



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Eightieth session

13 February–9 March 2012

## Consideration of reports submitted by States parties under article 9 of the Convention

### Addendum

### Information received from the Republic of Uzbekistan on the implementation of the concluding observations of the Committee (CERD/C/UZB/CO/6-7)\*

#### A. Introduction

1. The International Convention on the Elimination of all Forms of Racial Discrimination was adopted and opened for signature, ratification and accession by General Assembly resolution 2106 A (XX) on 21 December 1965 and entered into force on 4 January 1969, in accordance with article 19.
2. Uzbekistan ratified the Convention by Oliy Majlis (Parliament) Decision No. 129-1 of 31 August 1995.
3. Since the ratification of the Convention, Uzbekistan has made every effort to implement its provisions at the national level. The activities of the National Centre for Human Rights in Uzbekistan have been key to these efforts.
4. To that end, the Centre carries out the types of activities described below.

#### B. Information on measures taken to comply with the Convention

##### 1. Preparation of national reports on compliance with the Convention

5. In accordance with article 9 of the Convention, all States parties undertake to submit periodic reports on their compliance with the Convention. National reports are prepared by

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

the National Centre for Human Rights on the basis of information provided by the relevant State bodies and non-governmental and international organizations.

6. Uzbekistan submitted its first and second periodic reports to the Committee on the Elimination of Racial Discrimination in August 2000 (CERD/C/327/Add.1).

7. The Committee considered the first and second reports of Uzbekistan during its fifty-seventh session, at the 1428th and 1433rd meetings, held on 18 August and 23 August 2000, respectively (CERD/C/SR.1428 and 1433).

8. In 2006, pursuant to article 9 of the Convention, the third, fourth and fifth periodic reports (CERD/C/463/Add.2) were prepared and submitted to the Committee in accordance with the guidelines on the form and content of periodic reports and with consideration given to the Committee's concluding observations (CERD/C/304/Add.87). The Committee considered the reports during its sixty-eighth session, at the 1743rd and 1744th meetings, held on 28 February and 1 March 2006, respectively (CERD/C/SR.1743 and 1744). At the 1754th meeting, held on 8 March 2006, the Committee adopted its concluding observations (CERD/C/UZB/CO/5). The Committee noted that the report had been submitted in due time, drafted in accordance with the guidelines for the preparation of reports and with contributions from non-governmental organizations (NGOs).

9. All of the Committee's observations were taken into account in the preparation of the sixth and seventh combined national reports (CERD/C/UZB/6-7). In preparing the report, Uzbekistan drew on the new compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.5), the observations and recommendations of the Committee following its consideration of the combined third, fourth and fifth reports (CERD/C/UZB/CO/5) and the Committee's general comments. The reports were submitted to the Committee for consideration in November 2008.

10. Over the period from 2006 to 2008, Uzbekistan drafted, adopted and carried out a national plan of action on the implementation of the concluding observations of the Committee (CERD/C/UZB/CO/6-7). In accordance with established practice, the Government adopts national plans of action for the implementation of all concluding observations of treaty bodies. Ten such plans have been carried out or are now under way.

11. In preparing the combined sixth and seventh report on the implementation of the Convention, Uzbekistan took into account all the Committee's observations on its previous reports.

12. The combined sixth and seventh report on the implementation of the Convention reflected the basic principles of the national policy of Uzbekistan. In the report, it was noted that Uzbekistan is the nation State of the Uzbeks, where 130 other ethnic groups reside alongside the Uzbek population. Ethnic, religious, cultural and linguistic tolerance is a feature of its history. There has not been a single inter-ethnic or inter-religious conflict since Uzbekistan gained independence.

13. Since the consideration of Uzbekistan's combined third, fourth and fifth periodic reports on the implementation of the Convention (CERD/C/463/Add.2), the country has continued its practice of dedicating individual years to tackling the major social and economic aspects of the human rights of all categories of citizens, irrespective of their ethnic origin: the Year of Charitable Work and Medical Personnel in 2006; the Year of Social Protection in 2007; and the Year of Youth in 2008. The ultimate purpose of all the action taken in these years was to enhance people's well-being and the living standards of every family, to promote equal rights and opportunities for rural dwellers, urban dwellers and the poor, to increase ethnic and religious harmony in society, to prevent discrimination,

to extend the rights and opportunities of civil society institutions, and to consolidate human rights and freedoms.

14. In its consideration of the reports, the Committee noted that they had been submitted in due time and contained a wealth of information.

## 2. Specific measures

### (a) *The protection of children from racism, racial discrimination, xenophobia and related intolerance*

15. The main international instrument assuring children's rights and protecting their interests is the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989. Uzbekistan ratified the Convention on the Rights of the Child in 1992.

16. The Constitution establishes a statutory and legal framework for the status of children on the basis of their status as citizens. The Constitution also sets out the basic principles of the relation of the State and society to the child and to children's rights and freedoms. The terms "child", "children" and "minor" appear in only three articles of the Constitution. Article 45 states that "the rights of minors, persons unable to work and elderly persons living alone shall enjoy State protection"; Article 64 contains the regulation that "parents shall support and bring up their children until the latter attain the age of majority". "The State and society provide for the support, upbringing and education of orphans and children deprived of parental care and encourages charitable activities for their benefit." Article 65 states that "children are equal before the law, irrespective of their background and the civil status of their parents. Mothers and children are safeguarded by the State."

17. Thus, the Constitution defines the fundamental principles of the protection of the rights of the child, which include the following:

- (a) The supremacy of the universally accepted principles and norms of international law in the protection of the rights and freedoms of the child;
- (b) The safeguarding and protection of the rights of the child by the State;
- (c) The welfare services provided by the State and society for orphans and children deprived of parental care;
- (d) The prevention of discrimination against children on the basis of their background or the civil status of their parents;
- (e) The encouragement of charitable activities for the benefit of children;
- (f) The obligation of parents to support and bring up their children.

18. The prevention of discrimination against children on the grounds of race, colour, sex, language, religion, political or other opinion, ethnic or social status, birth or any other circumstances pertaining to the child and his or her family is one of the main international requirements for the achievement of equality for all children, as set out in the Convention on the Rights of the Child.

19. Article 18 of the Constitution enshrines the principle of the prevention of discrimination against all Uzbek citizens and thereby promotes the implementation of the Convention. The article stipulates that all citizens of Uzbekistan shall have equal rights and freedoms and shall be equal before the law, without discrimination on the grounds of sex, race, ethnicity, language, religion, social origin, opinions or individual or social status. Privileges may be established only by law and should be in keeping with the principles of social justice.

20. These constitutional provisions were further developed with a law specifically relating to children. The Rights of the Child (Guarantees) Act was adopted on 7 January 2008, even though there already existed over 100 laws governing various aspects of the rights and freedoms of the child. The drafting of the Act was also a feature of the national plan of action to give effect to the recommendations made by the Committee on the Rights of Child, adopted by the Government in 2001.

21. The aim of the Act is to prevent discrimination against children, to simplify the basic guarantees of children's rights, freedoms and legitimate interests, irrespective of sex, ethnicity, social origin, state of health and other factors, and also to complete work on an effective mechanism for upholding and restoring the rights of the child in the event of their violation.

22. Under article 4 of the Act, the prevention of discrimination against children and the promotion of their equal rights and opportunities are major areas of State policy to protect the rights of the child. Also, article 3 offers the first definitions of the terms "orphans", "children with problems of physical and/or psychological development", "socially vulnerable children" and "children with disabilities". It is the first time that the law has clearly defined the common term "socially vulnerable children" as children living in difficult conditions owing to circumstances requiring special protection and support from the State and society. By law, socially vulnerable children include children with disabilities; children with problems of physical and/or psychological development; orphans; children deprived of parental care; children in institutional care; children with no fixed abode; children from disadvantaged families; children facing criminal proceedings and held in correctional facilities; and child victims of violence and exploitation, armed conflicts and natural disasters.

23. Uzbek law provides for special measures and procedures to protect the rights of socially vulnerable children. The National Programme for Children's Welfare states that the protection of children is the most important way to ensure their well-being; section V of the Programme contains specific measures on providing assistance to children living in difficult conditions, while chapter 3 of the Rights of the Child (Guarantees Act) establishes additional guarantees for socially vulnerable children. Under article 7 of the Act, every child possesses, and is guaranteed by the State, the human and civil rights and freedoms prescribed in the Constitution, the Rights of the Child (Guarantees) Act and other legislative instruments. Children enjoy comprehensive protection, whether born in or out of wedlock. The State takes the necessary measures to protect children from all forms of discrimination. The rights of the child may not be restricted except in cases specified by law.

(b) *Prevention of discrimination in employment*

24. Uzbekistan has been a member of the International Labour Organization (ILO) since 1992 and actively cooperates with it on the basis of joint activities between ILO and its social partners in the country. Uzbekistan is currently party to 13 ILO conventions.

25. Article 37 of the Constitution guarantees citizens the right to work. Everyone has the right to work, to the free choice of work, to fair working conditions and to protection against unemployment, in accordance with the procedure established by law. Forced labour is prohibited, except in execution of a court sentence or in other instances specified by law. With a view to developing the constitutional norms that safeguard every person's right to work, to the free choice of work, to fair working conditions and to protection against unemployment, Uzbekistan adopted the Labour Code, the Employment Act, the Labour Protection Act, the Farming Act and the Household Plots (*Dekhkan*) Act.

26. Uzbekistan's reforms in the economic and social fields have made it possible to introduce quantitative and qualitative changes in the area of employment. In addition to the increased rate of growth of small businesses and private entrepreneurship, a significant role has been played by the development of the service sector, the introduction of a broad variety of work in the home and the expansion of animal husbandry in the countryside.

27. Home-based work has enabled women to engage in creative production work, particularly women with children, women with disabilities and other women with a limited capacity to work. The increase in the number of persons rearing cattle on private family farms and household plots, especially in rural areas, is another very important factor in employment. Particular care is taken with the occupational safety of teenagers in order to prevent any damage being caused to their health or to their physical and mental development. By order of the Ministry of Labour and the Ministry of Health, Regulations were adopted prohibiting the use of underage labour and a list of jobs with unfavourable working conditions in which children under the age of 18 are prohibited to work was issued.

28. In Uzbekistan, everyone is guaranteed equal opportunities for job advancement, not least in respect of the advancement of women. Enormous efforts are made to adopt and implement effective measures to boost the employment of women, to give them every possible support in their bid to find work and to develop various forms of female entrepreneurship, particularly in rural areas.

29. Article 6 of the Labour Code prohibits discrimination in the field of employment on the grounds of sex or race. There are many instances in Uzbekistan of women in senior positions, both in executive and in legislative bodies; for example, they have served as deputies to the Oliy Majlis, chairpersons of committees of the Oliy Majlis, members of the Supreme Court, deputy ministers and directors of large voluntary associations.

30. Since its independence, Uzbekistan has taken practical measures to guarantee the protection of the life and health of children and to establish the requisite conditions for the harmonious development of the coming generation. In April 2008, Uzbekistan took an important step by ratifying the ILO Minimum Age Convention, 1983 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), thereby reaffirming the country's commitment to the universal human values of the protection of the rights of the child.

31. During the implementation of these wide-ranging measures, particular emphasis is placed on improving the legal mechanisms governing the use of child labour, establishing additional guarantees on appropriate working conditions for minors and eliminating the worst forms of child labour. Action taken includes the following:

(a) Special regulations have been added to the Labour Code providing further guarantees to young persons as regards the signature and termination of employment contracts, the performance of their duties at work, the length of their working hours and the amount of leave that they are given;

(b) Uzbekistan ratified ILO Convention No. 138 on 4 April 2008;

(c) Uzbekistan ratified ILO Convention No. 182 on 8 April 2008;

(d) Cabinet of Ministers Order No. 207 of 12 September 2008 approved a national plan of action to implement the Minimum Age Convention and the Worst Forms of Child Labour Convention. This plan included a range of measures designed to improve the legal framework for overseeing the prevention of illegal child labour and monitoring the implementation of the two Conventions.

32. In order to carry out the provisions of the Rights of the Child (Guarantees) Act of 7 January 2008 and the national plan of action, the Ministry of Labour and Social Welfare and the Ministry of Health issued a joint order, registered on 29 July 2009 with the Ministry of Justice, containing a list of jobs with adverse working conditions in which children under the age of 18 are prohibited to work, including cotton picking for agricultural purposes.

33. In addition, with a view to incorporating the above-mentioned ILO Conventions into domestic law, the Act amending and supplementing the Labour Code and the Rights of the Child (Guarantees) Act was adopted on 24 December 2009.

34. Under this Act, the minimum employment age for a young person is raised from 14 to 15 years of age. This means that, in order that they may be better prepared for employment, pupils at general-education schools, vocational colleges and other secondary educational establishments may, upon attaining the age of 15 and with the written consent of one of their parents or a person acting in their stead, be offered employment outside school hours for the performance of light work that does not cause harm to their health or development nor disrupt their education.

35. Under the Act supplementing the Administrative Liability Code with a view to improving legislation on the protection of minors, all citizens, including parents, are subject to administrative liability for using underage labour in any work that may harm a minor's health, safety or morals. Employers who violate labour and occupational safety laws in respect of minors also face increased liability.

36. Moreover, a joint order by the Ministry of Labour and Social Welfare and the Ministry of Health, registered on 15 January 2010 with the Ministry of Justice, established Regulations prohibiting the use of underage labour.

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