the courts the retraction of reports that bring his honour, dignity or business reputation into disrepute unless the person circulating such reports can show that they are in keeping with the facts.

138. Anyone who considers that he or she has been discriminated against at work may request the courts to end the discrimination and compensate him or her for the material and moral harm suffered.

139. A worker is given the right to choose which body will consider his dispute with his employer. Workers taking labour disputes to the courts are exempted from payment of court fees.

### **C. Judicial practice and decisions of the courts and other legal and administrative bodies on instances of racial discrimination**

140. Statistics on decisions taken by courts and other legal and administrative bodies during the period 1994-2004 (inclusive) show only one criminal case related to discrimination on grounds of nationality and ethnicity.

141. Under a judgement handed down by the Akmal Ikramov District Criminal Court in Tashkent on 29 November 2002, upheld on appeal by Tashkent City Criminal Court on 7 February 2003, Mr. M. Mudarisov was sentenced under article 156.1 of the Criminal Code to three years' deprivation of liberty, suspended subject to two years' probation by virtue of article 72 of the Criminal Code. Mr. Mudarisov was found guilty of distributing, with intent to incite religious hatred, books, magazines and brochures advocating the teachings of the pseudo-Christian religious organization The Jehovah's Witnesses, and ideas and views offensive to citizens' feelings in connection with their religious and atheistic beliefs. By decision of the Tashkent City Criminal Court of 8 October 2003, the case was overturned since Mr. Mudarisov's conduct did not constitute a crime as defined in article 156.1 of the Criminal Code.

## **VII. COMBATING PREJUDICES WHICH LEAD TO RACIAL DISCRIMINATION, PROMOTING UNDERSTANDING, TOLERANCE AND FRIENDSHIP AMONG NATIONS AND RACIAL OR ETHNIC GROUPS, AND PROPAGATING THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THIS CONVENTION (art. 7)**

### **A. Education and training**

142. Education in Uzbekistan takes the following forms: pre-school education, general education, specialized secondary and vocational education, higher education, post-university education, refresher training and retraining, and out-of-school education. Compulsory 12-year education includes nine years of general education and three years of specialized secondary or vocational education. General education is conducted in two stages in ordinary schools: primary education (grades 1-4), and general secondary education (grades 5-9). Specialized secondary and vocational education is provided at academic high schools and vocational colleges.

143. Uzbekistan currently has over 6 million children enrolled in 9,000 schools, who are taught by some 500,000 teachers. Since 1997, over 520 schools and outbuildings have been built, providing nearly 200,000 new places. The number of educational establishments with data-processing and computer facilities increased by 340, which means that 50 per cent of such establishments are now equipped with these facilities.

144. Modern educational establishments are being brought into operation every year. By 2008, specialized secondary and vocational education will be available at 1,689 colleges and 178 high schools. Annual enrolment for bachelor's degree programmes on the basis of competitive entry tests has risen to 51,000.

145. A presidential decree issued in July 2003 assigned to the Istedod (Talent) Presidential Foundation, which was created from the Umid (Hope) Foundation for enabling talented young people to study abroad and the Ustoz (Teacher) Foundation, the responsibility of improving the on-the-job training and refresher-course system for promising young teachers and scientific personnel.

146. The country has 238 high schools (*lycéés*) and 136 *gimnazii*, offering programmes on maternal and child health, ethics and knowledge, economic education, rural schooling, rehabilitation for children with special needs and others.

147. Work has started on the reorganization of vocational and technical education, taking due account of the specific features of the labour market as it has developed in different parts of the country, particularly in rural areas. There are currently 442 educational establishments operating within this system - 209 vocational schools, 180 schools of science and technology and 53 business schools - with a total student complement of 221,000.

148. Pursuant to Cabinet of Ministers decision No. 252 of 15 July 1998, the "Uzbekiston" publishing house has established new sections to prepare educational material in national minority languages. Skilled workers can obtain a higher education at 63 different institutions: universities, institutes and others (annex 6).

149. The total includes 20 universities and 43 institutes: 14 technical, 3 economic, 15 humanitarian, 6 teaching, 7 medical, 4 agrarian (agricultural) and 12 specialized, 1 branch of the V.G. Plekhanov Economic Academy, and the International Westminster University in Tashkent. Thirty-three operate under the Ministry of Higher and Specialized Secondary Education; the rest, under the authority of sectoral ministries (annex 6).

150. Since 1998, pursuant to the Education Act, higher education has been proposed at two levels: the bachelor's and the master's degree. Students are admitted to higher education on State grants and on a fee-paying basis. State educational standards for higher education have been approved, as have model curricula for the existing 131 areas of study for the bachelor's degree and the 664 subject areas for the masters. A medium-term plan covering publications for higher education establishments over the period 1999-2007 has been drawn up.

151. Between 1998 and 2002, 2,927 different textbooks and teaching aids were published. Higher educational establishments have begun creating electronic textbooks and introducing them into the teaching process. In 2000-2002 alone, 400 electronic textbooks were prepared.

152. The system of refresher and retraining courses for professionals encompasses 23 institutes, 16 departments, 4 centres and 14 refresher courses.

153. In August 1997, the Oliy Majlis endorsed the National Programme to Promote Legal Literacy. Human rights courses were introduced in all teaching establishments on 1 September 1997. In May 1998, the Cabinet of Ministers adopted a decision to promote legal literacy in Uzbek society, which made provision for a multi-tiered programme of legal education encompassing virtually all levels of society. An extensive campaign of human rights education is being conducted both by the national human rights institutions and by non-governmental organizations.

154. The Uzbek National Human Rights Centre is active in human rights education. Since 1999, *Demokratlashtirish va inson khukuklari* (Democratization and Human Rights), an independent quarterly in Uzbek, Russian and English, has been published 22 times covering the most significant developments in Uzbek life as regards constructive reform in the law and social relations.

155. A book entitled *Inter-Ethnic Tolerance in Uzbekistan: Theory, Sociology and Practice (socio-economic and spiritual integration of different ethnic groups into contemporary Uzbek society)* has just been published.

156. At the same time, it must be conceded that by no means all avenues for education and training in racial and ethnic tolerance have been explored. A potential area for such work is in the lower and middle classes of schools, which are not covered by the human rights syllabus.

### **B. Culture**

157. Uzbekistan currently has more than 30 national cultural centres and associations. The process of registering national cultural centres began in 1989 and is still under way. A list of national cultural centres is provided in annex 2 to this report. 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 identity. The activities of the national cultural centres are coordinated by the Uzbekistan Inter-Nations Cultural Centre and serve to engage the national minorities in the political, economic and cultural restructuring of life for Uzbekistan's multi-ethnic society.

158. 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. The fifteenth anniversary of the Polish and the tenth anniversary of the Russian national cultural centre were celebrated in 2004. The centres have established Sunday schools, giving lessons on the traditions and language of each particular ethnic group: Armenian, Hebrew, Korean, German, Polish, Ukrainian, Uigur, Bukhar Hebrew, Greek, Georgian, Dungan, Chinese, etc.

### **C. The press**

159. Article 29 of the Constitution states: "Everyone has the right to freedom of thought, speech and opinion. Everyone has the right to seek, receive and impart any information, except information directed against the existing constitutional order or otherwise restricted by law. Freedom of opinion and freedom to express opinions may be restricted by law on grounds of State or other secrecy."

160. Article 29 of the Constitution establishes and guarantees the right to freedom of speech and for every citizen. It states that freedom of speech may be restricted by law only on grounds of State or other secrecy.

161. The Freedom of Information (Principles and Guarantees) Act and the Mass Media Act were adopted on 12 December 2002 and 26 December 1997, respectively. Article 30 of the Constitution obliges State bodies, voluntary associations and officials to grant individuals access



to documents, decisions and other material affecting their rights and interests. The Access to Information (Guarantees and Freedom) Act governs the relations that arise in the exercise of citizens' constitutional right to seek, receive, study, transmit and impart information, freely and without hindrance. It guarantees everyone the right of access to information. This right is protected by the State.

162. A Foundation for the Support of Democratization of the Mass Media has been established to uphold freedom of speech, the interests of the media and journalists' rights, and a Centre for Retraining Journalists has been established with support from the Konrad Adenauer Foundation in Uzbekistan.

163. Problems encountered in the mass media are discussed at seminars and round tables. For example, on 25 September 2003 the Academy of Sciences of Uzbekistan held a seminar on topical issues relating to the study and shaping of public opinion; the seminar was organized by the Academy of Sciences, the Ijtimoi Fikr Centre for the Study of Public Opinion and the Institute for Strategic and Inter-regional Research (part of the Presidential Office).

164. According to a sociological study entitled "The mass media in the public eye", conducted in Uzbekistan in 2003, the vast majority of those questioned said that national State-run television was their main source of information about life in Uzbekistan and world events, with 93 per cent stating that they tuned in regularly. The other mass media are much less popular: State radio was an important source of information for 22.4 per cent of those questioned, and 35.9 per cent relied on the national press.

165. There are about 900 mass media outlets in Uzbekistan: 560 newspapers, 165 magazines, 4 news agencies, 70 television and radio stations and over 100 electronic media outlets. In 1991 and 2001, there were 351 and 784 media outlets, respectively.

166. The printed media in Uzbekistan publish in Uzbek, Russian, English, Kazakh, Tajik, Karakalpak and Korean.

167. Uzbekistan has some 30 private television stations. There are also 10 private FM radio stations broadcasting in Uzbek, Russian and English.

168. The number of Internet users in Uzbekistan grows every year. More and more of the Uzbek public are gaining access. There are currently about 500,000 users, as compared with 137,000 in 2001.

169. In June 2004, the children's newspaper *Solnyshko*, together with the National Human Rights Centre, ran a children's drawing competition on the theme "The Convention on the Rights of the Child". Entrants also submitted short stories, essays, poems, crosswords, photographs, video entries and artefacts made from natural materials. The winners received awards.

### **Composition of the working group drafting the report**

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### **State organizations that submitted material for the report**

1. Parliamentary Commissioner for Human Rights (Ombudsman).
2. Parliamentary Institute for Monitoring Legislation in Force.
3. Supreme Court of Uzbekistan.
4. Office of the Procurator-General.
5. Ministry of Justice.
6. Ministry of Internal Affairs.
7. Ministry of the Economy.
8. State Statistical Committee.
9. Ministry of Labour and Social Protection.
10. Committee for Religious Affairs (reporting to the Cabinet of Ministers).
11. Ministry of Higher and Secondary Special Education.
12. Ministry of Education.

**Non-governmental organizations that submitted material for the report**

1. Judges' Association of the Republic of Uzbekistan.
2. Bar Association of the Republic of Uzbekistan.
3. Uzbekistan Inter-Nations Cultural Centre.
4. Russian Cultural Centre of Uzbekistan.
5. Ukrainian State Cultural Centre *Slavutich*.
6. Armenian National Cultural Centre.
7. Uigur Cultural Centre of Uzbekistan.
8. Kyrgyzia Cultural Centre of Uzbekistan.
9. *Wiedergeburt* Cultural Centre for Germans of Uzbekistan.
10. Jewish National Cultural Centre of Uzbekistan.
11. Association of Korean Cultural Centres.
12. Association of Azerbaijani Cultural Centres.
13. Turkmen State Cultural Centre.
14. Council of Trade Union Federations of Uzbekistan.
15. Centre for the Study of Public Opinion *Ijtimoi Fikr*.

**List of annexes**

- Annex 1. Sociological study “Uzbekistan, our common home”.
- Annex 2. Information on State registration of national cultural centres.
- Annex 3. Information on State registration of religious organizations in Uzbekistan.
- Annex 4. Principal trade union organizations and membership.
- Annex 5. Information on schools. Number of schools and ethnic breakdown of student body.
- Annex 6. Higher education institutions. Breakdown by number and ethnic groups.
- Annex 7. Communications submitted to the Ombudsman and the National Human Rights Centre.

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