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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Uzbekistan

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

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

**RESPONSES/COMMENTS OF THE REPUBLIC OF UZBEKISTAN TO THE
RECOMMENDATIONS OF THE HUMAN RIGHTS COUNCIL WORKING
GROUP ON UNIVERSAL PERIODIC REVIEW AS CONTAINED IN
DOCUMENT A/HRC/10/83 DATED 9 MARCH 2009**

1. The Government of the Republic of Uzbekistan has examined the recommendations formulated by the delegations during the Universal periodic review of Uzbekistan and presents the following responses/comments.
2. In accordance with the paragraph 105 of the Report by the Working Group on the UPR, the Republic of Uzbekistan has indicated that it would study the conformity of twelve (12) recommendations to the national legislation and to provide responses.

Recommendations 1 and 2

3. The issue of joining to the Optional Protocol to the Convention against Torture and ratification of the Rome Statute by Uzbekistan will be examined.

Recommendation 3

4. The number of NGOs in Uzbekistan, including international and foreign, grows (in 1996 – 2800, in 2009 – 5117 including 48 representations and branches of international and foreign NGOs). This is an indication of developing strong civil society.
5. The national legislation does not envisage issuance of a joint accreditation to a group of international organizations. Every application for accreditation is considered by the Ministry of Justice or MFA, depending on legal status of the organization, in accordance with the requirements of the legislative acts.

Recommendation 4

6. All goals stated in the Resolution 9/12 of the Human Rights Council represent the priorities of the State policy of Uzbekistan and being implemented in the laws, State programs and national action plans. The Program on celebration of 60th anniversary of the Universal Declaration of Human Rights adopted by the President's Decree in May 2008 foresees five groups of measures that correspond to the Human Rights Council resolution 9/12. The program of measures implemented in the year of 60th anniversary of the Universal Declaration has allowed ratifying 8 international treaties in the field of human rights, intensifying implementation of international treaties that have already been ratified, conducting more than 800 human rights informational campaigns with participation of state agencies and civil society institutions as well as strengthening international cooperation in this area.

Recommendation 5

7. Uzbekistan presents responses to the questionnaires and communications of the Human Rights Council special procedures in time. Responses to the questionnaires of the special rapporteurs on the right to education and on violence against women were provided in January 2009.
8. Uzbekistan is ready to continue comprehensive cooperation with all Special procedures of the Human Rights Council.

Recommendation 6

9. The Draft Law “On guarantees of equal rights and opportunities for women and men” has been included in the Plan of legislative activities of the Government for 2009. The document would allow extending opportunities for realization by both women and men in Uzbekistan of the whole complex of their rights and freedoms envisaged by the Constitution and norms of international law.

Recommendation 7

10. The State legal labor inspectorates and labor protection inspectorates operate within the system of the Ministry of Labor and Social Protection of the Population. The inspectorates have been established in every region of the republic. They implement the state monitoring over non-admission of violations of labor rights of young people in the framework of the current legislation. The relevant inspectorates of the Council of Labor Federation carry out public monitoring as well.

Recommendation 8

11. The article 235 of the Criminal Code of the Republic of Uzbekistan envisages criminal liability for torture, which has been defined in correspondence with the Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

12. A number of decisions by the Plenum of the Supreme Court for 2003-2006 provide for interpretation of the above-mentioned article of the Criminal Code.

Recommendation 9

13. The article 18 of the Criminal Executive Code stipulates that government officials, representatives of mass-media and others have the right to visit penitentiary institutions and bodies in accordance with the Instruction “On the order of organization of visits to the penitentiary institutions by representatives of diplomatic corps, international and national NGOs, mass media”.

Recommendation 10

14. Provisions of the article 19 of the International Covenant on Civil and Political Rights are fully implemented in the national legislation of the Republic of Uzbekistan.

15. In particular, the article 29 of the Constitution stipulates that everyone shall be guaranteed freedom of thought, speech and beliefs. Everyone shall have the right to seek, obtain and disseminate any information, except that which is directed against the existing constitutional system and in some other instances specified by law.

16. The laws “On guarantees and freedom of access to the information” and “On principles and guarantees of freedom of the information” are adopted.

Recommendation 11

17. According to the article 22, paragraph 1, page 1 of the Law “On general military duty and military service” recruits are released from military duty and military service in a mobilization invocatory reserve during the peacetime:

- (a) If recognized unfit for military service due to health problems;
- (b) If one of near relatives (brother, sister) has died during the military service;
- (c) If he/she has a holy order in one of the registered religious organizations.

18. According to the article 37, paragraph 2 of above-mentioned Law, citizens at the age from 18 to 27, listed in military registry and subject to draft, have the right to choose alternative service if they are members of registered religious organizations and there dogma prohibits the use of weapons and service in the army.

Recommendation 12

19. The issue of joining to the Convention relating to the Status of Refugees (1951) will be examined.

20. In accordance with the paragraph 106 of the Report by the Working Group on the UPR, the Republic of Uzbekistan has informed that twenty seven (27) recommendations are being implemented or have been already realized by Uzbek side.

Recommendation 1

21. The State pursues a policy of condemnation of tortures and other cruel degrading treatment and punishment at all levels. This policy is reflected in parliamentary control, in the system of work with complaints and appeals of the citizens established in the Ministry of Justice, Ministry of Internal Affairs, General Prosecutor Office.

22. Interdepartmental Working Group on studying the observance of human rights by law-enforcement bodies has been established by the Order № 112-f of the Cabinet of Ministers of the Republic of Uzbekistan dated 24 February 2004.

Recommendation 2

23. On the basis of the recommendations of the Vienna Declaration and Program of actions of the second United Nations World Conference on human rights (1993) Uzbekistan has established a system of national human rights institutions, corresponding to the Parisian principles such as Authorized Person of the Oliy Majlis (Parliament) on human rights (Ombudsman), National Human Rights Center and Institute of monitoring of the current legislation.

Recommendation 3

24. The rights of women are guaranteed by the legislation of the Republic of Uzbekistan. Discrimination of women is prohibited.

25. The Draft Law “On guarantees of equal rights and opportunities for women and men” has been included in the Plan of legislative activities of the Government for 2009. The document

would allow extending opportunities for realization by both women and men in Uzbekistan of the whole complex of their rights and freedoms envisaged by the Constitution and norms of international law.

Recommendation 4

26. On 30 August 2003, changes and amendments were introduced into the Criminal Code. According to these amendments, Article 235 of the Criminal Code, which envisages liability for torture and other cruel, inhuman or degrading treatment or punishment, was set forth in the new version that meets the requirements of international law, Article 7 of the International Covenant on Civil and Political Rights and Article 1 of the Convention against Torture.

27. Interpretation of the notion of «torture» is given in the Resolution of Plenary Session of the Supreme Court No 17, dated 19 December 2003, «On the practice of the use of law by courts, providing the suspects and accused with the right to protection», in accordance with the United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment dated 10 December 1984.

28. According to the Resolution of Plenary Session of the Supreme Court No 12, dated 24 September 2004, «On some issues of application of rules of criminal procedure on the admissibility of evidence» - «the evidence obtained through torture is recognized as impermissible».

Recommendation 5

29. In accordance with Article 4 of the Law «On Public Prosecutor's Office», supervision of law compliance in places of detention, during enforcement of criminal sanctions and other measures of criminal-legal influence, is entrusted with prosecution authorities. Effective mechanisms to ensure access of advocates to suspects and accused persons, their health care and contact with relatives are created.

30. Skills improving training of law enforcement officers, advocates, health workers, who service detainees and arrestees, is carried out on a regular basis. Special courses introduced for them in universities and institutes of advanced study; training sessions with the participation of international experts are carried out.

31. On 1 May 2008, President of Uzbekistan adopted the Decree «On measures for further reforming the institution of advocacy in the Republic of Uzbekistan», according to which amendments and supplements were introduced to the criminal procedure legislation that have enhanced the powers of attorney, as well as the rights of his client. Currently, suspects and defendants are entitled to a phone call and inform a lawyer or a close relative about their detention and whereabouts from the moment of actual detention.

32. On 17 January 2001, the Agreement on humanitarian activities with respect to the detainees or prisoners was signed between the Government of the Republic of Uzbekistan and the ICRC.

33. During 2008 the ICRC carried out 20 visits to places of detention (Tashkent city, Tashkent, Andijan, Bukhara and Navoi regions). One of the main issues that are being scrutinized during visits is the treatment of prisoners. Ombudsman also regularly monitors places of detention. In 2008 alone Ombudsman visited 10 prisons over the country. Foreign experts were involved in visiting several establishments.

34. Ombudsman, jointly with the Association of Physicians of Uzbekistan and with the participation of specialists of the Ministry of Health, has monitored compliance of the rights of convicts for qualified medical care.

Recommendation 6

35. Guarantees and principles reflected in the current legislation and which ensure the independence of the judiciary system, in accordance with the universal norms of international law; legally established procedure for election, appointment and dismissal of judicial corps; strict procedure for administration of justice in criminal, administrative, civil, economic affairs, as well as liability for any interference in the judicial activity – all these indicate the operation of independent judiciary authority in the republic.

36. Important means of ensuring independence of judges are the guarantees of his/her personal, home, office, transport, communications, correspondence, property and records' immunity.

Recommendation 7

37. Currently there is an ongoing work on introducing amendments and supplements in the Law «On freedom of conscience and religious organizations».

Recommendation 8

38. According to the legislation, the employment of adolescents under the age of 15 is prohibited. At the same time, employment of those aged 15 to 16 years is limited by number of conditions. In particular, the law established a compulsory medical examination for employment and reduction of working hours for persons under 18 years old (for persons aged 15 to 16 years - less than 24 hours per week) with the maintenance of full wage.

39. In addition, the Decree of the Government from 12 September 2008 established the standards for preventing enterprises, organizations and individuals from forcing children to work and complying with established legislation, rules and working conditions of minors.

40. There are amendments and supplements to being introduced to the Labor Code, in accordance with the requirements of the Convention on the Rights of Child (ratified by Uzbekistan) in the part of the protection of children from performing a work that may serve as obstacle to their education, as well as Paragraph 3 of Article 2 of the Convention on Minimum Age for Admission to Employment, according to which the minimum age of employment should not be below the age of completion of compulsory school education.

Recommendation 9

41. The article 56 of the Constitution defines aims and goals of creation of public associations which lead to satisfaction of spiritual and other nonmaterial values, protection of rights and freedoms of citizens, achieving social, cultural and educational aims.

42. In order to materialize the provisions of the Constitution a number of legislative acts were adopted such as laws “On nongovernmental non-profit organizations”, “On public associations” and “On public foundations”, some subordinate legislative norms regulating some aspects of all NGOs' activities.

43. The Law “On guarantees of the activity of non-governmental non-profit organizations” was adopted in 2007. It insures main guarantees particularly the right to receive information from all governmental bodies, the right to conduct freely its activity without interference of the state bodies.

Recommendation 10

44. The relationship between the State and mass media, as in all developed countries, is regulated by the legislation which insures, on the one hand, a freedom of mass media, on the other hand – the right to receive information, freedom of expression, pluralism of views in the society, public control over mass media and its responsibility.

45. The order of accreditation of foreign journalists established by the national legislation correspond with the international standards in this sphere. Any registration of domestic or international mass media is conducted in the frameworks of the legislation.

46. About 30 foreign mass media are accredited at the Ministry of Foreign Affairs of Uzbekistan.

Recommendations 11 and 16

47. The article 32 of the Constitution ensures the right of citizens to engage in public life. Moreover, in accordance with the article 34 of the Constitution citizens have opportunity to realize this right, among other, by forming political parties, labor unions and public associations.

48. The Laws “On nongovernmental non-profit organizations”, “On public associations” and “On public foundations”, some subordinate legislative norms regulating some aspects of all NGOs’ activities are adopted.

49. The Law “On guarantees of the activity of non-governmental non-profit organizations” (2007) insures main guarantees particularly the right to receive information from all governmental bodies, the right to conduct freely its activities without interference of the State bodies. NGOs have also right to appeal unauthorized actions of State bodies and its officials to the superior entities or court. In this case NGO are exempt from sue charges.

50. Due to the legal base, today there are more than 5,000 NGOs in Uzbekistan (in 1996 – 2,800, in 2009 – 5,117).

51. The relevant legal base is created for branches of foreign NGOs in Uzbekistan. There are more than 50 of them in the country.

Recommendation 12

52. The article 32 of the Constitution ensures the right of citizens to engage in public life. Moreover, in accordance with the article 34 of the Constitution citizens have opportunity to realize this right, among other, by forming political parties, trade unions and public associations.

Recommendation 13

53. Every crime is thoroughly investigated by the law-enforcement bodies. If there are some questions regarding individual cases, the Uzbek side is ready to provide the relevant information.

Recommendations 14 and 15

54. Uzbekistan is a secular country where religion is separated from the State and politics. The Constitution does not allow forced propagation of religious views and the legislation prohibits proselytism. The State does not interfere in activities of religious associations. Freedoms of conscience and religious organizations are envisaged by the Law “On freedoms of conscience and religious organizations” which was adopted in 1991.

55. As in majority of countries with rule of law, the religious organizations must obtain legal registration and have a transparent accounting. As a matter of fact the violation of those rules leads to amenability.

56. There are 2,300 religious organizations of 16 religions or beliefs including 2,050 Muslim, 179 Christian (including Russian Orthodox Church, Evangelic Baptist Church, Christians of Full Gospel, Seven-Day Adventists, Evangelic-Lutheran Church, Catholic Church, Armenian-Apostolic Church, Protestant Church, Church of Jehovah’s Witnesses, New Apostolic Church, Biblical Society of Uzbekistan), eight Jewish societies, six Baha’i communities, Krishna society and Buddhist temple in Uzbekistan.

57. The great attention is paid to the religious education. There is Tashkent Islamic University for 511 students, including 467 bachelors and 44 masters in Uzbekistan. There are seven madrasahs, including two for females, for 1,126 students including 264 female students, Christian Orthodox seminary for 126 students, Protestant seminary for 28 students.

Recommendation 17

58. A constant work is undertaken in Uzbekistan aimed at liberalization of the activity of mass-media and creation of necessary conditions for broadcasting important issues of political and social and economic development of the country, protection of human rights and freedoms, as well as its dissemination by means of the Internet, newspapers, magazines and other printing editions.

59. Recently, the number of various mass-media (state-owned, private, printing and electronic) has increased. Over 1,000 mass media conduct their activity including about 700 newspapers, 200 magazines, four information agencies, over 40 independent television and radio channels. Associations and funds to support mass media are being created. Mass media activity is stipulated by a number of laws “On Mass Media”, “On the Principles and Guarantees of the Freedom of Information”, “On Guarantees and Freedoms of Access to the Information”, “On Protecting the Professional Activity of Journalist” and others.

60. The current legislation and the international obligations of Uzbekistan allow drawing an accurate differentiation between countering terrorism and strict observance of freedom of religion.

61. Issues of countering terrorism is under constant attention from legislative and executive branches of the Government. In 2005-2007 Defense and Security Committee of the Legislative chamber of Oliy Majlis (Parliament) of the Republic of Uzbekistan has carried out the parliamentary control over the implementation of the Law «On the fight against terrorism», adopted in December 2000.

62. The basic priorities of a State policy in relation to religion are the guarantee of real freedom of conscience and religion, strengthening interreligious and international friendship, education of culture of tolerance in a society.
63. The Constitution, among other, states that everyone has the right to practice any religion or not to profess any.
64. Believers of Uzbekistan freely celebrate all religious holidays.
65. In 2007 ISESCO has proclaimed Tashkent, the capital of Uzbekistan, as one of four capitals of Islamic culture.

Recommendation 18

66. According to the article 8 of the Law “On Political Parties” the registration of political parties is conducted by the Ministry of Justice. The Law stipulates single rule for all parties regardless of their purposes and tasks.
67. The article 3 of the Law concretizes the irrefragable list of reasons for rejection of the application for registration. Particularly, the establishment and activity of the political parties shall be forbidden if they are:
- (a) Aimed at forcible alteration of the constitutional system;
 - (b) Undermining state sovereignty, integrity and security of the Republic of Uzbekistan, constitutional rights and freedoms of its nationals;
 - (c) Carrying on war propaganda and inciting to social, national, racial and religious enmity;
 - (d) Encroaching on the health and morality of the nation;
 - (e) Established on national and religious principle.
68. Denial in registration of political party can be appealed to the Supreme Court of the Republic of Uzbekistan in accordance with the established order.
69. The adoption in January 2008 of the Constitutional Law “On Strengthening the Role of Political Parties in the Renovation and Further Democratization of State Administration and Modernization of the Country” gives the political parties new opportunities for their further development and ensuring constructive political competition.

Recommendation 19

70. According to the Article 29 of the Constitution, everyone has the right of freedom of thought, speech and beliefs. Journalists in Uzbekistan, human rights defenders and other citizens are not subjected to pressure, persecution or intimidation for the use of freedom of opinion and belief.

Recommendations 20 and 24

71. The state policy on guaranteeing the rights of children in Uzbekistan is given a high priority.

72. Uzbekistan ratified the Convention on the rights of a child in 1992 practically along with the adoption of the Constitution and accepted the obligations to follow all of its articles and be responsible before the international community.

73. Only during the last year Uzbekistan has taken numerous important steps in the sphere of securing the rights of the child. Firstly, the laws “On guarantees of the rights of the child”, “On countering human trafficking” were adopted. Second, the Parliament has ratified two Optional Protocols to the Convention of the Rights of the Child, related to child trafficking, child prostitution and pornography, and the involvement of children in armed conflicts, two ILO Conventions (No. 138 and No. 182), dealing with the minimum age for labor and the worst forms of child labor.

74. Along with 189 countries, Uzbekistan signed the Declaration of Millennium Development Goals and “A World Fit for Children”. In accordance with these documents the Government of the Republic of Uzbekistan, accepting upon itself the obligation to improve the conditions of the lives of children and monitor the progress in achieving this goal, in 2007 adopted the National Program of Actions on ensuring the well-being of the children of Uzbekistan, until the 2011.

Recommendation 21

75. The registration of non-governmental organizations, public unions, political parties and mass-media in Uzbekistan is carried out in complete accordance with the requirements of legislative acts, which are in full compliance with international norms.

Recommendations 22 and 23

76. Uzbekistan is adherent to promoting and protecting human rights alongside the implementation of measures to fight against terrorism and other threats to national security.

Recommendation 25

77. Along with 189 countries Uzbekistan has signed follow Declarations: The Millennium Development Goals and «A World Fit for Children». In accordance with these documents, the Government of Uzbekistan, committing to improve the living standards of children and monitor progress in achieving this goal, in 2007 adopted a national action program for the welfare of children in Uzbekistan, which will last until 2011.

78. The implementation of national plans to improve the welfare of children includes continuous monitoring and researches of children positions in an education sphere, public health services, leisure, a family environment, work, vocational training, and protection from negative effects of modern life. Governmental decisions set specific deadlines, supervision and monitoring of implementation the national programs to eradicate child labor.

Recommendation 26

79. The commitments outlined in the International Pact on Civil and Political Rights, are taken into account in all aspects of religious life in Uzbekistan.

Recommendation 27

80. In Uzbekistan, agricultural activity is carried out by farms on lands allotted to them on a competitive basis. Currently, in Uzbekistan state farms do not exist, that by itself exclude a “forced labor in agricultural sector.”

81. The Government's program to eradicate the worst forms of child labor provides for stricter liability of persons and individuals, as well as parents for involvement and use of forced child labor. National legislation defines a minimum employment age from 16 years and in strictly defined exceptional cases – from 15 years. It also defines working conditions and benefits provided to persons under the age of 18.

82. There is an official approved list of professions with adverse working conditions, which prohibits the employment of persons under 18 years of age, including work in the cotton fields. Working groups are created to prevent from forced labor of secondary schools students on cotton harvesting. A program for monitoring and taking action on violations of labor laws for minors has been approved.

83. Public control over the prevention from forced labor of children is carried out by Farms Association of Uzbekistan and the Labor Unions Federation of Uzbekistan with the participation of NGOs, and government control is assigned to the Ministry of Labor and Social Protection of the Population.

OBSERVATIONS ON OTHER PARAGRAPHS OF THE REPORT (DOCUMENT A/HRC/10/83 DATED 9 MARCH 2009)

84. Following corrections should be inserted to the text of the report:

1. The references to the recommendations 79 (f), 79 (g), 79 (h) in Part I of paragraph 107 be relocated to Part II of paragraph 107;
2. Maintain the reference to the recommendation 79 (d) in Part I of paragraph 107;
3. The recommendation 30 in paragraph 104 be relocated to paragraph 106;
4. The recommendation 13 in paragraph 106 be relocated to Part II of paragraph 107;
5. The reference to the recommendation 33 b) in Part I of paragraph 107 be relocated to Part II of paragraph 107.
