



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Reports submitted by States parties under article 9 of the Convention

Sixth and seventh periodic reports of States parties due in 2008

Uzbekistan*,^{**}

[28 November 2008]

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- * This document contains the sixth and seventh periodic reports of Uzbekistan, due on 28 October 2008, submitted in one document. For the third to fifth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/463/Add.2, CERD/C/SR.1743, 1744 and 1754.
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Abbreviations

ICRC	International Committee of the Red Cross
ILO	International Labour Organization
OSCE	Organization for Security and Cooperation in Europe
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund

Introduction

1. The Republic of Uzbekistan is a State in Central Asia that gained independence in 1991. Uzbekistan is the nation State of the Uzbeks, where 130 other ethnic groups reside alongside the eponymous 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.
2. Uzbekistan has been through two separate periods during its years of independent development, each of which has a special place in its history.
3. The initial period, from 1991 to 2000, was a transitional stage of priority reforms and changes, in which the foundations of Uzbekistan's statehood were laid. This period saw the establishment of the legal and organizational bases for the building of a democratic State governed by the rule of law, for a socially oriented market economy and for the formulation of a State policy of promoting, observing and defending human rights and freedoms. It was in this period that Uzbekistan acceded to the six core international human rights treaties of the United Nations, including the International Convention on the Elimination of All Forms of Racial Discrimination, which entered into force for Uzbekistan on 28 October 1995.
4. The period from 2001 to 2007, a time of dynamic democratic renewal and modernization, played an equally important role in Uzbekistan's development. Features of this period were, first, the increasing role and influence of the legislature, stemming from the establishment and functioning of a bicameral parliament that takes national and regional interests into account when passing laws; second, the increasing role and influence of political parties and civil society institutions in the adoption of critical government decisions and the rising power and significance of NGOs in public scrutiny of government activities; third, cardinal reforms to liberalize and humanize the judicial and legal system, abolish the death penalty and strengthen the independence and effectiveness of the judiciary, the introduction of habeas corpus and an enhanced role for the bar; and, fourth, extensive human rights education and outreach activities.
5. Since the consideration of Uzbekistan's combined third, fourth and fifth periodic reports on the application of the International Convention on the Elimination of All Forms of Racial Discrimination,¹ the country has continued its practice of devoting individual years to tackling major social and economic aspects of human rights: 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 harmony in society, to prevent discrimination, to extend the rights of and opportunities for civil society institutions to act, and to consolidate human rights and freedoms.
6. Uzbekistan consistently fulfils its international human rights obligations. Several major international human rights instruments were ratified in 2008: the Uzbek Parliament ratified International Labour Organization (ILO) Conventions Nos. 138, concerning minimum age for admission to employment, and 182, concerning the prohibition and immediate action for the elimination of the worst forms of child labour; also the Protocol of 2000 to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized

¹ See CERD/C/463/Add.2.

Crime; the two Optional Protocols to the Convention on the Rights of the Child; and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

7. This period of Uzbekistan's development has seen the adoption of legislation designed to bring about fundamental renewal and modernization and improved relations between the individual, society and the State: the News Media (Amendment) Act of 15 January 2007; the Non-Governmental, Non-Profit Organizations (Safeguards) Act of 3 January 2007; the Charities Act of 2 May 2007; the Act of 11 April 2007 strengthening the role of political parties in the renewal and further democratization of the governance and modernization of the country; the Act of 11 July 2007 amending selected legislation in connection with the abolition of the death penalty; the Act of 11 July 2007 amending selected legislation in connection with the transfer to the courts of the authority to order remand in custody; the Rights of the Child (Safeguards) Act of 7 January 2008; the Anti-Trafficking Act of 17 April 2008; and so forth.

8. In May 2008 the President issued a decree announcing a programme of activities to mark the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, in support of the message by the Secretary-General of the United Nations and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The programme is in five parts: improving human rights legislation; monitoring; human rights education and outreach activities; and international cooperation. International human rights agreements and material explaining Uzbekistan's human rights policies are being issued and reissued in large print runs, and a special State commission has been established to support events marking the sixtieth anniversary in all regions of Uzbekistan. The Ministry of Finance has allocated \$100,000 as a voluntary contribution to a special OHCHR fund to support United Nations efforts in implementing the main objectives of the Universal Declaration.

9. This presidential decree established procedures for a public audit of the human rights machinery of the Ministry of Justice, the Ministry of Internal Affairs and the Procurator-General's Office. The audit was organized with assistance from the Bar Association, national human rights institutions and non-governmental organizations. The outcome of their critical analysis was widely reported in the media and specific proposals to improve the work of the human rights machinery were submitted to the heads of the relevant State bodies. Twenty-six round tables were held in the various provinces of Uzbekistan between May and August 2008 to discuss the outcome of the audit; they were attended by non-governmental organizations and the bodies concerned. The recommendations and observations from the audit constituted a starting point for reforming and improving these human rights bodies.

10. The year 2008 was declared the Year of Youth in Uzbekistan, as more than 10 million inhabitants, about 40 per cent of the overall population, are under the age of 18 and more than 17 million, 64 per cent of the population, are under 30. Both State and society have always focused their attention on issues concerning the young who form the majority of the country's population. The presidential decree endorsing the State Programme for the Year of Youth, issued on 29 February 2008, defined the basic kinds of support to be given to young persons in various areas of life by strengthening the legal underpinnings of their rights and interests, enhancing the education process, improving physical and technical facilities at educational institutions and tackling the whole range of issues connected with youth employment.

11. There is growing cooperation on human rights between Uzbekistan and the United Nations, the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization for Security and Co-operation in Europe (OSCE) and the

International Committee of the Red Cross (ICRC). Two rounds of the human rights dialogue between the European Union and Uzbekistan were held in 2008.

12. Over the period from 2006 to 2008, Uzbekistan drafted, adopted and carried out a national plan of action in response to the concluding observations of the Committee on the Elimination of Racial Discrimination. 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.

13. Uzbekistan took into account all the Committee's observations on its previous reports in preparing the combined sixth and seventh report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

14. In preparing the report, Uzbekistan drew on article 9 of the Convention, the new compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties,² the observations and recommendations of the Committee³ following its consideration of the combined third, fourth and fifth periodic reports of Uzbekistan⁴ and the Committee's general comments on matters covered by the Convention.

15. The report indicates advances in social, political and legal thinking in Uzbekistan on various aspects of human rights; this will help international bodies to understand Uzbekistan's current situation in terms of the promotion, observance and protection of human rights.

16. The report largely focuses on the legislative, administrative and organizational arrangements for the realization of human rights in Uzbekistan. It gives a full description of current human rights legislation, indicates the goals and mandates of the institutions which have to apply that legislation in practice, and furnishes information on the ways and the areas in which the activities of the State agencies responsible for protecting human rights are coordinated. This information provides a full picture of the national civil, political, economic, social and cultural human rights machinery and shows how effectively international standards in this field are applied.

I. Common core document

1. General information about the reporting State

A. Demographic, economic, social and cultural characteristics of the State

17. Uzbekistan is situated in Central Asia between the region's two biggest rivers, the Amu Darya and the Syr Darya. It borders Kazakhstan to the north and north-east, Turkmenistan to the south-west, Afghanistan to the south, Tajikistan to the south-east and Kyrgyzstan to the north-east. Approximately four fifths of Uzbekistan is made up of desert plains; the eastern and south-eastern regions include the hills and foothills of Tien Shan and the Gissar range. Within the Turan plate lie the Ustyurt plateau and the Amu Darya delta on the southern shore of the Aral Sea, and the huge Kyzylkum desert. Uzbekistan has an extreme continental climate.

² HRI/GEN/2/Rev.4.

³ CERD/C/UZB/CO/5.

⁴ CERD/C/463/Add.2.

18. The country has a total area of 447,400 square kilometres and comprises the Republic of Karakalpakstan, 12 viloyat (provinces) and the City of Tashkent, 121 towns and cities and 163 rural districts. The population is 27.4 million. The capital is Tashkent.

Historical survey

19. The earliest historical information about the settlement of Central Asia, including Uzbekistan, dates to the middle of the first millennium B.C. In the sixth century B.C. the rule of Persia's Akhemenidov dynasty was established in Central Asia; in the fourth century B.C. that dynasty was conquered by Alexander the Great. The territory of Uzbekistan, in its entirety or in part, was subsequently ruled by the great ancient Powers, the descendants of Alexander the Great and Seleucus Nikator (fourth to third centuries B.C.); the Graeco-Baktrian Empire (third to second centuries B.C.); and the powerful central Indian State of Kushanov (end of the first to fourth century A.D.).

20. Zoroastrianism and the Zend-Avesta, the sacred book of Zoroastrianism, originated in the ancient province of Sogdiana, part of modern-day Uzbekistan. The Great Silk Road passed through Uzbekistan, influencing the region's historical and cultural development.

21. Various cultures and civilizations helped to shape the Uzbek people, an ethnic community with Turkic roots. The history of the Uzbeks has unfolded amidst close contacts and intermingling with Iranian peoples and culture.

22. Central Asia, including what is now Uzbekistan, was invaded by the Arabs in the eighth century and came within the dominion of the Arab Caliphate. Islam was introduced in the wake of the conquest. The new religion spread quickly among the people, although they continued to observe aspects of Zoroastrianism and other religions (Buddhism, Manichaeism and Nestorianism). The spread of Islam brought the region into the realm of Islamic civilization.

23. Local dynasties replaced Arab rulers at the end of the ninth century. The territory of Uzbekistan was ruled by the Samanid, Karakhan and Seljuk dynasties from the ninth to the twelfth centuries.

24. At the beginning of the thirteenth century Central Asia (together with Azerbaijan and Persia) was briefly under the rule of the Khoramshahi State, which was brought down by the hordes of Genghis Khan. Power passed swiftly to the Timur dynasty. This age (the second half of the fourteenth to the fifteenth century) saw peak economic development and a thriving culture. Samarkand was Emir Tamerlane's capital. In the Middle Ages the Timur State extended over a vast territory, forming a common legal and economic area. This period and the absolute monarchy that arose at the time may be regarded as the foundation for the Uzbek nation State.

25. At the turn of the fifteenth and sixteenth centuries the Timur State was replaced by the Sheibanid State, which ruled throughout the sixteenth century. For about four centuries, from the sixteenth century until the conquest of Central Asia by Russia in the second half of the nineteenth century, there were three Uzbek khanates in what is now Uzbekistan: the Bukhara (an emirate from the middle of the eighteenth century), the Khivin, and the Kokand.

26. In the second half of the nineteenth century most of Central Asia, including contemporary Uzbekistan, became part of Russia. The Governorate-General of Turkistan was established.

27. The Bukhara People's and Khorezm People's Soviet Republics were formed in 1920 in the wake of the 1917 revolution in Russia.

28. In 1924, Central Asia was divided up into ethnic States. The Uzbek Soviet Socialist Republic was established on 27 October 1924. Under this ethnic division, land populated chiefly by Uzbeks became part of the Uzbek SSR. The Republic had 82 per cent of all Uzbeks living in the USSR; they accounted for 76 per cent of the total population of the newly formed Republic. For about 70 years Uzbekistan was part of the USSR, and its demographic, social and economic development were influenced by events proper to the Soviet Union.

29. The country reached a turning point in its history on 1 September 1991 when it declared national independence. The day before, the Supreme Soviet of Uzbekistan had adopted a decision proclaiming the national independence of the Republic of Uzbekistan and a constitutional act on the foundations of independence for the Republic of Uzbekistan as a State.

Population

30. The majority of the population (more than 21 million people) is Uzbek, a Turkic-speaking people with an ancient and distinctive culture. Uzbekistan is also home to significant numbers of other peoples: Kazakhs, Tajiks, Karakalpaks, Kyrgyz, Turkmens, Russians, Ukrainians, Tatars, Armenians, Koreans, Uighurs and others.

31. In **anthropological** terms, the Uzbeks are a people of mixed descent, with both European and Asian traits. Anthropologists regard the Uzbeks as southern Europeans from the Central Asian valleys. The Uzbek urban and oasis-dwelling populations have relatively few Asian traits.

32. Uzbek is the official language of Uzbekistan. Literary Uzbek belongs to the Karluk group of the western branch of the Turkic languages. One of the characteristic features of the Uzbek language is its profound historical link with Tajik. The Karakalpak language belongs to the Kipchak group of the Turkic languages.

33. In terms of **religious** affiliation, the believers among the Uzbeks and Karakalpaks are Sunni Muslims belonging to the Hanafi school of law (madhhab). In Uzbekistan, and indeed throughout Central Asia, the orthodox form of Islam has typically merged with mystical elements such as Sufism and pre-Islamic beliefs.

Demographic indicators

Table 1
Permanent population, by sex and age⁵

	As at January 2006			As at January 2007			As at January 2008		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
Total	26 312 688	13 145 068	13 167 620	26 663 823	13 325 604	13 338 219	27 072 172	13 535 261	13 535 261
0–4	2 570 482	1 322 666	1 247 816	2 616 164	1 346 962	1 269 202	2 694 264	1 386 885	1 307 379
5–9	2 759 615	1 414 934	1 344 681	2 643 618	1 354 913	1 288 705	2 576 951	1 321 589	1 255 362
10–14	3 244 610	1 654 319	1 590 291	3 176 436	1 623 806	1 552 630	3 094 166	1 583 356	1 510 810
15–19	3 144 151	1 596 309	1 547 842	3 185 310	1 617 582	1 567 728	3 206 403	1 630 996	1 575 407
20–24	2 682 242	1 348 775	1 333 467	2 804 461	1 411 284	1 393 177	2 919 718	1 470 500	1 449 218
25–29	2 194 791	1 103 322	1 091 469	2 244 445	1 129 013	1 115 432	2 321 216	1 167 253	1 153 963

⁵ Data from the State Statistics Committee.

	As at January 2006			As at January 2007			As at January 2008		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
30–34	1 950 620	979 580	971 040	1 985 467	998 649	986 818	1 999 864	1 003 500	996 364
35–39	1 671 734	818 507	853 227	1 718 778	845 095	873 683	1 780 968	881 233	899 735
40–44	1 621 998	790 523	831 475	1 615 401	783 707	831 694	1 603 274	778 160	825 114
45–49	1 380 960	677 596	703 364	1 454 743	713 514	741 229	1 513 318	740 651	772 677
50–54	945 077	459 719	485 358	1 007 832	490 700	517 132	1 065 906	519 630	546 276
55–59	606 677	292 139	314 538	668 440	321 710	346 730	730 767	351 260	379 507
60–64	355 794	176 605	179 189	343 031	169 198	173 833	356 339	173 940	182 399
65–69	468 036	219 050	248 986	457 345	214 133	243 212	446 913	211 921	234 992
70–74	302 904	134 719	168 185	317 749	143 597	174 152	318 813	144 980	173 833
75–79	224 965	96 413	128 552	223 559	94 432	129 127	226 227	94 211	132 016
80 and older	188 032	59 892	128 140	201 044	67 309	133 735	217 063	75 647	141 416

Table 2
Demographic indicators⁶

	2005	2006	2007	2008
Permanent population at year end (millions)	26.1	26.3	26.6	27.4
Population growth (thousands)	101.1	101.3	101.5	
Urban population (per cent)	36.1	35.9	35.8	
Rural population (per cent)	63.9	64.1	64.2	
Population density (inhabitants/km ²) at year end	58.6	59.4	60.3	
Births (per 1,000 persons)	20.3	20.9	22.6	23.7
Deaths (per 1,000 persons)	5.4	5.3	5.3	5.1
Overall fertility rate or total births coefficient	2.36	2.39		
Life expectancy at birth (years):				
Both sexes	71.8	72.5		
Men	69.6	70.2		
Women	74.1	74.9		
Dependants (population aged less than 15 and over 65 years (per cent))	36.3	36.1		

Table 3
Average household size (number of persons)⁷

	2005	2006	2007
Average household size	5.1	5.1	5.1

⁶ Data from the State Statistics Committee.

⁷ Data from the State Statistics Committee.

Table 4

Percentage distribution of households, by sex of household head, 2006⁸

<i>Sex of household head</i>	<i>Weighted percentage</i>
Male	82.2
Female	17.8

Social, economic and cultural indicators

Table 5

Infant and maternal death rate⁹

	2003	2004	2005	2006	2007	2008 (January to October)
Infant deaths per 1,000 births	16.3	15.4	14.9	14.5	14.2	12.9
Maternal deaths per 100,000 live births	32.2	30.2	29.2	24.8		

Table 6

Contraceptive use and abortion on medical grounds¹⁰

	2005	2006
Women of childbearing age using contraception (per cent)	60.4	59.1
Abortions on medical grounds (as per cent of live births)	0.6	0.6
Women aged:		
Under 15	3.1	-
15–19	0.7	0.9
20–34	0.5	0.5
35–50	7.7	5.8
51 and older	-	-

Table 7

Morbidity rates for selected infectious and parasitic diseases¹¹

	<i>Per 100,000 persons</i>			
	<i>2005</i>		<i>2006</i>	
	<i>Total</i>	<i>Women</i>	<i>Total</i>	<i>Women</i>
Intestinal infections:				
Typhoid	0.4	0.2	0.3	0.2
Salmonellas	5.5	5.1	6.1	5.7

⁸ UNICEF and the State Statistics Committee, 2007. Uzbekistan Multiple Indicator Cluster Survey 2006, final report. Tashkent, Uzbekistan: UNICEF.

⁹ Data from the State Statistics Committee.

¹⁰ Data from the State Statistics Committee.

¹¹ Data from the State Statistics Committee.

	<i>Per 100,000 persons</i>			
	<i>2005</i>		<i>2006</i>	
	<i>Total</i>	<i>Women</i>	<i>Total</i>	<i>Women</i>
Acute intestinal infections	139.7	130.3	133.9	124.7
(including bacterial dysentery)	14.6	14.3	12.8	12.7
Viral hepatitis				
Total	115.8	110.3	112.9	108.9
Including:		0.0		0.0
Acute hepatitis-A	105.0	100.5	104.0	101.1
Acute hepatitis-B	8.9	8.2	7.3	6.4
Acute hepatitis-C	1.6	1.3	1.4	1.3
Airborne and droplet-borne infections				
Diphtheria	-	-	-	-
Whooping-cough	0.5	0.5	0.4	0.4
Measles	2.8	2.7	3.2	2.8
German measles	1.7	1.5	1.1	0.9
Scarlet fever	3.5	2.9	3.4	3.2
Epidemic psittacosis	6.8	5.8	6.6	5.4
Chicken pox	15.5	14.6	16.2	14.9
Meningitis	0.2	0.2	0.3	0.2
Acute infections of the upper respiratory tract	2 267.6	2 100.9	2 110.1	1 957.4
Influenza	5.6	4.7	4.7	4.0
Naturally breeding infections and zooanthropontic infections				
Siberian ulcers	-	-	-	-
Tularaemia	-	-	-	-
First-diagnosis brucellosis	2.2	0.9	1.8	0.9
Haemorrhagic fever	-	0.0	0.0	0.0
Pediculosis	83.1	138.6	86.5	137.0
First-diagnosis malaria	0.4	0.3	0.3	0.2
Parasitic diseases				
Ascariasis	24.5	20.8	20.1	18.8
Trichuriasis	1.7	1.3	1.6	1.5
Enterobiosis	842.7	992.4	800.6	753.0
HIV	7.0	3.2	9.3	6.3
AIDS	0.0	0.0	0.0	0.0

Table 8
Morbidity by main categories of disease¹²

	<i>Per 100 000 population</i>			
	<i>Total</i>		<i>Women</i>	
	<i>2005</i>	<i>2006</i>	<i>2005</i>	<i>2006</i>
Total recorded ailments	46 797.9	47 360.4	53 360.5	53 221.2
Including:				
Certain infectious and parasitic diseases	1 254.6	1 236.8	1 286.2	1 243.1
Neoplasms	185.3	176.4	221.4	199.4
Diseases of the endocrine system, dietary and digestive system disorders	2 825.7	2 644.7	3 570.3	3 236.6
Diseases of the blood and blood-producing organs and certain immune system disorders	8 253.5	8 555.9	11 627.4	12 008.3
Mental and behavioural disorders	220.5	208.1	122.5	114.6
Diseases of the nervous system	1 877.6	1 807.2	1 864.7	1 824.7
Diseases of the eye and its appendages	1 342.5	1 376.4	1 378.5	1 422.4
Diseases of the ear and mammiform appendix	1 145.3	1 240.4	1 158.5	1 264.1
Diseases of the circulatory system	1 451.4	1 541.8	1 438.5	1 528.8
Diseases of the respiratory organs	12 000.2	11 990.2	12 820.1	12 371.5
Diseases of the digestive organs	5 944.9	5 759.8	6 304.4	6 168.5
Diseases of the genito-urinary system	2 554.0	2 662.2	3 352.0	3 525.6
Diseases of the skin and epidermis	2 115.6	2 219.6	2 117.1	2 188.2
Diseases of the skeleto-muscular system and connective tissue	833.9	878.0	842.1	836.6
Congenital abnormalities (developmental defects), deformities and chromosome disorders	57.7	56.1	58.2	54.5
Symptoms, signs and deviations from the norm, unclassified under other headings and identified during clinical and laboratory tests	125.3	116.0	121.7	117.0
Trauma, poisoning and certain other effects of external causes	3 319.8	3 548.7	2 964.3	2 935.8

Table 9
Deaths, by main categories of cause (per 100,000 population)¹³

	<i>2005</i>	<i>2006</i>
Total deaths from all causes	535.3	525.2
Including deaths from:		
Diseases of the circulatory system	301.3	304.1
Neoplasms	37.7	36.5
Accidents, poisoning, trauma	38.7	36.5

¹² Data from the State Statistics Committee.

¹³ Data from the State Statistics Committee.

	2005	2006
Diseases of the respiratory organs	43.7	40.6
Diseases of the digestive organs	33.5	33.4
Infectious and parasitic diseases	15	15.4
Diseases of the genito-urinary system	10.6	10.2
Diseases of the nervous system	10	10.1
Diseases of the endocrine system	13	13.8
Mental disorders	1.3	1.2
Diseases of the blood	1.2	1.0

Table 10

Teacher/pupil ratio in State educational institutions¹⁴ (at the start of the academic year)

	2005/06	2006/07	2007/08
Pupils per teacher:			
General education schools	12.5	12.3	11.7
Lycées (academic secondary schools)	8.4	9.4	10.6
Colleges (vocational secondary schools)	15.3	16.6	15.3
Higher-education institutions	10.5	10.8	10.7

Table 11

Literacy rate¹⁵

	2005	2006
Adult literacy rate	0.994	0.995

Table 12

Employment and unemployment rates¹⁶

Indicator	2005	2006	2007
Official unemployment rate (per cent)	0.3	0.2	0.2
Numbers of employed persons, by economic branch (1,000s)	10 196.3	10 467.0	10 735.4
Including:			
Manufacturing	1 347.5	1 402.4	1 445.5
Agriculture and forestry	2 967.4	2 935.9	2 930.1
Transport and communications	488.1	506.9	527.7
Construction	848.5	876.6	910.1
Commerce, catering, sales, procurement	903.9	977.2	1 055.4
Housing maintenance and public utilities	316.4	331.2	346.4
Health, physical education, sports and recreation	735.5	768.1	801.4

¹⁴ Data from the State Statistics Committee.

¹⁵ Data from the State Statistics Committee.

¹⁶ Data from the State Statistics Committee.

<i>Indicator</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Education, culture, art, science and support for scientific research	1 385.1	1 434.5	1 481.8
Finance, credit and insurance	54.2	54.9	58.4
Other	1 149.7	1 179.3	1 178.6
Numbers employed in the formal sector (1,000s)	4 642.8	4 562.8	4 587.7
Numbers employed in the informal sector (1,000s)	5 553.5	5 904.2	6 147.7
Economically active population (1,000s)*	10 224.0	10 492.5	10 758.6

* The economically active population is calculated as the number of employed persons plus the number of persons officially recognized as unemployed.

Table 13

Trade union membership, by branch of industry and as a proportion of the total workforce, 2007¹⁷

<i>Trade union</i>	<i>Number of workers and students</i>	<i>Trade union members (as proportion of total workers and students)</i>
Air transport	23 153	23 122 (99.8%)
Road, river and electrical transport and road maintenance	102 853	102 853 (100%)
Agro-industry	2 230 150	2 229 993 (99.99%)
State institutions and social services	269 580	268 561 (99.6%)
Railway and transport engineers	73 229	73 229 (100%)
Health workers	709 457	709 457 (100%)
Cultural workers	98 745	97 505 (98.7%)
Light industry, furniture industry and public utilities	212 909	212 909 (100%)
Metallurgy and mechanical engineering	120 371	116 820 (97%)
Education and science	1 882 051	1 882 051 (100%)
Communications	60 896	60 879 (99.9%)
Construction and building materials	75 206	73 064 (97.1%)
Fuel and energy, chemicals and geology	242 284	241 659 (99.7%)
Trade, consumers' cooperatives and private entrepreneurs	302 689	302 567 (99.9%)

Data from the Federation of Trade Unions. Trade union members account for 43.2 per cent of the total workforce of 14,791,900 persons.

¹⁷ Data from the Federation of Trade Unions of Uzbekistan.

**Table 14
Per capita income¹⁸**

(according to balance of monetary incomes and expenditure)

Thousand SUM

	2005	2006	2007
Per capita monetary income	371.8	489.1	628.0

**Table 15
Gross domestic product for 2003–2008¹⁹**

	<i>Unit of measurement</i>	2003	2004	2005	2006	2007	<i>2008 (Jan.–Oct.)</i>
Gross domestic product (GDP)	Billion SUM	9 837.8	122 661.0	15 923.4	20 759.3	28 186.2	24 720.5
GDP growth rate	Percentage	104.4	107.7	107.0	107.3	109.5	109.4

**Table 16
Consumer price index (per cent)²⁰**

2003	2004	2005	2006	2007
3.8	3.7	7.8	6.8	6.8

B. Constitutional, political and legal structure of the State

34. The Republic of Uzbekistan was constituted on 31 August 1991 in what had been the Uzbek Soviet Socialist Republic, part of the USSR. It is a unitary State with a presidential form of government. The acquisition of state sovereignty was the beginning of fundamental reforms and political changes.

35. The Constitution, adopted on 8 December 1992, reflects the people's will, spirit, social awareness and culture. It is worth noting, above all, its commitment to the common values of all humankind and the universally recognized principles and norms of international law. There is no mention of a single political ideology, class conflicts or party dictatorship; or of the crushing dominance of the State over the people.

36. The Constitution establishes the principle of the separation of powers into a legislature, an executive and a judiciary.

37. **Legislature.** Legislative power is exercised by the Oliy Majlis (parliament), the highest representative organ of the State. A bicameral parliament consisting of an upper chamber (the Senate) and a lower chamber (the Legislative Chamber) of the Oliy Majlis was established following a national referendum on 27 January 2005. The establishment of the parliament greatly reinforced the foundations of the Uzbek State. First, it extended the constitutional powers of parliament and improved markedly the checks and balances between the legislative, executive and judicial branches. Second, it extended the democratic representation of the regions. Third, it enhanced considerably the quality of the legislative process. Fourth, it marked a transition to a professional parliament.

¹⁸ Data from the State Statistics Committee.

¹⁹ Data from the Ministry of the Economy and the State Statistics Committee.

²⁰ Data from the Ministry of the Economy.

38. The procedure for the formation and the legal status of the Parliament of the Republic of Uzbekistan are set out in the Constitution (arts. 76–88), in the constitutional acts on the Senate of the Oliy Majlis and the Legislative Chamber of the Oliy Majlis, and in the Oliy Majlis (Elections) Act and the Act on the status of Legislative Chamber and Senate members.

39. Members of the Legislative Chamber and Senate serve for a term of five years. The Chamber has 120 members, elected by geographical constituencies on a multiparty basis. Its proceedings rely on the professional and consistent work of all its members.

40. The Legislative Chamber is made up of committees and commissions. Under its rules of procedure the Chamber comprises 10 committees: the Budget and Economic Reforms Committee; the Legislation and Judicial Committee; the Employment and Social Welfare Committee; the Defence and Security Committee; the International Affairs and International Relations Committee; the Committee on Agrarian and Water Management Issues and the Environment; the Industry, Construction and Trade Committee; the Science, Education, Culture and Sports Committee; the Committee on Democratic Institutions, Non-Governmental Organizations and Local Authorities; and the Information and Communication Technology Committee.

41. Commissions consisting of members of the Legislative Chamber are set up to deal with specific matters.

**Table 17
Composition of the Legislative Chamber of the Oliy Majlis²¹**

Province	Men	Women	Total
Tashkent City	10	1	11
Andijan	11	-	11
Bukhara	5	2	7
Dzhizak	3	1	4
Kashkadarya	9	1	10
Navoy	2	2	4
Namangan	7	2	9
Samarkand	13	-	13
Sirdaryo	3	-	3
Surkhondaryo	7	1	8
Tashkent	8	4	12
Fergana	11	3	14
Khorezm	5	2	7
Karakalpak Republic	5	2	7
Total	99 (82.5%)	21 (17.5%)	120

42. The Senate is the chamber in which the various parts of the country are represented. Members of the Senate (senators) are elected in equal numbers — six each — from the Republic of Karakalpakstan, the provinces, and the city of Tashkent by secret ballot at joint sessions of the Jokargy Kenes (parliament) of Karakalpakstan and the representative bodies

²¹ Data from the Central Election Commission.

of State authority in the provinces, districts and towns, from among the membership of the bodies concerned. Sixteen senators are appointed by the President of the Republic from among the country's most distinguished citizens with broad practical experience and special merit in the fields of science, the arts, literature, industry and other areas of State and public life.

Table 18
Numbers of senators, by constituency and sex²²

<i>Province</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Tashkent City	4	2	6
Andijan	6	-	6
Bukhara	5	1	6
Dzhizak	5	1	6
Kashkadarya	6	-	6
Navoi	5	1	6
Namangan	4	2	6
Samarkand	5	1	6
Sirdaryo	5	1	6
Surkhondaryo	6	-	6
Tashkent	6		6
Fergana	5	1	6
Khorezm	5	1	6
Karakalpak Republic	6	-	6
Presidential appointment	12	4	16
Total	85	15	100

Political parties

43. Four political parties are currently represented in the Legislative Chamber.

44. 1. *Adolat, the Social Democratic Party of Uzbekistan*, constituted on 18 April 1995. This party currently has more than 59,000 members. It draws its membership from the middle class and disadvantaged segments of the population and endeavours to represent their political and social interests and promote their social protection on the basis of the principles of social justice. It has 10 deputies in the Legislative Chamber of the Oliy Majlis.

45. 2. *The Milli Tiklanish Democratic Party of Uzbekistan* (DPMT). Constituted on 3 June 1995, it united with the Fidokorlar National Democratic Party in August 2008. This party is officially registered as a political force uniting the intelligentsia, property owners and entrepreneurs, intellectuals, artists, young persons, students, advocates for independence, rural workers, persons defending the interests of the people, and other segments of the population supporting its activities. Its basic aim is to stimulate the development of national self-awareness and educate the people in the spirit of patriotism. It has more than 146,000 members. The party's primary mission is to lay the foundations of renewed Uzbek statehood, build a democratic State and civil society based on the rule of

²² Data from the Central Election Commission.

law and further enhance Uzbekistan's international standing. It has 29 deputies in the Legislative Chamber.

46. 3. *The UzLuDep Movement of Entrepreneurs and Businesspeople*, registered on 3 December 2003, has 149,000 members. It is a nationwide political organization expressing and defending the interests of property owners, small-scale entrepreneurs, owners of farms and dekhans (small family farms), highly skilled manufacturing workers and managerial personnel, and businesspeople. It has 41 deputies in the Legislative Chamber.

47. 4. *The People's Democratic Party of Uzbekistan* (NDPU), founded on 1 November 1991, represents the left wing in the country's politics. It gives voice to the political will of a number of segments and groups in society. On 1 January 2008 it had 343,800 members. Following the 2004 elections it formed a group in the Legislative Chamber with 28 deputies.

48. The activities of political parties in Uzbekistan are regulated by the Constitution, the Political Parties Act, the Political Parties (Funding) Act, and the Constitutional Act giving political parties a greater role in the renewal and further democratization of the governance of the State and modernization of the country.

Table 19

Membership of the Legislative Chamber of the Oliy Majlis, by political party and region²³

Province	Adolat	UzLiDep	DPMT	NDPU	Citizen's action group	Total
Tashkent City	1	4	3	1	2	11
Andijan	-	4	2	3	2	11
Bukhara	1	3	1	2	-	7
Djizak	-	2	2	-	-	4
Kashkadarya	2	3	1	3	1	10
Navoi	-	2	-	1	1	4
Namangan	1	3	1	3	1	9
Samarkand	2	2	3	4	2	13
Syrdaryo	-	2	1	-	-	3
Surkhondaryo	-	-	3	4	1	8
Tashkent	1	3	5	3	-	12
Fergana	1	9	1	2	1	14
Khorezm	-	2	3	1	1	7
Karakalpak Republic	1	2	3	1	-	7
Total	10	41	29	28	12	120
Per cent	8.33%	34.17%	24.17%	23.33%	10%	100%

The Executive

49. *The President of the Republic* is the head of State. The President is elected by the citizens of Uzbekistan on the basis of universal, equal and direct suffrage in a secret ballot

²³ Data from the Central Election Commission.

for a term of seven years (Constitution, art. 90). Any citizen of Uzbekistan who has reached the age of 35, is fluent in the official language and has resided permanently in the territory of Uzbekistan for at least 10 years immediately prior to the election may be elected President (Constitution, art. 90).

50. Under article 93 of the Constitution, the President is the guarantor of citizens' rights and freedoms and of the Constitution and laws of the Republic. The President's powers include the following:

1. Adopting measures necessary for the defence of the country's sovereignty, security and territorial integrity
2. Representing the Republic internally and in international relations
3. Negotiating and signing agreements binding the Republic, and guarantee of their observance
4. Selecting and leading the executive staff
5. Ensuring cooperation among all the higher organs of power and governance
6. Establishing and disestablishing ministries, State committees and other organs of government
7. Appointing and dismissing judges of the provincial, inter-district, district, city, military and economic courts
8. Acting as Supreme Commander of the Armed Forces
9. Setting up the national security and State-monitoring service
10. Setting citizenship issues

51. *The Cabinet of Ministers* exercises executive power. It consists of the Prime Minister of the Republic and his deputies, ministers, the chairpersons of State committees and the Head of Government of the Republic of Karakalpakstan.

52. The Cabinet is appointed by the President. The candidacy of the person nominated to the post of Prime Minister is examined and confirmed by the chambers of the Oliy Majlis at the invitation of the President after consultations with each of the party groups in the Legislative Chamber and deputies selected by Lobby groups. The Prime Minister may be removed from office on an initiative by party groups in the Legislative Chamber if a presidential motion to that effect receives more than two thirds of the votes of the total membership of the two chambers.

53. The Cabinet of Ministers manages the economic, social and spiritual affairs of the country. It gives effect to the Constitution and statutes, the decisions of the Oliy Majlis and the decrees, decisions and orders of the President and is empowered to issue, in line with current legislation, decisions and orders that are binding on all authorities, enterprises, organizations, officials and citizens throughout Uzbekistan. The Cabinet's work is regulated by chapter XX of the Constitution and by the Cabinet of Ministers Act.

54. The Cabinet of Ministers resigns when a new Oliy Majlis is elected.

55. **The Judiciary.** Uzbekistan's judiciary is independent of the legislative and executive branches and of political parties and other civil society organizations (Constitution, arts. 106–116). Judicial power is exercised by a system of courts:

- (a) The Constitutional Court, which considers questions of the constitutionality of the acts of the legislature and the executive;

- (b) The Supreme Court, which is the highest judicial organ with respect to civil, criminal and administrative matters;
- (c) The Higher Economic Court, which hears economic disputes;
- (d) The Supreme Court of the Republic of Karakalpakstan;
- (e) The Economic Court of the Republic of Karakalpakstan;
- (f) The provincial, Tashkent City, district, city and economic courts.

56. Since 1 January 2000, following the adoption of the Presidential Decree on improvement of the judicial system which led to amendments to the Courts Act, the courts have specialized in the separate consideration of civil or criminal cases. The following courts of general jurisdiction were established: the Supreme Civil Court of the Republic of Karakalpakstan; the Tashkent City Civil Court; and the provincial and inter-district civil courts.

57. Specialization on the basis of courts of general jurisdiction was also introduced for criminal cases. The following courts were established: the Supreme Criminal Court of the Republic of Karakalpakstan; the Tashkent City Criminal Court; and the provincial, district and city criminal courts.

58. In accordance with article 112 of the Constitution and under the Courts Act, “judges are independent and subject solely to the law. Any interference in the work of judges in administering the law is prohibited and punishable by law. The immunity of judges is guaranteed by law. Judges may not be senators or members of representative bodies of State power. Judges may not belong to any political parties, participate in political movements, or engage in any other types of paid occupation than scholarly or educational work. Judges may be removed from their posts prior to the end of their term of office only on the grounds specified by law”.

59. A Supreme Court research centre on the democratization and liberalization of judicial legislation and the independence of the judicial system was established by presidential decision in 2008. The Centre focuses on assessing law enforcement and judicial practices, the degree of independence of the judiciary, and ways of improving legislation.

60. **The local authorities.** In addition to the higher representative organs of State power — the Oliy Majlis, the Office of the President and the Cabinet of Ministers — the system of organs of State power also includes local bodies and officials dealing with social problems at the provincial, district and city levels: *kengash* (councils) of peoples’ deputies and *khokim* (local executive authorities). Their rights and powers are set out in the Constitution and in the Local Authorities Act. Nominees for the *khokim* are submitted by the President for approval by the provincial *kengash* of peoples’ deputies following consultations with the members of the party groups working in the *kengash*. The party groups in provincial *kengash* may notify the President if a provincial *khokim* is not performing satisfactorily.

61. *Khokim* at all levels function as sole authorities. Within the limits of the powers vested in them, their decisions are binding on all enterprises, institutions, organizations, associations, officials and citizens in the areas under their jurisdiction (Constitution, art. 104).

62. The local representative bodies — the *kengash* of peoples’ deputies — perform their duties under the direction of the *khokim*.

The electoral system

63. The structure and principles of the electoral system are embodied in the Constitution, particularly chapter XXIII, devoted entirely to the system, and in the

Referendums Act (1991), the Presidential Election Act (1991), the Oliy Majlis (Elections) Act (1993), the Councils of Peoples' Deputies (Provincial, District and City Elections) Act (1999), the Citizens' Voting Rights (Guarantees) Act (1994) and the Central Electoral Commission Act (1998).

64. In establishing the principles of the elections system, the Constitution accords all citizens:

11. The right to elect members of, and to be elected to, representative organs of State power

12. Equality and freedom in the expression of their will

13. The right to be a member of no more than two representative bodies simultaneously

65. These constitutional rights may be exercised by all citizens who have reached the age of 18. The Constitution excludes only certain categories of person. The following may not vote in elections:

14. Citizens deemed by a court to be legally incompetent

15. Persons held in prisons and detention centres

66. The results of the most recent presidential election, held on 23 December 2007, show that more than 16 million people have the vote in Uzbekistan.

**Table 20
Numbers of voters, 2002–2007²⁴**

<i>District/Province</i>	<i>Referendum 27 January 2002</i>	<i>Election of the Legislative Chamber</i>	
		<i>of the Oliy Majlis 26 December 2004</i>	<i>Presidential election 23 December 2007</i>
1. Karakalpak Republic	785 707	841 310	960 000
2. Andijan	1 205 846	1 297 947	1 485 100
3. Bukhara	770 042	828 978	972 300
4. Djizak	471 547	510 243	609 800
5. Kashkadarya	1 104 091	1 226 010	1 404 200
6. Navoi	433 766	474 086	514 700
7. Namangan	1 041 553	1 137 009	1 283 100
8. Samarkand	1 420 285	1 540 761	1 724 300
9. Surkhondaryo	893 726	967 762	1 107 500
10. Syrdaryo	326 328	338 307	409 500
11. Tashkent	1 246 756	1 446 440	1 597 200
12. Fergana	1 535 684	1 629 942	1 803 600
13. Khorezm	744 579	829 920	894 700
14. Tashkent City	1 246 732	1 233 947	1 531 400
Total	13 226 642	14 302 662	16 297 400

²⁴ Data from the Central Elections Commission.

67. Uzbekistan accords the right to vote only to its citizens. Aliens and stateless persons do not have this right.

68. The Councils of Peoples' Deputies (Provincial, District and Municipal Elections) Act sets out the basic principles for the conduct of elections:

- 16. Multiple parties
- 17. Universal, equal and direct suffrage
- 18. Secrecy of the ballot
- 19. Transparency

69. All voters have the same legal status. All citizens of Uzbekistan, regardless of their social origin, race or ethnic background, sex, language, education, personal or social status and property, have the same voting rights.

70. The law provides that women should make up at least 30 per cent of the candidates nominated to stand for parliament.

71. Uzbekistan's election system is a majority-vote system. Pursuant to the Oliy Majlis (Elections) Act, a candidate obtaining more than half of the votes cast in an election is deemed elected.

Legal status and legal regulation of the activities of non-governmental organizations

72. To date, the Ministry of Justice and its local subdivisions have officially registered 1,587 non-profit NGOs and have records of the existence of 3,446 such organizations. The legal regulation of NGOs is based on both public and private law.

73. The State is pursuing a policy of social partnership and actively promotes the development of civil society institutions. Under the Non-Governmental Non-Profit Organizations (Safeguards) Act, the State may offer such organizations support in the form of subsidies, grants and procurement of services. The National Association of Non-Governmental Non-Profit Organizations, which represents the interests of NGOs in their inter-relationship with the State, was founded in June 2005. An NGO support fund has also been established.

74. Uzbekistan has a range of legislation consolidating and safeguarding the activities of NGOs: the Constitution, the Civil Code, the Voluntary Associations Act, the Non-Governmental Non-Profit Organizations Act, the Voluntary Foundations Act, the Property Owners' Associations Act, the Local Authorities Act, the Local Authorities (Election of Presiding Officers) Act, the Non-Governmental Non-Profit Organizations (Safeguards) Act, and the Charities Act. The Constitution includes an entire chapter (Chapter XII) on voluntary associations.

75. The joint decision adopted in June 2008 by the *Kengash* (Council) of the Legislative Chamber and the Senate *Kengash* of the Oliy Majlis to strengthen support for non-governmental non-profit organizations and other civil society institutions is a further move by the Government to develop relations and support civil society institutions. That decision established the Public Support Fund for Non-Governmental Non-Profit Organizations and Other Civil Society Institutions; a parliamentary commission has been established to administer it. Responsibility for managing financial support for civil society institutions has thus shifted from the executive to the legislature.

76. In accordance with the Constitution, the State guarantees the observance of the rights and legitimate interests of voluntary associations and ensures that they have equal legal opportunities to participate in public life. Interference by State bodies and officials in the activities of voluntary associations, like interference by such associations in the

activities of State bodies and officials, is prohibited. Article 57 of the Constitution “prohibits ... voluntary associations from being established and operating for the purpose of changing the constitutional system by force, acting against the sovereignty, integrity and security of the Republic and the rights and freedoms of its citizens under the Constitution, advocating war or social, ethnic, racial or religious strife and affecting the health and morality of the people; it also prohibits the creation and operation of paramilitary groups ... on ethnic or religious grounds”.

77. The formation of secret societies and associations is prohibited.

78. The Ministry of Justice is the chief agency for registration of non-governmental non-profit organizations.

79. Pursuant to the Non-Governmental Non-Profit Organizations Act, the judicial body receiving official registration papers from an NGO must consider and decide whether to register the organization within two months; it must then, within three days of that decision, issue to the founders either a certificate of official registration or a document stating the specific legal grounds for denying their application. Under article 62 of the Constitution, disbanding, banning or limiting of the activities of a voluntary association requires a court decision.

80. Article 2 of the Act clearly and consistently stipulates that an organization may be deemed non-profit when:

- (a) The fundamental purpose of its activity is not to extract income (profits);
- (b) It does not distribute any income received among its members.

81. As in the case of juridical persons, NGO financing of the social services they have been set up to perform is ignored for tax purposes. Only the income (profits) they derive from business activity is taxed.

Administration of justice

82. The Constitution sets out the basic principles governing judicial proceedings and the administration of justice:

- 20. The independence of the courts and the immunity of judges (arts. 106 and 108)
- 21. The independence of judges and their subordination only to the law (art. 112)
- 22. The prohibition of judges from holding representative office (arts. 108 and 112)
- 23. The prohibition of judges from membership of political parties or movements (arts. 108 and 112)
- 24. Open, transparent conduct of proceedings in all courts; hearings in camera are permitted only where specified by law (art. 113)
- 25. The conduct of judicial proceedings in the official language of the State or the language of the relevant predominant ethnic group (art. 115)
- 26. The presence of a lawyer at all stages of preliminary and court proceedings (art. 116)
- 27. The binding nature of judicial decisions on all State bodies, enterprises, institutions, establishments and organizations, voluntary associations, officials and citizens (arts. 109, 110 and 114)

83. Uzbekistan's judicial system is rather complicated. It has three sections, since the country includes the Republic of Karakalpakstan and 12 provinces. Tashkent City Court has the status of a provincial court and is superior to the district courts within the boundaries of the capital.

84. There are several different kinds of courts. District and inter-district criminal courts have only one function – that of courts of first instance. The Supreme Court of the Republic of Karakalpakstan, the provincial courts and Tashkent City Court hear cases falling within their jurisdiction at first instance, on appeals and in cassation and review proceedings. They oversee the operations of the district, city and inter-district courts (Courts Act, art. 30). The Supreme Court, the highest judicial authority in civil, criminal and administrative justice, can also consider cases in first instance and in a supervisory capacity. Furthermore, it can take up cases which it has considered in first instance on appeal or in cassation proceedings. A case heard on appeal may not be considered in cassation (Courts Act, art. 13).

85. Each case is heard by the appropriate court in accordance with specific procedural rules with a clearly defined purpose. The rules are set out in several pieces of legislation: the Code of Criminal Procedure (1994); the Code of Civil Procedure (1997); and the Code of Economic Procedure (1997).

86. As a general rule, a case may be heard by a court of first instance and on appeal. Supervisory review of cases is not regarded as a third instance, since it is permitted only in exceptional circumstances.

87. Courts of first instance consider the merits of a case with a view to establishing the defendant's guilt or innocence in criminal cases and the satisfaction or dismissal of a claim in civil cases. Any court may consider in first instance cases falling within its jurisdiction.

88. The most complicated cases are heard by the higher courts, up to and including the Supreme Court.

89. In its consideration of the merits it is usual for a court, with or without the participation of people's assessors,²⁵ to examine the evidence and establish all the important facts of the case. On the conclusion of its proceedings the court imposes a sentence in criminal cases and makes an award in civil cases.

90. Judicial decisions may be appealed before they become enforceable: appeal may be lodged with a higher court within 10 days of the decision in criminal cases and 20 days in civil cases.

91. Application for judicial review (cassation) of enforceable court decisions and sentences that have not been reconsidered on appeal may be made to a higher court within one year of the issuance of the decision or sentence.

92. Judicial decisions which have become enforceable may also be reviewed under the supervisory procedure, but only following lodged by a procurator, deputy procurator, or presiding officer or deputy presiding officer of a court.

93. Judicial proceedings in the Constitutional Court are conducted in accordance with the Constitutional Court Act.

²⁵ Criminal cases involving offences that do not pose a major threat to society and less serious cases under article 13 of the Code of Criminal Procedure are heard by a sole judge.

Crime statistics

Table 21
Total first-degree murders²⁶



94. Over the past five years there has been a downturn in the total number of **first-degree murders**: 963 and 962 such offences were recorded in 2003 and 2004, respectively, and 910 in 2005. In 2006 there were 891 cases, a decline of 5.4 per cent as compared to 2005, and in 2007 the figure was 815, a decrease of 5.3 per cent as compared to 2006.

95. Under article 15 of the Criminal Code, offences are classified according to their nature and the level of threat that they present to society, as follows: offences that do not constitute a major threat to society; less serious; serious; and extremely serious offences.

96. Offences not constituting a major threat to society include intentional crimes for which the law prescribes a penalty of deprivation of liberty for not more than three years and crimes committed out of negligence for which the law prescribes a penalty of deprivation of liberty for not more than five years.

97. Less serious offences include intentional crimes for which the law prescribes a sentence of deprivation of liberty for more than three but not more than five years and crimes committed out of negligence for which the law prescribes a penalty of deprivation of liberty for more than five years.

98. Serious offences include intentional crimes for which the law prescribes a penalty of deprivation of liberty for more than 5 but not more than 10 years.

99. Extremely serious offences include intentional crimes for which the law prescribes a penalty of deprivation of liberty for more than 10 years or for life.

Table 22

Total recorded offences, by degree of threat to society and the perpetrator's sex and age²⁷

	2003	2004	2005	2006	2007
Total recorded offences	78 925	79 129	79 883	82 352	83 905
Including:					
Not constituting a major threat to society	35 084	36 080	38 098	40 209	40 492
Less serious	24 636	24 642	23 892	24 615	25 747

²⁶ Data from the Ministry of Internal Affairs.

²⁷ Data from the Ministry of Internal Affairs.

	2003	2004	2005	2006	2007
Serious	12 716	12 030	11 618	11 224	11 089
Extremely serious	6 489	6 377	6 275	6 304	6 600
Identified perpetrators	71 688	70 486	71 405	74 558	78 044
Per 100,000 population	28	27.3	27.3	28.2	29.3
Including:					
Men	62 383	64 413	61 720	64 097	66 517
Per 100,000 population	24.4	24.9	23.6	24.3	24.9
Women	9 305	9 073	9 685	9 461	11 527
Per 100,000 population	3.6	3.5	3.7	3.6	4.3
Juveniles	2 974	2 837	2 727	2 826	2 853
Repeat offenders	11 579	10 797	10 485	10 355	9 326
Employed	27 553	25 701	24 705	27 950	31 496
In a drunken state	6 140	5 750	5 558	5 257	4 775
Aged 13–15 years	624	614	582	580	604
Aged 16–17 years	2 350	2 223	2 145	2 246	2 249
Aged 18–24 years	12 333	11 824	14 734	14 919	14 958
Aged 25–29 years	9 718	9 410	12 908	12 905	13 283
Recorded murders	963	962	910	891	815
Per 100,000 population	3.8	3.7	3.4	3.4	3.1
Prosecutions for violent assault	986	1 069			
Per 100,000 population	3.8	4.1	5.49	5.60	6.23
Prosecutions for robbery	1 436	1 430	1 439	1 712	1 805
Per 100,000 population	5.6	5.5	5.5	6.4	6.7
Remands in custody	12 899	11 195	10 518	10 353	10 087
Per 100,000 population	50.5	43.3	40.2	39.2	37.8
Criminal cases brought to court	40 777	39 888	40 118	39 787	39 753
Defendants brought to court	51 024	42 687	48 880	48 463	48 763
Per 100,000 population	199.9	165.4	187.1	183.5	182.8
Recorded rapes	572	576	492	506	475
Prosecutions for rape	568	627	739	711	829
Per 100,000 population	2.2	1.0	2.8	2.7	3.1

Maximum and average duration of remand in custody

100. As part of the reform of the judicial system the time limit for preliminary investigations in criminal cases was reduced from two years to one year and for remand in custody from 18 to 9 months (in exceptional cases 12 months); the scope of application of this measure was also reduced.

101. To ensure effective protection of rights and freedoms under the Constitution, in particular the right to security of person, to protection against groundless prosecution and to a fair trial, on 1 January 2008 the power to order remand in custody was transferred to the courts; Act No. ZRU-100 of 11 July 2007 and the articles of the Code of Criminal Procedure regulating the duration of remand in custody and the procedure for its extension were amended accordingly.

102. Article 245 of the Code of Criminal Procedure now reads:

“The period of remand in custody during the investigation of an offence shall not exceed three months. Applications for extension of the legal three-month limit shall be considered by the courts as follows:

Extension to five months – when made by a procurator of the Republic of Karakalpakstan or a procurator of a province or the City of Tashkent or a procurator of equivalent rank.

Extension to nine months – when made by the Procurator-General of the Republic of Uzbekistan.

Extension to 12 months – when made by the Procurator-General of the Republic of Uzbekistan during the investigation of particularly complicated cases involving persons charged with serious or extremely serious offences. No further extension of the period shall be permitted. In their consideration of all such applications the courts shall take into account the weight of the evidence submitted and the need for compliance with procedural rules and requirements.”

103. Article 247 of the Code specifies the procedure for extending the period of remand in custody.

104. Procurators must submit any application to extend the established period of remand of an accused person in custody to the courts at least six days before the expiry of that period. Such applications must state the reasons for delay in the investigation, specify any accounts or circumstances needing to be checked, and indicate the additional period of detention requested.

105. Applications to extend detention in custody are considered by a judge of a district or city criminal court sitting alone or by a district or territorial military court in the place where the offence was committed or the preliminary investigation is being conducted; in the absence of such a judge or in circumstances that prevent the judge from participating in the examination of the case file, the application is considered by the judge of another appropriate court designated by the President of the Supreme Criminal Court of the Republic of Karakalpakstan, a criminal court of Tashkent City or a province, or the Military Court of the Republic of Uzbekistan.

106. Applications to extend detention in custody are considered by the court in closed session within 72 hours of the submission of the case file.

107. Applications to extend detention in custody are considered in the presence of the procurator and the accused and his or her counsel, if any. When necessary, investigators may be summoned to attend.

108. The court may consider applications in the absence of the accused if he or she is being held in a medical institution for forensic psychiatric assessment. In such cases it is mandatory for a defence counsel to attend the hearing.

109. On completion of its consideration of an application, the court must rule either:

28. To extend the period of remand in custody or
29. To dismiss the application for extension

110. The court’s ruling has immediate effect and is subject to immediate enforcement. It is transmitted to the procurator for enforcement and is communicated to the accused and his or her counsel for information. The ruling can be appealed or contested under the procedure described in the second part of article 241 of the Code within 72 hours.

111. Having considered an appeal or protest, the appeal court may in its ruling:

30. Leave the lower court's ruling unchanged and reject the appeal or objection.
31. Revoke the lower court's ruling by refusing to extend remand in custody or by extending the period set. If extension of remand is ordered in respect of an accused person who has been released upon expiry of the earlier period of remand, the court must issue a detention order.

Incidence of death in custody

112. In the period 2005–2007 three people on remand in temporary detention units committed suicide by hanging.

113. Ten convicts died in correctional institutions in 2005, 15 in 2006, and 10 in 2007. In 29 of these cases the causes of death were tuberculosis, infections of the gastro-intestinal tract and cardiovascular disease; the other six prisoners committed suicide or were killed in accidents.

Employees of the Ministry of Internal Affairs per 100,000 persons

114. The Ministry's agencies have 111 officers fighting crime and safeguarding public order for every 100,000 members of the population.

Table 23

Total material damage claimed by victims in judicial proceedings²⁸

Year	<i>Total amount as established in the judicial record (millions of SUM)</i>	<i>Total amount claimed</i>	
		<i>Millions of SUM</i>	<i>%</i>
2005	17 444.5	11 649.6	66.8
2006	74 246.0	72 040.2	97.0
2007	33 062.0	29 557.4	89.4

2. General framework for the protection and promotion of human rights

C. Acceptance of international human rights norms

Table 24

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions</i>
International Covenant on Civil and Political Rights (1966)	31 August 1995	-	-
International Covenant on Economic, Social and Cultural Rights (1966)	31 August 1995	-	-
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	31 August 1995	-	-
Convention on the Elimination of All Forms of Discrimination against Women (1979)	6 May 1995	-	-

²⁸ Data from the Justice Ministry's Department for Enforcement of Court Decisions and the Material and Financial Support of the Courts.

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions</i>
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	31 August 1995	-	-
Convention on the Rights of the Child (1989)	9 December 1992	-	-
International Convention on the Protection of the Rights of All Migrant Workers and Their Families (1990)	-	-	-
Convention on the Rights of Persons with Disabilities	-	-	-
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (2000)	5 December 2008	-	-
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	5 December 2008	-	-
Optional Protocol to the International Covenant on Civil and Political Rights (1966)	31 August 1995	-	-
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)	Ratified by the Legislative Chamber on 30 October 2008 and submitted to the Senate	-	-
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning individual complaints and inquiry procedures (1999)	-	-	-
Optional Protocol to the Convention against Torture, concerning regular visits by national and international institutions to places of detention (2002)	-	-	-

(a) Ratification of other United Nations human rights treaties and related treaties

Table 25

Treaty	Accession	Reservations and declarations	Derogations, restrictions
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	20 August 1999	-	-
Slavery Convention (1926) and Protocol amending the Slavery Convention (1953)	-	-	-
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	12 December 2003	-	-
Convention relating to the Status of Refugees (1951) and Protocol relating to the Status of Refugees (1967)	-	-	-
Convention relating to the Status of Stateless Persons (1954)	-	-	-
Convention on the Reduction of Statelessness (1961)	-	-	-
Rome Statute of the International Criminal Court (1998)	Signed on 29 December 2000	-	-
United Nations Convention on Transnational Organized Crime (2000)	30 August 2003	-	-
Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	Signed on 28 June 2001	-	-
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	Signed on 28 June 2001	-	-

(b) Ratification of other relevant international conventions

Table 26

Treaty	Accession	Reservations and declarations	Derogations, restrictions
Conventions of the International Labour Organization			
Forced or Compulsory Labour Convention, 1930 (No. 29)	30 August 1997		
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	30 August 1997		
Equal Remuneration Convention, 1951 (No. 100)	30 August 1997		

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions</i>
Abolition of Forced Labour Convention, 1957 (No. 105)	30 August 1997		
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	30 August 1997		
Employment Policy Convention, 1964 (No. 122)	6 May 1995		
Minimum Age Convention, 1973 (No. 138)	April 2008	-	
Worst Forms of Child Labour Convention, 1999 (No. 182)	April 2008	-	
Geneva Conventions and other treaties on international humanitarian law			
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)	3 September 1993		
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)	3 September 1993	-	
Geneva Convention relative to the Treatment of Prisoners of War (1949)	3 September 1993	-	
Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)	3 September 1993	-	
Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (1977)	3 September 1993	-	
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (1977)	3 September 1993	-	

D. Legal framework for the protection of human rights at the national level

Legal basis for the protection of human rights

115. The vast body of legislation that has accumulated since independence provides the basis for proper regulation of social, economic and political relations. Virtually all the provisions of the Universal Declaration of Human Rights are embodied in the Constitution and have been elaborated in current legislation.

116. The Principles of State Independence Act of 31 August 1991 states: "In the territory of the Republic of Uzbekistan, citizenship of the Republic is established in accordance with the Universal Declaration of Human Rights."

117. "All citizens of the Republic, irrespective of their ethnic background, social origin, religious faith and opinions, have equal civil rights and enjoy the protection of the Uzbek Constitution and laws."

118. The Constitution seamlessly integrates popular, community and public values and all the universally recognized ideals of human legal culture.

119. The special status of the generally recognized rules of international law on human rights and freedoms is established in the preamble to the Constitution, which states: “The people of Uzbekistan, solemnly declaring their adherence to human rights and the principles of State sovereignty, aware of their great responsibility to the present and future generations, relying on the historical experience of the development of Uzbek statehood, affirming their commitment to the ideals of democracy and social justice, recognizing the priority of the generally recognized rules of international law, wishing to provide a decent life for the citizens of the Republic, assuming the task of creating a humane and democratic State with a view to ensuring civil peace and national accord, represented by their plenipotentiary deputies, adopt the present Constitution of the Republic of Uzbekistan.”

120. A basic premise of the Constitution, is that “the individual with his or her life, freedom, honour, dignity and other inalienable rights” is “the supreme asset” (art. 13). This fundamental position is one of the pillars of Uzbekistan’s constitutional order. It predetermines the role and the importance that the Constitution attaches to human rights and freedoms.

121. Article 31 of the Constitution states: “Freedom of conscience is guaranteed to all. Everyone shall have the right to profess any religion or not to profess any religion. The imposition of religious views by force is prohibited.”

122. Article 43 of the Constitution requires the State to guarantee the human rights and freedoms embodied in the Constitution and the law. Article 44 guarantees legal protection for every individual’s rights and freedoms, and the right to complain to the courts about unlawful acts by State agencies, officials or voluntary associations.

123. In addition to these general provisions on guarantees, the establishment of virtually every specific right and freedom is accompanied by an indication of the conditions and means of its realization.

124. The human rights guarantees set out in the Constitution cover all legal means of upholding and protecting human rights and freedoms in the various branches of the law in Uzbekistan.

125. Of course, guarantees of civil rights and freedoms are not established by the Constitution alone.

126. Human rights are legally established in Uzbekistan by constitutional acts, legal codes and a comprehensive framework of directly applicable law. Parliament has adopted more than 300 acts regulating fundamental human rights. General guidance on the promotion and protection of civil rights and freedoms is given in sectoral legislation. The most important principles are set out in the Criminal Code, the Code of Criminal Procedure and the Administrative Liability Code.

127. The social programmes adopted by the Government as it dedicates each new year to tackling a particular social issue are an integral part of the country’s legal system. They generally include legislative and practical measures to improve the welfare of vulnerable segments of society: families, mothers, children, the elderly, persons with disabilities and young persons. The programmes are publicly funded and carried out in cooperation with NGOs.

128. January 2008 saw the entry into force of legislation seeking the abolition of the death penalty, the transfer to the courts of the power to order remand in custody and safeguards for children’s rights and a constitutional act giving political parties a greater role

in the renewal and further democratization of public administration and the modernization of the country.

129. In practice, inter-departmental implementation arrangements take the form of national programmes and plans of action to carry out the recommendations made by the United Nations treaty bodies following their consideration of Uzbekistan's periodic reports.

Status of international human rights treaties in domestic law

130. As of early 2008, Uzbekistan had concluded more than 900 multilateral and bilateral treaties and agreements and acceded to more than 170 major international conventions and treaties, including more than 60 on the protection of human rights and freedoms.

131. An analysis of the domestic legislation underpinning and giving effect to the primacy of international law over national law shows that Uzbekistan's sectoral legislation is generally based on an acknowledgment of the primacy of international treaties over domestic laws. In keeping with article 1.1 of the Criminal Code, Uzbekistan's criminal legislation is based on the Constitution and the generally recognized rules of international law and consists of the Code itself.

132. Article 4 of the Penal Enforcement Code is worded as a stipulation: "The law governing penal enforcement shall take into account the principles and rules of international law relating to the enforcement of sentences and the treatment of prisoners."

133. The law on penal enforcement must not conflict with international agreements on protection of prisoners against torture and other inhuman or degrading treatment.

134. If an international treaty to which Uzbekistan is a party contains provisions that differ from those in the law on penal enforcement, the provisions of the treaty apply.

135. The wording commonly used contains a reference to the rules of international law. The formulation most often used can be found in article 9 of the Family Code: "If an international treaty to which the Republic of Uzbekistan is a party contains rules which differ from those set out in Uzbek family law, the rules of the international treaty shall apply." The only issue here is the precedence to be accorded when a treaty establishes "other rules" in a specific case, without affecting the applicability of the law as a whole; in other words, when an exception is made for a specific situation. In this instance, the treaty does not take precedence over the law, because the point at issue is the precedence to be accorded in a concrete case. Hence it may be considered that "other rules" means rules that derogate from or alter the law in question rather than creating an exception for a specific situation.

136. The precedence of international treaties in specific situations is clearly established in such legislation as the Labour Code and the Land Code. Precedence is accorded to all international instruments that have entered into force for the Republic of Uzbekistan, for the rules contained in such instruments have been declared a part of domestic law and are consequently of direct application.

137. Under the International Treaties Act of 25 December 1995, "the international treaties to which the Republic of Uzbekistan is party are subject to direct and mandatory application by the Republic in accordance with the rules of international law".

State machinery for decision-making on human rights issues

138. The bodies authorized to deal with human rights issues in Uzbekistan include:

32. The Legislative Chamber and the Senate of the Oliy Majlis and the local authorities

- 33. The President of the Republic
- 34. The Cabinet of Ministers and the ministries, departments and agencies of the Executive
- 35. The institutions of the Judiciary
- 36. The Office of the Procurator-General

139. **The Oliy Majlis** — Uzbekistan's highest elected representative body — creates the legal basis for the promotion and protection of human rights. Over the years of independence the Oliy Majlis has drafted and adopted more than 1,000 laws, most of them designed to provide direct protection of specific civil rights. International human rights treaties are submitted to the national Parliament for ratification. Committees of both the lower and upper chamber conduct regularly procedural checks on the application of such treaties and the human rights legislation in force. In 2006, for example, the Senate monitored compliance with the Convention on the Rights of the Child in the provinces of the Fergana Valley, and in 2005–2006 the Inter-Parliamentary Relations Committee of the Legislative Chamber monitored the implementation of the Convention against Torture in Tashkent province.

140. In 1995 the Oliy Majlis established the Commission on Constitutional and Civil Rights and Liberties (later reorganized as the Commission on the Constitutional Rights and Freedoms of Citizens under the Office of the Human Rights Commissioner of the Oliy Majlis).

141. In 1995 the post of Commissioner for Human Rights (Ombudsman) was established under the Oily Majlis to consider complaints of violations of human rights. The Office of the Ombudsman operates in accordance with the law. When a complaint is received, the Ombudsman conducts an independent investigation and makes recommendations based on the findings to the appropriate Government officials and agencies. Based on the complaints, the Ombudsman can monitor human rights violations. Statistics on complaints and an analysis of their substance and the recommendations issued are sent in the form of an annual report to both chambers of the Oliy Majlis and published on the Internet.

142. In accordance with article 93, paragraph 1, of the Constitution: “the President of the Republic shall guarantee observance of civil rights and liberties, the Constitution and the laws of the Republic of Uzbekistan”.

143. The President initiated the formulation of a master plan of priority reforms for the further liberalization of the judicial system; seven presidential decrees, three decisions and three orders have so far been issued. The Death Penalty (Abolition) Act and the Habeas Corpus Act became law as a result of initiatives by the President. National human rights institutions were also established on the President's initiative. Special attention is always given to the realization of human rights in the President's statements to joint sessions of Parliament.

144. **The Cabinet of Ministers** — the highest organ of executive power — attends to the direct application of the laws and subsidiary legislation adopted by Parliament and the decrees, decisions and orders issued by the President of the Republic.

145. The Government has adopted a number of social programmes to help to ensure the full implementation of the generally accepted rules of international human rights law under domestic legislation.

146. **The judiciary** is part of the system of State agencies for the protection of human rights. A considerable role in this system is played by the Constitutional Court, which is responsible for examining the constitutionality of decisions by the legislature and the executive. Since its establishment, the Constitutional Court has issued 14 orders and

decisions interpreting legislation and thereby upholding various human rights and freedoms.

147. The courts of general jurisdiction protect against and remedy violations of rights. When, in plenary meeting session, it considers judicial practice, the Supreme Court gives particular attention to the protection of human rights in all their forms. The decisions it reaches at these sessions are official interpretations of the law and binding on all law-enforcement and judicial bodies. In connection with the introduction of habeas corpus into domestic law and the abolition of the death penalty, in 2007, the Plenum of the Supreme Court handed down decisions on certain questions relating to the imposition of life imprisonment and the use by the courts of remand in custody during pretrial investigations.

148. The **agencies of the Office of the Procurator-General** are required to defend the rights of parties to criminal proceedings. The legal status of the Office is laid down in the Constitution and the Office of the Procurator-General Act of 29 August 2001, under which “the Procurator-General of the Republic of Uzbekistan and the procurators under the Procurator-General shall ensure that the law is strictly and uniformly observed by all ministries, State committees, departments, State monitoring bodies and *khokim*, by all establishments, enterprises and organizations, regardless of their parent bodies, affiliation and form of ownership, and by military units, voluntary associations, officials and citizens”. In addition to its general responsibility for overseeing the application of the law, the Office of the Procurator-General has two special departments concerned directly with human rights: a department to monitor compliance with the law in places of detention and remand in custody and in the enforcement of sentences and other coercive measures ordered by the courts; and a department for the protection of the legitimate interests of individuals, society and the State.

149. The **Ministry of Justice** is vested with considerable powers to uphold and protect human rights and freedoms. In accordance with paragraphs 2 and 6 of the Order on the Ministry of Justice, one of the Ministry’s fundamental tasks is to uphold the human rights and freedoms embodied in the Constitution and the law and fully develop and strengthen the legal framework for civil society institutions.

150. The **Department for the Protection of Human Rights** is a specialized unit of the Ministry of Justice concerned with the direct protection of human rights and freedoms. It was established on the basis of decision No. 370 of the Cabinet of Ministers dated 27 August 2003 on measures for the further improvement of the work of the Ministry of Justice. In accordance with this decision, human rights protection units have been established in the Department in the Ministry of Justice of the Republic of Karakalpakstan, in local justice departments and in Tashkent City.

151. The following are the Department’s chief functions:

1. To analyse human rights legislation and compliance with it, and make proposals for improvements in both;
2. To promote the development of and strengthen the legal framework for civil society institutions;
3. To ensure the protection of the human rights and freedoms enshrined in the Constitution and the law.

152. The Department for the Protection of Human Rights:

37. Formulates measures to enhance the public’s knowledge of the law applicable to human rights and freedoms and promotes the concept of respect for human rights and freedoms in society

38. Seeks to strengthen the role of lawyers in the defence of human rights and freedoms and develop and strengthen the legal framework for civil society institutions
39. Cooperates with the international and non-governmental organizations working in Uzbekistan to promote human rights and freedoms
153. By a presidential decision of 15 December 2005, the Centre for Monitoring Compliance with Legislation was established under the Ministry of Justice in order to establish a system for monitoring the compatibility of the growing body of legislation and law enforcement practice with the aims and challenges of reform and modernization.
154. The **agencies of the Ministry of Internal Affairs** play an important role in the protection of human rights and freedoms in Uzbekistan. Investigating crime is the most visible area of their work, often affecting the rights and freedoms of citizens involved in criminal proceedings. In accordance with paragraphs 2 and 1 of the Order on the Ministry of Internal Affairs dated 25 October 1991, “within the limits of its jurisdiction the Ministry shall guarantee the protection of the rights and legitimate interests of citizens and the public order and public safety and shall support the fight against crime”.
155. On 21 August 2003 the Ministry’s Chief Investigations Department and the national Bar Association approved an order on procedures safeguarding the right of detainees, suspects and accused persons to the services of counsel during initial inquiries and pretrial investigations. Under this order, lawyers have been attached to every internal affairs investigation unit. Arrangements for counsel to be on call have been introduced. All detainees are entitled to the assistance of a lawyer at any time from the moment that they are delivered into the custody of internal affairs agencies. These procedures are now followed by all internal affairs branches.
156. On instructions from the Ministry issued on 30 September 2005, the Office for the Protection of Human Rights and Cooperation with International Organizations was established in the Department for the Protection of Rights and Media Relations. The chief functions of the Department are to study the human rights situation in internal affairs agencies, conduct regular exchanges of information with human rights institutions, check up on individual complaints in conjunction with human rights institutions, monitor how human rights are protected in internal affairs agencies, uphold convicts’ rights in penal institutions, cooperate and exchange information with international organizations on the protection of human rights and freedoms, help to promote legal literacy among Ministry personnel and acquaint them with the core legal provisions on the realization and protection of human rights and freedoms.

Incidence of international human rights instruments invoked by judicial bodies

157. Uzbekistan’s legal system recognizes the precedence of international over domestic law. In order to be applied, an international instrument must be incorporated into domestic law. Following incorporation, the international rules become part of domestic law with binding force. However, it is not standard practice — indeed, it is very rare — for the judicial bodies of Uzbekistan to invoke specific international instruments directly.

Legal remedies against human rights violations

158. Uzbek legislation clearly specifies the legal remedies against the violation of protected rights. These remedies are established in legislative instruments such as the Civil Code, the Code of Civil Procedure, the Courts Act, the Office of the Procurator-General Act, the Citizens’ Applications Act, the Court Appeals (Acts and Decisions Violating Civil Rights and Liberties) Act, the Commissioner for Human Rights (Ombudsman) Act, the Legal Profession Act, the Act on non-profit non-governmental organizations, the internal

regulations of the Ministry of Justice and the internal regulations of the Ministry of Internal Affairs.

159. Uzbekistan provides several forms of legal protection against violations of human rights, which may be subdivided into administrative and legal remedies. None of these remedies clashes with another: they complement each other. They include both mediation and conciliation and more formal legal procedures.

160. There is an **administrative procedure** for reporting violations of human rights. In the event of such a violation by an official of any agency the person concerned may apply to a higher authority. Complaints must be considered within one month, and the applicant must receive a written decision with supporting arguments. This procedure is used quite frequently and works effectively.

161. The person concerned may also apply to the Office of the Procurator-General, and the complaint must, again, be considered within a month. The consideration of individual complaints is part of the Office's supervisory responsibilities, and may result in the issuance of an order for legal action against the official in question. Lodging complaints with the Office is another quite powerful and effective way of remedying the infringement of rights.

162. Since 2005, the Ministry of Justice has included a Department for the Protection of Human Rights which is responsible, *inter alia*, for reviewing applications and complaints about human rights violations. When necessary, the Department's services include free legal assistance with applications to the courts. A considerable volume of such assistance has been furnished in recent years to business people, farmers and rural inhabitants.

163. The Office for the Protection of Human Rights and Cooperation with International Organizations of the Ministry of Internal Affairs is part of the machinery to deal with human rights violations committed or condoned by Ministry officials.

164. The Commissioner for Human Rights of the Oliy Majlis and the National Centre for Human Rights also deal with the extrajudicial protection of civil law rights in public institutions. When considering a complaint, the Ombudsman conducts a separate, independent inquiry, then issues a decision of a recommendatory nature to the officials ruling on the case. The number of complaints considered by the Ombudsman and the positive outcomes that ensue demonstrate the public's trust in her Office. The National Centre also considers complaints of human rights violations from the public as part of its monitoring work.

165. The **court procedure** for protection against the violation of rights is as follows. Recourse to an administrative procedure does not preclude application to a court for restitution of rights. Unlike administrative procedures, court procedures incur court costs, and consideration of cases may be lengthy.

166. The bar, which includes a network of public and private law firms and offices, offers another means of legal protection. In addition, law schools in Uzbekistan operate legal clinics affording free legal assistance to the public. Civil society organizations also defend human rights and may appear in court as legal representatives.

Institutions and national machinery overseeing the implementation of human rights

167. Uzbekistan has established the following national human rights institutions in accordance with the Vienna Declaration and Programme of Action: the Commissioner for Human Rights of the Oliy Majlis (Ombudsman), the National Centre for Human Rights and the Institute for Monitoring Current Legislation under the Office of the President.

168. A significant role in monitoring compliance with human rights law is played by the **Commissioner for Human Rights of the Oliy Majlis (Ombudsman)** who uses the resources available to her not only to help remedy violations of rights but also to improve Uzbek legislation.

169. Considering citizens' appeals and assisting them in remedying violations of their rights and freedoms are one of the Ombudsman's leading tasks as she endeavours to build relations between her Office and State bodies, judges and law enforcement officials with a view to full and effective observance and protection of human rights and freedoms in Uzbekistan.

170. For example, between 1995 and 2007 the Commissioner's Office received **55,719** appeals; it took up **14,235** of them and found for the petitioner in **3,170**. Between 2000 and 2007 representatives of the Ombudsman operating in the provinces reviewed **8,340** citizens' appeals. Moreover, the Ombudsman handles an average of about 500 appeals a year from foreign nationals and international human rights organizations and about 50 appeals and requests for cooperation in reviewing complaints from ombudsmen abroad.

171. A **National Centre for Human Rights** was established by presidential decree on 31 October 1996, to coordinate the activities of all the governmental and non-governmental organizations involved in the protection of human rights. It conducts research on the various aspects of the protection and promotion of human rights at both the national and the international level; it prepares the national reports on Uzbekistan's fulfilment of its international human rights obligations for submission to the United Nations treaty bodies; it organizes educational programmes, seminars, courses and field trips; it provides assistance in developing and implementing human rights study programmes; it compiles and disseminates information on human rights; it maintains technical cooperation and information links with international human rights centres and organizations; it coordinates locally the activities of international agencies providing technical assistance for democratization, governance and human rights protection; and it receives and considers complaints from the public about infringements of human rights.

172. **The Institute for Monitoring Current Legislation** is a research agency under the executive branch that monitors legislation and assesses bills making their way through Parliament.

173. **The National Child Welfare Centre** deals with issues affecting socially vulnerable children in Uzbekistan. It is an independent organization established by a decision of the Cabinet of Ministers. Its chief functions are to coordinate, monitor and evaluate the social protection of children and to study and draft legislation to give effect to and protect the rights and interests of socially vulnerable groups of children.

174. Uzbekistan also has a network of NGOs involved in the protection and promotion of specific areas of human rights, which work in close coordination with the State agencies.

175. **The National Association of Non-Governmental Non-Profit Organizations of Uzbekistan** was established in 2005 in order to coordinate the activities of non-profit organizations; it currently has 330 members, covering all aspects of public life and working in such areas as social support and legal, women's, youth, environmental and other issues.

176. The **Women's Committee of Uzbekistan** provides the Government with advisory services on questions of women's policy. It was established in 1991 and is publicly funded. The unique feature of this national body is that its chairperson is also Deputy Prime Minister, a circumstance which entitles the Committee to coordinate the social partnership between State bodies, voluntary associations and NGOs. The Committee initiates, coordinates and implements Government policy, programmes and projects to improve the situation of women, advises the Government on women's issues, disseminates among

women relevant information on problems affecting them. In order to maintain a steady improvement in the status of women, the Committee gives particular attention to five priority programme areas: women's employment and economic welfare; the protection of women's reproductive rights and reproductive health; women and participation in public life, with special emphasis on their involvement in management and decision-making; women and the law, with special emphasis on the elimination of discrimination against women; and women and education, with special emphasis on the development of professional qualifications and skills. The Committee bears the primary responsibility for Uzbekistan's participation in international efforts to address women's problems.

177. The Committee is the country's largest women's organization and has branches in every district.

178. Several non-governmental non-profit organizations work in the field of child rights.

179. The international non-governmental charitable foundation Soglim Avlod Uchun (For a Healthy Generation) was set up in 1993 with broad public support. Its primary objective is to foster the harmonious development of the personality. To this end it prepares and implements humanitarian, medical and educational programmes, projects for gifted children, projects that promote healthy living, and programmes targeted at vulnerable population groups, children and young persons.

180. The foundation operates in 14 districts of the country, and every district has a focal point. More than 180 local offices and 250 individuals (doctors, teachers and economists) throughout the country are at work on existing programmes and designing new ones. A coordinating role is played by the foundation's central headquarters, which has five departments, covering mother and child protection; humanitarian aid; organization and methodology; and financial control and accounting. Most of the work is funded by financial support from sponsors, both local and international, and from the mandated activities of subsidiary enterprises set up under the foundation's auspices. The foundation is one of Uzbekistan's leading charitable organizations, and it is involved in helping the State to carry out its social policy and address current problems facing society.

181. The foundation has launched a number of publications, including *Soglim Avlod Uchun*, *Soglim Avlod* ("Healthy Generation"), *Oila Va Zhamiyart* ("Family and Society"), *Tong Yulduzi* ("Morning Star") and *Klass!* ("Awesome!").

182. The **Forum for the Culture and Art of Uzbekistan**, established in February 2004, is a voluntary, independent non-governmental organization that brings together citizens' groups and community-based organizations for the purpose of providing support for national scientific research, culture, education, sport and the arts and for youth, child and family projects.

183. The Forum helps to consolidate the creative potential of prominent public and cultural figures, to support fresh talent, gifted young persons and artistic dynasties, and to provide the international community with the most professional level of information possible on the national culture, rich heritage and the diverse arts schools and modern artistic undertakings in Uzbekistan. The Forum is closely associated and works together with international cultural organizations such as UNESCO, the British Council, the Goethe Institut, UNICEF and the Centre Culturel Français Victor Hugo. It informs the Uzbek public about trends in international art and culture. It has several divisions, including a division of youth activity centres.

184. **The major activities of the Forum include:**

40. Youth projects and scholarships to support gifted students and study abroad
41. International performances

- 42. Children's projects and child arts centres with free lessons
- 43. Sponsorship of arts exhibitions and large-scale fashion and design projects, grants for creating new studios and for internships abroad
- 44. Production and sponsorship of projects for young persons with an interest in film and music
- 45. National arts festivals and revivals of forgotten techniques of artistic dynasties
- 46. Sport grants to support young athletes and the creation of new sports complexes, constant training of over 150 athletes in five different kinds of sport every year
- 47. Charitable projects for women starting a business and for large families; education and study grants and social projects.

The Forum holds charity balls and fund-raising events several times a year to inform donors about current activities and new projects. It reports to its sponsors several times a year and publishes a yearly report. At the end of every year a meeting lasting three to four hours is held to report on its activities; this is broadcast in the media and on the Internet. The financing of specific projects and the work of the Forum comes entirely from contributions by individual private donors and corporations, including non-residents.

185. The Forum currently has offices in Beijing, Moscow, Tokyo and Paris. Cultural ties have been established with partners in the United Kingdom, Spain, Belgium, Bulgaria, Egypt, the Republic of Korea, Austria, Luxembourg, and other countries. The Forum is the first voluntary organization in the former Soviet territory that has been accepted as an official partner of UNESCO. A memorandum of understanding between the two organizations was signed in Paris in March 2007.

186. The **Kamolot** youth movement of Uzbekistan is one of the biggest NGOs dealing with the rights of young people. Its priority is to unite the country's forward-looking youth, develop physically healthy and spiritually mature citizens of an independent Uzbekistan, educate them in a spirit of dedication to the national idea and an ideology based on national and universal values and democratic principles, represent and defend the interests of young people, and turn Kamolot into an authentic support mechanism for them.

187. Kamolot is a ramified structure, with 14 provincial and 199 district branches and 1,200 staff. It is made up of 15,800 grass-roots organizations working with young persons and is present in all educational establishments, military units and government departments and in a number of industrial and agricultural enterprises.

188. The movement has more than 4.5 million members (aged 14–30) and, together with the Kamalak (Rainbow) children's movement (4 million members aged 10–14), constitutes one of the biggest voluntary organizations working to develop various forms of self-government and help form "grassroots" civil society institutions.

189. Kamolot has reached out to some 6 million young people nationwide with 7,800 outreach activities, round tables, discussions, seminars, conferences and cultural and sporting activities; it has produced 20 technical handbooks, booklets and posters and has published more than 200 articles on various subjects.

190. The State actively supports Kamolot. In 2006, for example, the President issued a decree on the support and enhancement of the effectiveness of Kamolot, under which a foundation was established to raise funds from small businesses, the first of its kind to operate as a partnership. In addition, under an agreement with the Ministry of Finance, the

Taxation Committee and the Central Bank, Kamolot is exempt from audits and pays a lower rate for banking services.

191. The national children's fund **Sen Yolg'iz Emassan** (You are not alone) started operations in 2002. Its main mission is to assist in every way in enabling children to lead decent lives and develop fully, keep the family foremost and take steps to uphold the best interests of children in dire need of social support (orphans, children lacking parental support, neglected children, children with disabilities and children from needy families).

192. The fund operates on the basis of long-term charitable child assistance programmes.

193. The fund's fundamental aims and challenges involve tackling various problems affecting children by:

48. Protecting the rights and legitimate interests of children in need of social protection
49. Fostering the development of well-rounded personalities
50. Instilling high ideals and morals in children
51. Furnishing material, medical, legal and other assistance
52. Providing preventive and other health-care measures for children
53. Improving children's emotional and mental states

194. The work of the fund is financed by (individual and corporate) charitable donations from Uzbek residents and non-residents. It has 15 staff members.

195. Uzbekistan is a multi-ethnic country with more than 150 ethnic culture centres. The Uzbekistan Inter-Ethnic Cultural Centre was established by decision No. 10 of the Cabinet of Ministers on 10 January 1992. It coordinates the activities of the ethnic culture centres and provides them with practical and technical assistance, thus helping to satisfy the needs of the various nations and ethnic groups. It has a staff of 33 and is funded by the Ministry of Finance.

196. The Uzbek Association for Persons with Disabilities was founded in 1991. It has 114 branches in all the provinces of the country, and a membership of 120,000 (Uzbekistan has 850,000 persons with disabilities). It operates about 100 subsidiary enterprises which employ persons with disabilities. The Association focuses on social rehabilitation, educational assistance and equal opportunities for persons with disabilities to exercise their rights.

197. The **Nurony** foundation for the social support of ex-servicemen was established by presidential decree dated 4 December 1996 to promote more effective State policy on ex-servicemen's welfare, and give veterans a greater role in consolidating the country's independence and sovereignty.

198. In accordance with the presidential decree and the foundation's statutes, the Nurony foundation is a self-governing, self-financing, independently operating non-governmental and non-profit organization. Its main purpose is to promote a strong social policy, especially one of respect, a favourable social environment and financial, medical and moral support for ex-servicemen, persons with disabilities and the elderly.

Recognition of the jurisdiction of regional human rights courts

199. The Republic of Uzbekistan is not a party to any regional human rights agreements and consequently does not recognize the jurisdiction of regional human rights courts.

E. Framework within which human rights are promoted at the national level

Dissemination of information about human rights treaties

200. More than 120 of the core international legal instruments on human rights have been translated into Uzbek and published in Uzbekistan in large runs, in close collaboration with international partners such as the United Nations Development Programme (UNDP), UNESCO, UNICEF, OSCE and ICRC. The following compilations of international instruments have been published in Uzbek over the past eight years:

1. The Universal Declaration of Human Rights (Tashkent, 2008);
2. The Declaration on the Principles of Tolerance (Tashkent, 2000);
3. International instruments on the rights of minors (Tashkent, 2002, 232 pp.);
4. The Republic of Uzbekistan and International Human Rights Treaties (Tashkent, Adolat, 2002, 270 pp.);
5. International Humanitarian Law: A Compilation of the Geneva Conventions (Tashkent, 2002);
6. Compilation of OSCE Human Dimension Commitments, Helsinki, 1975–1999 (Tashkent, 2002);
7. Documents on UNESCO international standards (Tashkent, Adolat, 2004, 298 pp.);
8. International instruments concerning the work of law enforcement agencies (Tashkent, Adolat, 2004, 212 pp.);
9. International human rights instruments: a compilation (Tashkent, Adolat, 2004, 520 pp.);
10. The Convention on the Rights of the Child (Tashkent, 2004);
11. Child Protection: A Handbook for Parliamentarians (Tashkent, UNICEF, 2006);
12. Human Rights: A Handbook for Parliamentarians (Tashkent, 2007);
13. Parliament and Democracy in the Twenty-first Century: A Handbook for Parliamentarians (Tashkent, 2007);
14. Compilation of the core conventions and recommendations of the International Labour Organization (Tashkent, National Centre for Human Rights, 2008, 240 pp.);
15. Eliminating the Worst Forms of Child Labour: A Practical Guide to ILO Convention No. 182, Handbook for Parliamentarians No. 3, 2002 (Tashkent, National Centre for Human Rights, 2008);
16. The Convention on the Rights of the Child and the Rights of the Child (Safeguards) Act, in three languages (Uzbek, Russian and English) (Tashkent, National Centre for Human Rights, 2008).

201. More than 500,000 copies of the Universal Declaration of Human Rights have been published since independence. In 2008, 10,000 copies of the document in pocket-size brochure format were published in Uzbek.

Study of human rights by civil servants and members of law-enforcement agencies

202. Uzbekistan has a network of educational establishments that train and retrain lawyers and law-enforcement personnel. This network includes university law faculties, the Tashkent State Institute of Law, the Academy of the Ministry of Internal Affairs, the Institute of the National Security Service, the National Centre for the Further Training of Legal Professionals and the advanced training courses offered by the Office of the Procurator-General.

203. The **Presidential Academy for the Development of the State and Society** offers a human rights course to its students. The course includes practical work experience at the National Centre for Human Rights and the Office of the Commissioner for Human Rights.

204. The **Academy of the Ministry of Internal Affairs** offers the following courses on the application of international law to the work of internal affairs agencies: general human rights theory (40 hours); criminal procedure (180 hours); criminal law (270 hours); international law (50 hours); and preliminary investigations in internal affairs agencies (234 hours).

205. Students studying the administration of internal affairs agencies can take a 24-hour course on international cooperation in fighting crime. There is also a 30-hour course on human rights and the work of internal affairs agencies.

206. Legal training for internal affairs personnel preparing to become sergeants includes 16 hours of instruction on human rights and the work of the internal affairs agencies. Special attention is given in these courses to international legal standards on human rights and freedoms, including international legal safeguards of the rights of persons who have been indicted, are standing trial or have been convicted, the Standard Minimum Rules for the Treatment of Prisoners and safeguards against torture and other cruel, inhuman or degrading treatment or punishment.

207. The continuous learning faculty of the Academy of the Ministry of Internal Affairs runs regular further training and retraining sessions for officers. The curricula agreed on with the relevant Ministry services provide for 176 hours of study, including international human rights standards in criminal proceedings and the application of criminal procedure law on the admissibility of evidence in accordance with plenary order No. 12 of the Supreme Court dated 24 September 2004.

208. Law enforcement officials directly involved in criminal investigations, in particular, including investigators, detectives and counter-terrorism agents, local police officers and prison officials, are instructed how to ensure that human rights are observed in their work in accordance with international human rights standards.

209. The **National Centre for the Further Training of Legal Professionals** is a State educational establishment responsible for the further training and retraining of Ministry of Justice officials, court officers, members of the Bar, law professors and legal services staff.

210. The Centre devotes particular attention to raising awareness of the international legal system for the protection of human rights and freedoms. The curriculum includes the following courses: Uzbek domestic law and international standards of justice; the foundations of international humanitarian law; the legal framework for combating international organized crime; the place and role of international human rights standards in the work of law enforcement agencies; Uzbek domestic law and international human rights law; and the legal status of the public in international law.

211. Students are taught the theory and practice of incorporating international standards into Uzbekistan's domestic legislation: the right to life; the right to liberty and security of person; the right to protection of honour and dignity, the right to privacy; the right to a fair

trial and the presumption of innocence; the right to protection against torture; and freedom of thought, speech, opinion, conscience and religious belief.

212. A legal training centre for prosecutors and investigators was dissolved by presidential order dated 7 November 2007 and replaced by the **advanced training courses programme offered by the Office of the Procurator-General**.

213. The further training programme for senior officials lasts six months, the staff development programme, up to a month.

214. Between 2005 and 2007 the centre offered courses on topics including international standards of juvenile justice, problems with the introduction of the petition of habeas corpus during preliminary investigations, cooperation between the Procurator-General's and the Ombudsman's offices in safeguarding civil rights and freedoms, international legal instruments relating to the human dimension, and United Nations standards relating to officials conducting initial inquiries and criminal investigations.

215. The curriculum of the **Institute of the National Security Service** includes a 24-hour course on human rights as a separate subject.

216. The teaching is interdisciplinary and covers both the general aspects of human rights and specific practical requirements that future members of the agencies of the National Security Service must follow in their law enforcement work.

217. Diverse aspects of human rights are also covered in courses on other topics such as the theory of the State and the law, criminal law, administrative law, civil law and civil procedure.

218. The Institute incorporates a law of armed conflicts department, which also offers human rights courses.

219. International human rights standards are included in the curriculum not only of investigative officials and judges but also students at the military colleges of the **Ministry of Defence**. Humanitarian law and the law of armed conflicts, which includes 10 to 12 hours of human rights studies, have been taught as elective subjects since 2005 and incorporated in the “basics of military law” core curriculum since 2006.

220. The **Ministry of Health** devotes special attention to the study of human rights as part of the training and further training of doctors. In particular, the rights of specialists, experts and junior experts are explained in courses on forensic medicine in all medical school bachelor's programmes. A course is taught on the legal foundations of medical practice. Special attention is paid to the rights and freedoms of the individual, including the rights to life, liberty and security of person, the right to protection from assault and the inadmissibility of torture or violence. Students are told that medical or scientific experiments cannot be carried out on a person without his or her consent. These issues are considered from the perspective of both patients and medical personnel.

Study of human rights in educational institutions (schools, lycées, colleges, universities)

221. In accordance with the decision of the Oliy Majlis on the national programme to boost legal literacy in society, the national professional training programme and the Education Act, Uzbekistan has established a system of continuing legal education and training, as follows:

Stage I: Legal training in the Family;

Stage II: Initial education and instruction in preschool institutions;

Stage III: Legal education in secondary schools;

Stage IV: Legal education and training in lycées (academic secondary schools) and colleges (vocational secondary schools);

Stage V: Legal education and training in higher education institutions.

222. The **first stage** of legal education and training begins in the home. Since the family is the nucleus of society, it is regarded as the foundation for the formation of the child's personality and for development into a well rounded moral person. In the light of these goals and challenges, the family occupies a special place at every stage of the design and development of legal education and training courses.

223. In **preschools and kindergartens**, elementary instruction and training in the law are incorporated in daily games and in exercises for children in the middle to final stages of pre-primary education. The older preschool children are given 16 lessons a year on the Constitution in the form of games; seven mornings and two recreation periods are also set aside for that purpose. Sixteen hours of lessons, eight mornings and two recreation periods are also scheduled for children preparing for primary school.

224. In **grades 1 to 4**, pupils are introduced, depending on their age, to such notions as the law, duty and obligations. Forty hours per year are devoted to studying the ABC of the Constitution.

225. In **grades 5 to 7**, the subject matter grows increasingly complex with the introduction of examples of relations between the State and the individual drawn from daily life and the topics of personal autonomy, equality, freedom of speech, freedom of information and juvenile criminal liability. Each grade spends 51 hours yearly studying "A voyage into the world of the Constitution".

226. In **grades 8 and 9**, the main objective of legal education and civics classes consists in:

54. Teaching students about the social and economic, political, legal, scientific and cultural development of the State

55. Fostering individuals who think creatively and are able to communicate their views on vital personal issues

227. Thirty-four hours per year are devoted to studying the principles of constitutional law.

228. In **grades 10 and 11**, schools offer 68 hours of classes on the branches of the law over two years of study.

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

230. Since 2005 the Ministry has been running a child-friendly school programme, with assistance from UNICEF, to show teachers and students how to solve problems in an amicable, tolerant manner and, avoid conflicts, and to make teachers more aware that cruelty towards students is inadmissible.

231. In accordance with the State's educational standard, the curricula for higher and secondary specialized education also include the study of human rights as part of the following subjects:

56. For students in the fourth year of a bachelor's degree: human rights (81 hours); jurisprudence and the Constitution (108 hours); and constitutional law (120 hours)

57. For students in second year of a master's degree: human rights (40 hours); and the Constitution (27 hours)

58. For students in academic and vocational secondary schools (lycées and colleges) there are two courses: jurisprudence and the Constitution (80 hours)

Use of the media to enhance awareness of human rights issues

232. The National Television and Radio Corporation makes the necessary arrangements for the most important issues of the country's political, social and economic development and the protection of human rights and freedoms to be aired on radio and television. The Corporation broadcasts various radio and television programmes to ensure that the population is provided with extensive and systematic information about human rights issues. There has been a steady improvement in recent years in the indicators of both the quality and the quantity of programmes about economic, social, cultural, personal and political rights. Constant attention is given to increasing the effectiveness, content and accessibility of the various programmes, with the aim of stimulating a broad debate on raising the level of education and political and legal awareness of the people.

233. Most radio and television programmes on human rights issues are produced and broadcast by **O'zbekiston**. For example, 1,837 programmes on human rights issues were aired in 2005–2007. The number of television and radio series devoted to safeguarding economic, social, cultural, personal and political rights was 752; the number of programmes that covered international human rights treaties, 414; and the number of television and radio spots on human rights, 2,820. It should be noted that stories and reports on this topic are regularly broadcast in such news programmes as Akhborot, Takhilnomha, Assalom Uzbekiston! and Okshom tulkinlarida.

234. Programmes on human rights are also broadcast regularly on the **Yoshlar, Sport and Toshkent** television channels. In 2007 a total of 410 radio and television stories and reports on human rights issues were broadcast on news programmes such as Davr, Davr khafta ichida, Poitakht, Mashallu and Yoshlar, 84 on the Sport channel and 34 on the Toshkent channel.

235. Much attention is given to the production of **television spots** and publicity material on human rights. In total, 29 television spots have covered the following 9 basic topics: the protection of consumer rights; the environment and health; support for talented students; education grants; the promotion of entrepreneurship; support for orphans and children with disabilities; culture and the arts; support for teachers; and support for women.

236. More than 30 law reports and journals on human rights topics are published in Uzbekistan.

237. A database on Uzbekistan's current legislation has been established and is available on the Internet.

The role of civil society in promoting and protecting human rights

238. Uzbekistan has more than 5,000 voluntary organizations, many with regional and local branches; they are invested with an array of rights and duties enabling them to take an active part in social reform.

239. In the course of Uzbekistan's administrative reform, practical steps are being taken to make governmental consultations more democratic. The Government is establishing joint working groups with voluntary organizations to foster consultation and cooperation between the executive agencies and those organizations; representatives of voluntary organizations are being added to the membership of consultative bodies; public commissions are being established to monitor the implementation of targeted programmes;

and efforts have been made to involve voluntary non-profit organizations more closely in the budget decision-making process.

240. Under the organizational and legal arrangements for civil society participation in State governance, more and more importance is being attached to public scrutiny of the decisions of the executive branch. Grass-roots environmental groups can recommend to representatives to participate in State environmental impact assessments (which become legally binding once their findings are approved by the State auditing bodies) or call on the State to conduct such an assessment.

241. The practice of involving independent organizations in reviewing draft legislation has been gaining ground in the Oliy Majlis in recent years.

242. The national human rights institutions, such as the Office of the Ombudsman and the National Centre for Human Rights, are developing and extending their cooperation both with NGOs and with other civil society institutions.

243. These institutions are helping and supporting NGOs in their efforts to become more effective in the field of human rights by:

59. Conducting special seminars and training sessions for NGOs
60. Involving them in human rights media events for law enforcement officers
61. Monitoring human rights law with NGO involvement
62. Involving them in carrying out the national plans of action to give effect to recommendations by United Nations treaty bodies in response to Uzbekistan's periodic reports on the fulfilment of its international human rights obligations
63. Obtaining from NGOs information about the observance of human rights for inclusion in Uzbekistan's periodic human rights reports
64. Conducting joint campaigns to increase public awareness of human rights education and other measures

244. In Uzbekistan, human rights protection is mostly the work of activists from various NGOs, who not only defend their members' rights but have also come to understand the importance of establishing a system of community surveillance of the activities of State agencies. These organizations concerned are chiefly children's, women's and environmental NGOs, associations of persons with disabilities and older persons, gender equality organizations, special-interest professional associations, foundations, unions and committees.

245. The following organizations contribute greatly to the protection of civil rights: the International Red Crescent, the Association for the Blind, the Association for the Deaf, the Association for Persons with Disabilities, the Federation of Trade Unions of Uzbekistan, the Makhalla charitable foundation, the NGO Ecosan Services Foundation, the Soglon Avlod Uchun international foundation, the Nurony foundation, the Centre for the Study of Human Rights and Humanitarian Law, the Izhtimoi fikr Centre for Public Opinion Studies, the Association of Judges of Uzbekistan, the Tadbirkor ael association of businesswomen, the National Bar Association, the Women's Committee of Uzbekistan, the Chamber of Trade and Industry of Uzbekistan, the Association of Women Jurists of Uzbekistan, the Mekhr association of women's organizations, the Olima women's union and the Kamolot youth movement.

246. One important form of NGO participation in the efforts to establish international human rights standards in Uzbekistan is the research work done by individual NGOs to identify the causes and conditions that lead to violations or restrictions on the rights of certain segments of society.

247. In 2005, for example, the Uzbek Oila Centre for Applied Research, in conjunction with UNICEF, made a study, including an assessment of how the Muruvvat children's homes and the boarding schools in Tashkent operate, of the extent to which children with disabilities can exercise their rights to education, medical treatment and cultural activities.

248. In that same year, with the support of ILO, the non-governmental Centre for the Study of Legal Problems reviewed how closely existing legislation and machinery for the application of domestic law corresponded to ILO conventions.

249. NGO research helps to identify obstacles to the enjoyment of human rights, uncover the causes and conditions that lead to violations of the rights of specific segments of the population and devise ways of improving and putting into practice human rights legislation.

250. NGOs take an active part in drafting and improving legislation aimed at defining their legal status and relationship with the State. They were directly involved in the discussion of the following acts: the Voluntary Associations Act; the Non-Governmental Non-Profit Organizations Act; the Local Authorities Act; the Voluntary Foundations Act; the Parliamentary Commissioner for Human Rights (Ombudsman) Act; the Non-Governmental Non-Profit Organization (Safeguards) Act; the Charitable Activities Act; the Rights of the Child (Safeguards) Act and the Media Act.

F. Reporting process at the national level

251. By government decision, the National Centre for Human Rights is the body responsible for gathering information and preparing periodic reports on the application of the international human rights treaties. The Centre is a coordinating body; its duties include the preparation of periodic reports on Uzbekistan's fulfilment of its international human rights obligations.

252. In its 10 years of operation the Centre has put in place an appropriate system for collecting and assessing data to be included in the national periodic human rights reports; this has facilitated the preparation and timely submission of such reports to United Nations treaty bodies.

253. Periodic reports are prepared in accordance with the following:

1. The guidelines on the form and content of reports to be submitted to international human rights treaty bodies;
2. The general comments of treaty bodies;
3. The concluding observations of treaty bodies on the outcome of their consideration of Uzbekistan's periodic reports;
4. International human rights treaties;
5. New domestic legislation on human rights;
6. The latest law enforcement and human rights procedures.

254. Since its creation, the National Centre has developed special procedures for the preparation of periodic reports on Uzbekistan's fulfilment of its international human rights obligations. These procedures may be divided into several stages:

1. Receipt of notification from a United Nations treaty body that a periodic report is needed for consideration at a given session of the body;
2. Creation of working group at the Centre to prepare a draft periodic report;

3. Solicitation and receipt by the Centre of summary, statistical and expert information from State agencies and NGOs for use in drafting the relevant sections of the national report;
4. Preparation of a draft report based on the material received, in accordance with the reporting requirements prescribed by the United Nations;
5. Submission of the draft report for examination by the relevant State agencies and NGOs;
6. Further work on the draft in the light of the comments and proposals received from these bodies;
7. Production of the final version of the report and transmission to the Ministry of Foreign Affairs for submission to the treaty body in question in accordance with the established procedure;
8. Receipt from the treaty body of notice of when it will consider the report, together with additional questions from its rapporteur in connection with that consideration;
9. Transmission of the rapporteur's questions to the relevant State agencies and NGOs and receipt of their replies;
10. Preparation of replies to the rapporteur's questions and their transmission to the Ministry for submission to the treaty body;
11. Consideration of the report by the treaty body and responses to the questions put by its members;
12. Receipt of the treaty body's concluding observations and recommendations resulting from its consideration of the report;
13. Preparation of comments on these observations and recommendations and their transmission to the Ministry;
14. Formulation of a national plan of action to give effect to the treaty body's recommendations;
15. Continuous monitoring of the implementation of this plan of action.

255. As is clear from this list, the preparation of periodic reports on the fulfilment by Uzbekistan of its international obligations forms the core of the Centre's work and reflects its coordination and analysis functions. The preparation of such an important document as a periodic report takes quite a long time and calls for the concerted efforts of a large number of State agencies, NGOs, academic research organizations, specialists and experts in various fields.

256. Periodic reports must be drafted in a comprehensive and systematic manner. In addition, the sources of information used, from both State and non-governmental organizations, must be reliable, objective and balanced. This is precisely the National Centre's approach to the compilation of information for reports. It attaches particular importance to the results of serious academic and sociological research.

257. Having studied opinions and views on various aspects of human rights and the various interpretations of definitions and categories, the National Centre reflects in the report the development of social, political and legal thinking in Uzbekistan on these various aspects and helps international bodies to understand Uzbekistan's current situation in terms of the promotion, observance and protection of human rights.

258. Care is taken in the preparation of the reports to explain the legislative and organizational arrangements for the realization of human rights in Uzbekistan. The reports give a full description of current human rights legislation, indicate the goals and mandates of the institutions that must carry out the legislation and provide information on the forms and areas of coordination of the activities of the State agencies responsible for promoting human rights. This information provides a full picture of the national human rights machinery and the effectiveness of the application of the international standards in this field.

259. The national plans of action to give effect to the concluding observations of United Nations treaty bodies are confirmed by an interdepartmental working group to monitor the observance of human rights by law enforcement agencies, which was established by Government order No. 12-R of 24 February 2004.

260. Periodic reports are based on the outcome of meetings and decisions taken by the interdepartmental working group. At various stages during preparation, drafts are reviewed at group meetings. Decisions taken by interdepartmental bodies set up by decision of the Cabinet of Ministers are binding on the constituent State bodies.

261. In July 2007, the working group considered and approved:

65. A national plan of action to give effect to the recommendations made by the Committee on Economic, Social and Cultural Rights following its consideration of the first and second periodic reports of Uzbekistan

66. A national plan of action to give effect to the recommendations made by the Committee on the Rights of the Child

262. The interdepartmental working group adopted a national plan of action on the recommendations of the Committee against Torture at its September 2008 session.

263. Supplementing the National Centre's work on periodic reports about Uzbekistan's fulfilment of its international human rights obligations, regular round tables and seminars are held for representatives of State agencies and NGOs to discuss current issues concerning the application of the recommendations of United Nations treaty bodies and aspects of national plans of action.

3. Information on non-discrimination and equality and effective remedies

264. The Constitution establishes the principles of equality before the law, equal protection of the law and the prohibition of discrimination. Article 18 reads: "All citizens of the Republic of Uzbekistan have equal rights and freedoms and are equal before the law, irrespective of their sex, race, ethnicity, language, religion, social origin, opinions, or personal or social status." A separate article, article 46, establishes the equality of rights of men and women.

265. All the fundamental principles of equality before the law and the prohibition of discrimination deriving from international instruments to which Uzbekistan has acceded are given expression in the Constitution. Uzbekistan is currently a party to and implements the following international instruments on the prohibition of discrimination: the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Discrimination in Education; the Discrimination (Employment and Occupation) Convention; the Convention on the Political Rights of Women; and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. As a member of OSCE, it has undertaken commitments with respect to ethnic minorities (the principles set forth in article VII of the Final Act of the Conference on Security and

Co-operation in Europe, signed in Helsinki on 1 August 1975) and other documents of the OSCE human dimension.

266. The Uzbek legal framework prohibiting discrimination provides protection not just for individuals but also for social groups as groups. Article 18 and chapter X of the Constitution, on safeguards of the rights and freedoms of citizens, are designed to create a legal framework for the protection of individual and collective rights alike, the latter term being understood to include the rights of such groups as minors, the elderly and persons with disabilities.

267. The principle of the equality of citizens before the law and the prohibition of discrimination is embodied in sector-specific legislation regulating personal, political, economic, social and cultural rights: the Labour Code; the Civil Code; the Family Code; the Criminal Code; the Education Act; the Youth Policy (Foundations) Act; the Citizens' Applications Act, and others. It is also embodied in procedural legislation, including the Code of Criminal Procedure (art. 16), the Code of Civil Procedure (art. 6), and the Code of Economic Procedure (art. 7).

268. The principle of non-discrimination and equality of rights is given effect not only by the specific legal provisions embodying the principle but also by the safeguards of all rights and freedoms set out in the Constitution, such as the rights to life, liberty, security, and freedom of thought. While article 18 of the Constitution does not establish a separate right to equality, it emphasizes the protection of all human rights and freedoms.

269. The legal system in Uzbekistan includes serious penalties for violations of citizens' equality. The Code of Administrative Liability prescribes fines for violating the right to free choice of language in upbringing and education, for obstructing or restricting the use of a language, and for showing disrespect towards the State language or other languages of the various minority communities and peoples living in Uzbekistan.

270. Article 141 of the Criminal Code makes it a crime to violate equality of rights. The offence is addressed in chapter VII of the Code, which lists offences against the constitutional rights and freedoms of citizens.

271. It must be pointed out that the concept of discrimination as set out in article 141 of the Criminal Code is practically the same as in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. The difference between the two wordings lies in the fact that the Convention defines discrimination as having the purpose of: "nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". The omission of the purpose of the discrimination from article 1 of the Constitution does not affect the definition of the act itself.

272. Under article 156 of the Criminal Code, incitement to ethnic, racial or religious hatred, i.e. wilful action offending the honour and dignity of ethnic groups, taken for the purpose of arousing hatred, intolerance or discord with respect to any group, and the direct or indirect restriction of rights or granting of direct or indirect privileges on the basis of national origin, race and ethnicity, is a criminal offence.

273. Under article 153 of the Criminal Code, genocide — the deliberate establishment of living conditions designed to bring about total or partial physical extermination, the forcible prevention of births or the transfer of children from one group of people to another — is punishable by a prison sentence of 10 to 20 years, as is ordering such actions to be performed.

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

First, a ban on the establishment of political parties along racial or ethnic lines (article 57 of the Constitution) and on voluntary associations seeking to foment racial and religious division (article 3 of the Voluntary Associations Act);

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

Third, the prevention of the use of the media to spread ethnic, racial or religious hatred (the Mass Media Act);

Fourth, the enactment of the Freedom of Information (Principles and Safeguards) Act, which regulates the exercise in the media of everyone's constitutional right to seek, obtain, study, transmit and disseminate information freely and without hindrance;

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

Sixth, the promotion of equality between men and women in political and social life. For example, the Oliy Majlis (Elections) Act provides that at least 30 per cent of every party list of candidates for parliament must be women.

275. Every year in the past decade has been devoted to tackling a major social problem and the protection of a specific vulnerable population group. For example, 1999 was proclaimed the Year of Women; 2000, the Year of a Healthy Generation; 2002, the Year of Older Persons; 2006, the Year of Philanthropy and Health Workers; 2007, the Year of Social Protection; and 2008, the Year of Young Persons. The Government adopts a special national programme in keeping with each year's concept and symbol, comprising measures to support the vulnerable group concerned, financing, and the formulation of appropriate laws and regulations.

276. Under the State programme for the Year of Social Protection, 35,000 veterans were treated in nursing homes, 50,000 poor families were given cattle, 3,000 jobs were created for persons with disabilities but able to work, and charitable assistance was provided to 3 million older persons living alone, persons with disabilities, pensioners and poor families.

277. Public funding for education under this programme accounted for 40 per cent of all budget outlays. The programme included building renovations and the provision of furniture, special equipment and transport facilities to every home for orphans and children with disabilities in Uzbekistan.

278. Similar measures have been taken in previous years for the vulnerable groups being targeted at the time.

279. The Nurony social support foundation for veterans backed the drive by the Kamolot youth movement to create local "Care" groups offering material and moral support to very old persons living alone, persons with disabilities, war veterans and retired workers. In 2007, more than 23,000 people were taken under the wing of these groups. On 7 December 1999, the Cabinet of Ministers adopted decision No. 520, a programme of measures for 2000–2005 to increase targeted social protection for very old persons living alone, pensioners and persons with disabilities; on 7 September 2006, the President issued decision No. 459, a programme of measures for 2007–2010 further strengthening targeted social protection and social services for such persons.

280. The Parliament is now drafting legislation on equal opportunities for men and women and on social partnership in an effort to promote equality.

II. Information on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

Policy of the Republic of Uzbekistan with regard to racial discrimination and its legislative framework (art. 1)

A. Policy of the Republic of Uzbekistan with regard to racial discrimination

281. All Uzbek legislation accords citizens equal liberties and equality before the law irrespective of race, sex, ethnicity, language, religion, social origins, beliefs, and personal or social status.

282. The 1992 Constitution is the primary legislative instrument providing for the equal enjoyment of fundamental human rights and freedoms 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 Uzbekistan irrespective of their ethnic background.

283. “All citizens of the Republic of Uzbekistan, regardless of national or ethnic origin, have the same civil rights and enjoy the protection of the Constitution and laws of Uzbekistan” (article 15 of the 1991 constitutional act on the principles of State independence).

284. Uzbekistan’s efforts to eliminate all forms of racial discrimination are based on the following:

1. The Constitution and other legislative instruments;
2. International agreements on human rights and humanitarian law that have been ratified by Uzbekistan;
3. The resolutions and recommendations of international organizations of which Uzbekistan is a member;
4. International agreements directly or indirectly regulating the status of racial or ethnic groups in the economic, cultural, political and other spheres;
5. The tradition of ethnic and religious tolerance that has developed in Uzbekistan over many centuries of coexistence among various ethnic and religious communities.

285. The national policy on racial discrimination includes the following components:

67. Action by the Government to create an atmosphere of ethnic harmony and tolerance in society

68. The development of institutions and legislative machinery to safeguard individual and collective rights, including those of racial and ethnic minorities

69. Measures to preserve the cultural identity of minority communities and encourage their integration into Uzbek society

70. Proportional representation of minority communities in all areas of public life

286. All political party manifestos in Uzbekistan provide for measures to promote harmony between the various ethnic groups and religions in society.

287. Uzbekistan's domestic and foreign policies are based on the principles of the Vienna Declaration and Programme of Action

B. Demographic make-up of the population and problems causing conflicts between ethnic groups

Table 27
Ethnic composition of the population²⁹

Total	As at 1 January 2007	As at 1 January 2008
Total	26 663 825	27 072 174
Uzbek	21 542 348	21 962 080
Tajik	1 306 875	1 327 249
Karakalpak	583 790	593 401
Russian	931 590	912 959
Kazakh	879 551	862 255
Kyrgyz	238 322	241 507
Tatar	236 223	230 572
Turkmen	160 712	162 932
Korean	150 094	147 680
Ukrainian	86 854	85 302
Azerbaijani	40 432	40 437
Armenian	39 101	38 538
Belarusian	20 851	20 631
Jewish	10 643	10 577
Moldovan	4 888	4 852
German	4 861	4 762
Georgian	3 654	3 646
Lithuanian	1 156	1 146
Estonian	566	550
Latvian	215	207
Other	421 099	420 891

288. Net migration for 2008 (January to September) was a loss of 23,400 persons versus a loss of 45,800 in the same period in 2007.

289. The Ijtimoi Fikr Centre for the Study of Public Opinion, an NGO, prepared and conducted an opinion poll between May and June 2008 entitled "Uzbekistan is multi-ethnic", which sought to examine inter-ethnic relations, dynamics and trends and the conditions and factors that have contributed to fostering civil peace and harmony in society since Uzbekistan became independent 17 years ago.

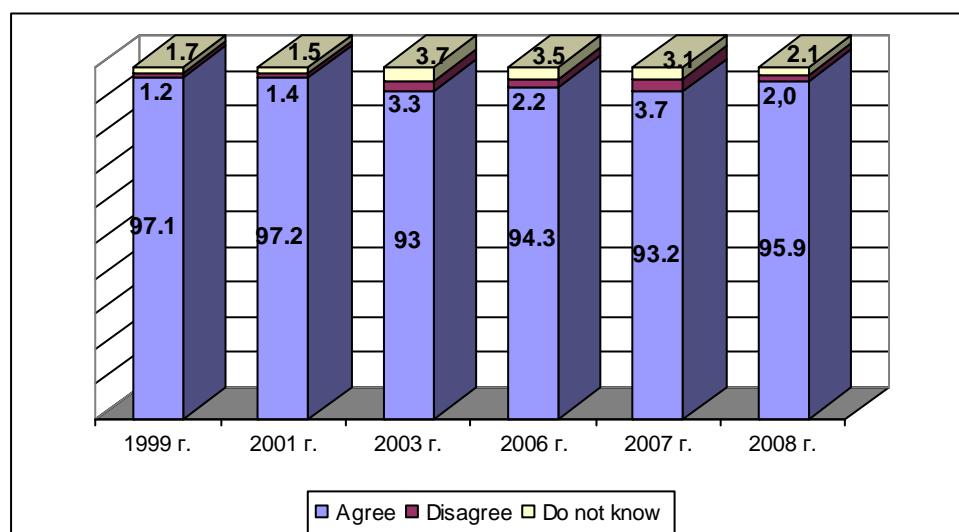
²⁹ Data from the State Statistics Committee.

290. When asked, “Do you agree that the most valuable asset of Uzbekistan since it gained its independence is peace and stability and inter-ethnic and civil harmony in our common home?”, an overwhelming majority (95.9 per cent) answered affirmatively.

291. The opinion poll showed that in the minds of individuals national identity prevailed over ethnic identity in a multi-ethnic State. Those polled attributed the country’s sustained ethnic and civil harmony to the State’s policy on minority communities and the Uzbek people’s decency and generosity.

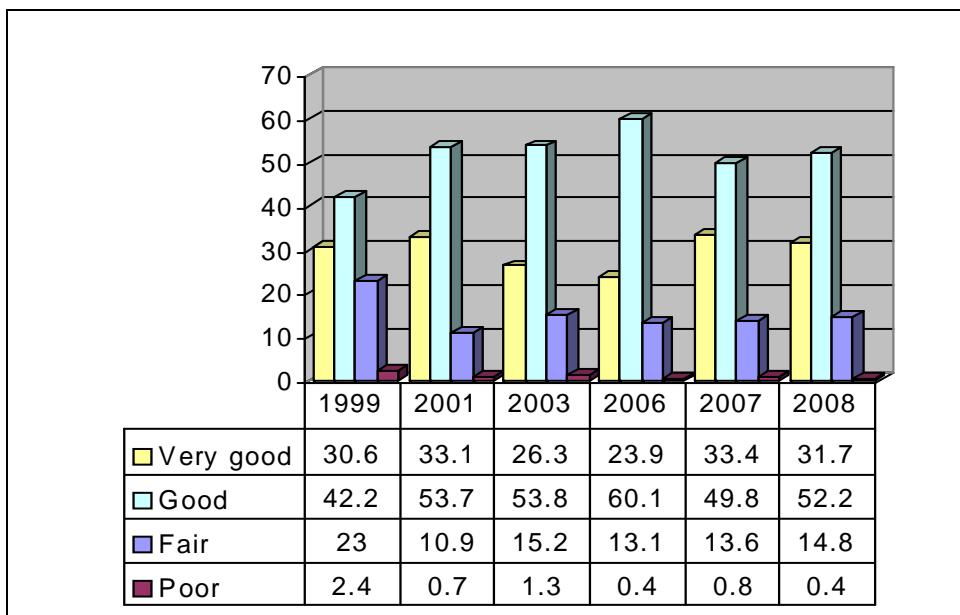
Table 28

Breakdown of the views of Uzbeks on the grounds and reasons for ethnic and civil harmony in Uzbekistan, percentage³⁰



³⁰ Data from the Ijtimoiy Fikr Centre for the Study of Public Opinion.

Table 29
Assessment of the state of ethnic relations, percentage³¹



292. These poll results and the results of prior surveys (1999–2007) show a stable, positive trend typical of the state of ethnic relations in the country.

293. When Uzbekistan embarked on the path towards independent development, it sought to achieve an adequate standard of living for its entire multi-ethnic population. The course of its democratic and political reforms shows a steady trend towards sustained harmony between the different ethnic communities in Uzbek society. This has been made possible to a large extent by the establishment of a proper legal framework and targeted State policies to promote equality between Uzbek citizens regardless of their ethnic backgrounds.

294. There were no instances of inter-ethnic conflict registered in Uzbekistan between 2006 and 2008. Inter-ethnic differences are generally limited to domestic disputes and have no connection with the activity of any State body or civil society institution.

295. Pursuant to the Committee's recommendations following its review of the combined third, fourth and fifth periodic report of Uzbekistan, and the Committee's general recommendation No. 27 on discrimination against Roma, the Ijtimoi Fikr Centre has conducted a poll on the social and economic situation of the Roma in Uzbekistan.

296. The Gypsies living in Uzbekistan are referred to as "Lyuli" by the local population. They still speak both Tajik and Uzbek. Their everyday language is Tajik, peppered with a few Roma words. Some Gypsy groups speak mainly in Uzbek. The main faith of the Gypsies living in Uzbekistan is Islam.

297. There are no precise census figures on the number of Gypsies in Central Asia. Indeed, it is not possible to calculate their numbers, as many claim to belong to other ethnic groups. According to a 1926 census, Uzbekistan had 3,710 Gypsies; in 1989, they numbered about 20,000. According to demographers, their true numbers have always been at least twice as large as the official figures suggest.

³¹ Data from the Ijtimoi Fikr Centre for the Study of Public Opinion.

298. The Gypsy way of life in Uzbekistan is a mingled one, combining adaptation to the world around with a determination to preserve the specific Gypsy ethnic and cultural identity and pass on their traditions and way of life. The majority of those polled (61 per cent) said that they follow the traditional Gypsy way of life, giving priority to upholding traditions and standards in their daily lives.

299. Furthermore, almost all the Gypsies polled (99 per cent) responded that they experienced no infringement or coercive restriction by the Government on their right to lead a traditional way of life in Uzbekistan.

300. The majority of the Gypsies polled (84 per cent) are Uzbek citizens. The 16 per cent who are not, enjoy resident status.

301. According to this survey, 1.4 per cent of those polled had had a higher education, 13.9 per cent a full secondary education, 20.8 per cent a partial secondary education, and 63.9 per cent a primary education.

302. The survey found that Gypsies residing in Uzbekistan did not encounter discrimination with regard to access to health facilities. In the view of 99 per cent of those polled, the rights of Gypsies to access to health services (health-care centres, hospitals and others) are not infringed.

Undertaking to condemn racial discrimination (art. 2)

A. Undertaking by Uzbekistan to engage in no act of racial discrimination

303. The undertaking to engage in no act of racial discrimination is reflected in the following ways.

304. *First*, the undertaking is enshrined in the constitutional principle of the equality of citizens irrespective of race, ethnic background, language and other considerations (Constitution, art. 18). The State thus undertakes not to tolerate any racial or ethnic discrimination. This provision is developed in other legislation, including article 6 of the 1995 Labour Code, which prohibits discrimination in labour relations: “All citizens have equal opportunities with regard to the possession and exercise of labour rights. The imposition of any restrictions or the granting of privileges in the area of labour relations on the basis of ... race, ethnic background, language, religion ... or other considerations not related to employees’ qualifications and the results of their work is unacceptable and shall be deemed discrimination.”

305. *Second*, the State promotes 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 ethnic communities residing in its territory and to create conditions for their development” (Constitution, art. 4).

306. *Third*, the State gives precedence to the generally accepted norms of international law enshrined in the preamble to the Constitution and other legislation.

307. 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:

1. The incorporation into the Constitution and other legislation of obligations relating to racial discrimination;
2. The independence of the judiciary as the chief mechanism under Uzbek domestic policy for enforcing legislation;

3. The adoption by the Government of national plans of action to implement the recommendations set out in the concluding observations by the Committee on the Elimination of Racial Discrimination on its reviews of the periodic reports of Uzbekistan.

308. Article 19 of the Constitution provides that “the rights and freedoms enshrined in the Constitution and the law are inviolable, and no one may deny or restrict them without recourse to a court”. In accordance with the Court Appeals (Acts and Decisions Violating Civil Rights and Liberties) Act, all citizens of Uzbekistan, regardless of race and ethnicity, and aliens and stateless persons may bring complaints before the courts if they consider that their rights and freedoms have been violated through the unlawful actions (or decisions) of State bodies, enterprises, institutions, organizations, voluntary associations, local authorities or officials (art. 1).

309. “Persons who believe that they have experienced discrimination at work may apply to the courts to halt the discrimination and obtain compensation for material and moral injury” (Labour Code, art. 6, and Civil Code, arts. 985–991).

310. Further guarantees that State bodies will act in compliance with the Convention come in the form of freedom of the press (enshrined in article 67 of the Constitution), and efforts to foster the development of civil society, both of which serve as mechanisms for public scrutiny of the work of public authorities and individuals whose actions might be racially discriminatory in nature.

B. Undertaking not to sponsor, defend or support racial discrimination

311. The undertaking not to sponsor, defend or support racial discrimination is reflected in the following.

312. First, the ban on political parties established along racial or ethnic lines (article 57 of the Constitution) and on voluntary associations seeking to spread racial and religious division (article 3 of the Voluntary Associations Act of 1991, as amended in 1992 and 1997).

313. Second, the prohibition against the use of religion to foment enmity, hatred and ethnic discord (article 5 of the Freedom of Conscience and Religious Organizations Act of 1991, as amended in 1998).

314. Third, the prevention of the use of the media to spread ethnic, racial or religious hatred (the Mass Media Act of 1997).

315. Fourth, the adoption of the Freedom of Information (Principles and Safeguards) Act of 2002, which regulates media relations with respect to the exercise of the constitutional right of everyone to seek, obtain, study, transmit and disseminate information freely and without hindrance.

316. Fifth, the ban on hindering citizens’ exercise of their right to use the language of their choice for communication, child-rearing and education (article 24 of the State Language Act of 1989, as amended in 1995).

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

317. 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

318. Incitement to racial hatred is an administrative and criminal offence under Uzbek legislation.

319. First, article 141 of the Criminal Code makes the violation of equal rights a punishable offence, addressed in chapter VII of the Code which groups together offences against citizens' constitutional rights and freedoms. The concept of discrimination as set out in article 141 of the Code is virtually the same as in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. The difference between the two lies in the fact that the Convention defines the purpose of discrimination as: "nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". The omission of the purpose of discrimination from article 141 of the Code does not affect how discrimination itself is treated.

320. Second, article 156 of the Criminal Code, "Incitement to ethnic, racial or religious hatred", makes wilfully offending the honour and dignity of an ethnic community or insulting the feelings of believers or atheists with a view to inciting enmity, intolerance or discord towards groups of people on the basis of national origin, race, ethnic background or religion, or directly or indirectly restricting rights or extending direct or indirect privileges based on national origin, race, ethnic background or religion, punishable by deprivation of liberty for up to five years.

321. When committed by an official, by conspiracy, by a group, or involving the forcible eviction of citizens from their place of residence or the infliction of bodily harm, the same conduct is punishable by deprivation of liberty for a term of 5 to 10 years.

322. Under article 153 of the Criminal Code, genocide — meaning deliberately inflicting on a national, ethnic, racial or religious group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group or ordering such acts to be performed — is punishable by deprivation of liberty for a term of 10 to 20 years.

323. Third, the Code of Administrative Liability prescribes fines of between once and twice the minimum wage (art. 42) for violating citizens' right to use the language of their choice in child-rearing and education, for obstructing or restricting the use of a language, and for showing disrespect towards the State language or other languages of the peoples and ethnic communities living in Uzbekistan.

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

324. Under article 56 of the Constitution, "trade unions, political parties, scholarly associations, women's, veterans' and youth organizations, artists' unions, popular movements and other citizens' associations that have been registered in accordance with the established procedure are recognized as voluntary associations in the Republic of Uzbekistan".

325. The main laws governing the organization and activities of voluntary organizations are the Constitution (arts. 56–62), the Voluntary Associations Act, the Trade Unions (Rights and Safeguards) Act, the Political Parties Act, the Non-Governmental Non-Profit

Organizations Act, the Voluntary Funds Act, the Charitable Activities Act and the Freedom of Conscience and Religious Organizations Act.

326. Government action in this area is manifested in:

71. Greater peace and friendship among peoples, which is defined as one of the goals of the creation of voluntary associations in Uzbekistan (article 3 of the Voluntary Associations Act)

72. The Dustlik (Friendship) Order, awarded to persons working in science, culture, education, health care, the media and social welfare for contributions to ethnic harmony among the peoples living in Uzbekistan

73. The establishment and upkeep of the Inter-ethnic Cultural Centre of Uzbekistan, inaugurated in 1992 to coordinate the work of ethnic cultural centres

74. The establishment and support of friendship associations with foreign countries, especially the ancestral homelands of ethnic minorities living in Uzbekistan, including the Russian Federation, the Republic of Korea, Ukraine, Latvia, Azerbaijan and Kazakhstan

75. Support for the activities of ethnic cultural centres, focusing particularly on events relating to the ethnic traditions of various peoples. They include Ramadan, Kurban Khait, Christmas, Easter, Shrovetide, Purim, Hansik, Khosil Bayrami and Chusok. There have also been extensive celebrations of such dates as the anniversaries of Pushkin, Shevchenko, Rachmaninov, Sadriddin Ayni, Chinghiz Aitmatov, Rudaki and others

76. Days celebrating the cultures of States that are ancestral homelands to some of the ethnic minorities in Uzbekistan. Conferences on the theme “Our strength lies in unity”, organized by the National Inter-Ethnic Cultural Centre, the National Council for Religion and Education, the Academy of Sciences and the Committee on Religious Affairs of the Cabinet of Ministers, have become a tradition. Such conferences were held in March in 2007 and 2008 with the participation of all cultural centres, and invitations were extended to the diplomatic community

327. Scholarly events are held each year on Constitution Day, with a particular focus on tolerance and inter-ethnic harmony. On 6 December 2007, the Centre for the Further Training of Legal Specialists of the Ministry of Justice and the National Inter-Ethnic Cultural Centre ran a conference on “The constitutional foundations of inter-ethnic harmony in the Republic of Uzbekistan” which was attended by civil servants, scholars, public figures and students representing the various ethnic groups and peoples that make up the multi-ethnic population of Uzbekistan.

328. A conference on “The role of religious heritage in children’s upbringing” supported by the ethnic cultural centres was held at Tashkent Islamic University on 27 February 2008.

329. The National Centre for Human Rights, the Ijtimoi Fikr Centre for the Study of Public Opinion and the Friedrich Ebert Foundation held round tables at the Civic Forum entitled “Tolerance as a cultural standard and moral value” on 16 November 2007 and 19 November 2008.

Condemnation of racial discrimination and apartheid (art. 3)

330. There is no racial segregation or apartheid system in Uzbekistan, which has a policy of condemning practices and ideologies conducive to intolerance or racial hatred. Uzbekistan bases its domestic and foreign policies on international standards, including laws that condemn racial segregation and apartheid. As a member of OSCE, it has made

commitments with respect to ethnic minorities (the principles set forth in article VII of the Final Act of the Conference on Security and Co-operation in Europe, signed in Helsinki in 1975) and other documents of the OSCE human dimension.

Legislative measures to eradicate all incitement to, or acts of, racial discrimination (art. 4)

331. Incitement to racial and ethnic discrimination is prohibited in article 57 of the Constitution; article 3 of the Voluntary Associations Act; article 5 of the Freedom of Conscience and Religious Organizations Act; article 6 of the Media Act; article 24 of the State Language Act; article 4 of the Education Act; article 2 of the Nationality Act; and elsewhere. Discrimination is also banned in procedural legislation, including the Code of Criminal Procedure (art. 16), the Code of Civil Procedure (art. 6) and the Code of Economic Procedure (art. 7).

332. 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, ethnic background or language is punishable by a fine of up to 25 times the minimum wage or deprivation of a specified right for up to three years.

333. Under article 156 of the Criminal Code, wilfully offending the honour and dignity of an ethnic community with a view to inciting enmity, intolerance or discord towards groups of people on the basis of national origin, race, ethnic background or religion, or directly or indirectly restricting rights or extending privileges based on national origin, race or ethnic background is punishable by deprivation of liberty for up to five years. When committed by an official, by conspiracy, by a group, or involving the forcible eviction of citizens from their place of residence or the infliction of bodily harm, the same conduct is punishable by deprivation of liberty for a term of 5 to 10 years.

334. These offences are objectively classified as follows: (a) acts that offend the honour and dignity of an ethnic community; (b) acts that offend a person's feelings in connection with his or her religious or atheistic convictions; (c) direct or indirect restriction of civil rights based on national origin, race, ethnic background or religion; (d) direct or indirect privileges based on national origin, race, ethnic background or religion.

335. Such offences also encompass the extension of any privilege, such as preferential housing policies, on the basis of ethnic background, race or religion.

336. Under article 153 of the Criminal Code, genocide is punishable by a prison sentence of 10 to 20 years and is defined as the deliberate establishment of living conditions designed to bring about total or partial physical extermination, the forcible prevention of births or the transfer of children from one group of people to another, or ordering such actions to be performed.

337. Accordingly, three types of genocide are specified: *physical* genocide, manifested in the physical extermination of persons of a particular national, ethnic, racial or religious group; *social and economic* genocide, consisting in the creation of conditions of life conducive to such extermination; and *biological* genocide, including acts designed to prevent births within certain groups. The offence covers not only genocide itself but also conspiracy, as manifested in direct and public incitement to genocide, ordering or attempting such acts, attempted genocide and complicity in genocide.

338. Article 42 of the Code of Administrative Liability, also aimed at eliminating all incitement to and instances of racial discrimination, prescribes fines of once to twice the minimum wage for violating citizens' right to use the language of their choice in child-

rearing and education, for obstructing or restricting the use of a language and for showing disrespect towards the State language or other languages of the ethnic groups and peoples living in Uzbekistan. Public officials and citizens aged 16 and older may be punished for that offence. Cases involving this offence are heard by the administrative courts.

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, notably in the enjoyment of the following rights (art. 5)

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

339. The right of everyone resident in Uzbekistan to equal protection from the courts, irrespective of their national, racial and ethnic origin, is guaranteed by article 44 of the Constitution and article 5 of the Courts Act as amended in 2001.

340. The requirement that justice should be administered on the principle of equality before the law and the courts is enshrined in article 1 of the Court Appeals (Acts and Decisions Violating Civil Rights and Liberties) Act of 1995, article 3 of the Criminal Code, article 16 of the Code of Criminal Procedure, article 1 of the Code of Civil Procedure and elsewhere.

341. Equality before the law is a fundamental principle of the law on administrative liability (article 3 of the Code on Administrative Liability).

342. To ensure the fullest exercise of their right to equality before the courts, persons from ethnic or linguistic minorities who are not proficient in the State language or language of the majority 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; parties 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 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.

343. Article 20 of the Code of Criminal Procedure states that legal proceedings in Uzbekistan are to be conducted in Uzbek, Karakalpak, or the language of the majority population in a given area.

344. Parties to legal proceedings who are not proficient in or insufficiently conversant with 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 they know. In such circumstances, and also when being apprised of the facts of a case in accordance with the law, they are entitled to employ the services of an interpreter. Interpretation services were provided free of charge in civil litigation from 2006 to 2008.

Table 30
Assignment of interpreters to trials in 2006³²

Type of trial	Interpretation from Russian	Interpretation from Tajik	Interpretation from Kazakh	Interpretation from Turkish	Interpretation from other languages	Total interpretation assignments
Civil proceedings	1 339	6	3	-	5	1 353
Criminal proceedings	1 114	26	4	34	98	1 284
Administrative proceedings	857	9	2	627	476	1 972

Table 31
Assignment of interpreters to trials in 2007³³

Type of trial	Interpretation from Russian	Interpretation from Tajik	Interpretation from Kazakh	Interpretation from Turkish	Interpretation from other languages	Total interpretation assignments
Civil proceedings	1 683	9	2	-	5	1 702
Criminal proceedings	1 343	50	15	39	47	1 494
Administrative proceedings	1 053	8	5	318	134	1 519

Table 32
Assignment of interpreters to trials in 2008 (first quarter)³⁴

Type of trial	Interpretation from Russian	Interpretation from Tajik	Interpretation from Kazakh	Interpretation from Turkish	Interpretation from other languages	Total interpretation assignments
Civil proceedings	366	4	-	-	1	371
Criminal proceedings	379	5	-	12	17	414
Administrative proceedings	362	13	25	56	150	606

345. On 17 December 2007 the Supreme Court and the Higher Economic Court conducted a round table on “The language of legal proceedings: status, problems and prospects” that took up the issue of ensuring good interpretation during trials.

346. Article 294 of the Code of Administrative Responsibility states that a person on trial for an administrative offence is entitled to speak in his or her native language and to employ the services of an interpreter. Under article 300, the interpreter must be appointed by the body (or official) conducting the proceedings. Only persons with no interest in the

³² Data from the Supreme Court of Uzbekistan.

³³ Data from the Supreme Court of Uzbekistan.

³⁴ Data from the Supreme Court of Uzbekistan.

outcome of the case and fluent in the language may serve as interpreters. A person examining the case, attorney, witness, etc., cannot also serve as an interpreter.

347. 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 the area concerned. 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 parties to the proceedings must be served in the parties’ native languages 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

348. This right is established under article 156 of the Criminal Code: wilfully offending the honour and dignity of an ethnic community with a view to inciting enmity, intolerance or discord towards groups of people on the basis of national origin, race, ethnic background or religion, or directly or indirectly restricting rights or extending privileges on the basis of national origin, race or ethnic background, is punishable by deprivation of liberty for up to 5 years.

349. If such conduct (a) endangers the lives of others, (b) causes serious bodily injury, (c) involves the eviction of citizens from their homes, (d) is committed by an official, or (e) is committed by conspiracy or by a group, it is punishable by deprivation of liberty for a term of 5 to 10 years.

350. Article 97, paragraph 2 (k), of the Criminal Code states that intentional homicide motivated by ethnic or racial enmity is punishable by deprivation of liberty from 15 to 25 years or by life imprisonment.

351. Under article 104, paragraph 2 (h), intentional grievous bodily harm motivated by ethnic or racial enmity is punishable by deprivation of liberty from 8 to 10 years.

352. Under article 105, paragraph 2 (h), intentional moderate bodily harm motivated by ethnic or racial enmity is punishable by deprivation of liberty from 3 to 5 years.

353. A separate paragraph in each of these articles deals with “ethnic and racial enmity” as a motive, classifying it as an aggravating circumstance attracting a harsher penalty: an indication by the legislature that race crimes are a particular threat to society and will be severely punished.

C. Political rights

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

- (a) The Constitution of 1992;
- (b) The Presidential Elections Act of 1999;
- (c) The Oliy Majlis Act of 28 December 2003, as amended in 2004;
- (d) The Kengash People’s Deputies (Provincial, District and Municipal Elections) Act of 29 August 2003;

- (e) The Citizens' Voting Rights (Safeguards) Act of 1994;
 - (f) The Central Electoral Commission Act of 1998, as amended in 2004.
355. Under the Constitution, which enshrines the principle of the right to vote, all citizens enjoy:

77. The right to vote in elections to representative bodies and to stand for election

78. Equality and freedom of expression of will

79. The right to serve on no more than two representative bodies simultaneously

356. Rights under the Constitution may be exercised by all citizens who have reached the age of 18. The Constitution provides for exceptions only with respect to certain categories of person. The following may not vote in elections:

80. Citizens ruled incompetent by a court

81. Persons held in prisons and detention centres

357. The results of the most recent presidential election, held on 23 December 2007, show that more than 16 million people have the right to vote in Uzbekistan.

358. The right to vote is accorded in Uzbekistan only to Uzbek citizens. Aliens and stateless persons do not have this right.

359. The Council of Peoples' Deputies (Provincial, District and Municipal Elections) Act sets out the basic principles for the conduct of elections:

82. Plurality of parties

83. Universal, equal and direct suffrage

84. Secrecy of the ballot

85. Transparency

360. All voters have the same legal status. All citizens of Uzbekistan, regardless of their social, racial or ethnic background, sex, language, education, personal or social status, or status as property owners, have the same voting rights.

361. National legislation requires at least 30 per cent of elected candidates to be women.

362. Uzbekistan's election system is a majority-vote system. Pursuant to the Oliy Majlis (Elections) Act, a candidate obtaining more than half of the votes cast in an election is deemed elected.

D. Other civil rights, in particular

1. The right to freedom of movement within the State

363. 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.

364. Freedom of movement and citizenship are regulated by a number of laws and regulations. Among these are the presidential decree of 23 September 1994 introducing the regulations governing the passport system, the 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.

365. Aliens and stateless persons in Uzbek territory enjoy rights and freedoms in accordance with the rules of international law (article 23 of the Constitution).

2. The right to leave any country, including one's own, and to return to one's country

366. Citizens have the right to leave Uzbekistan (article 28 of the Constitution). Residence abroad does not entail loss of Uzbek citizenship (article 7 of the Citizenship Act). To facilitate the procedure guaranteeing the exercise of this right, Uzbekistan has signed a number of treaties, mostly with CIS countries, to simplify as far as possible procedures relating to the movement and residence of citizens from one State within another State, and to guarantee citizens of these States the right to travel freely and without visas, duties, registration fees or other restrictions.

367. In the light of the need to combat international organized crime and human trafficking and related international standards requiring increased control over entry into and exit from countries, Uzbekistan has put in place an exit visa procedure for citizens travelling abroad.

368. Nevertheless, the procedure for obtaining an exit visa is fairly simple.

3. The right to nationality

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

86. Renunciation of foreign citizenship

87. 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)

88. Lawful means of subsistence

89. Recognition of and compliance with the Uzbek Constitution

370. 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 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).

371. 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 Uzbek citizenship. 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.

372. Nineteen persons became Uzbek citizens in 2006, including seven ethnic Uzbeks, nine Russians, one Ukrainian and two Turkmen. Between 2007 and 2008 no citizenship was offered.

373. Residence permits were granted to 818 foreign nationals and 2,128 stateless persons in 2006, 935 foreign nationals and 2,636 stateless persons in 2007 and 310 foreign nationals and 717 stateless persons during the first five months of 2008.

374. According to data from the Ministry of Internal Affairs, the permanent residents of Uzbekistan include:

- 90. 21,963 foreign nationals
- 91. 86,703 stateless persons

4. The right to marriage and choice of spouse

375. This right is regulated by the Family Code. Every citizen of Uzbekistan has the right to freely enter into marriage and to choose his or her spouse (art. 14). Racial, national and ethnic origin are not grounds precluding the conclusion of a marriage (art. 16). No direct or indirect restriction on rights is permitted in family relations, nor may any direct or indirect privileges based on race, ethnic background, language or similar considerations be extended upon entering into marriage (art. 3). Members of ethnic groups and peoples living in Uzbekistan have the right to follow their own customs and traditions governing family relations in the absence of corresponding rules in legislation, so long as those traditions do not run counter to the principles of Uzbek legislation (art. 8). The proportion of inter-ethnic marriages in Uzbekistan is fairly high.

Table 33

Inter-ethnic marriages and marriages between Uzbeks and foreign nationals³⁵

	2006	2007	2008 (as at 1 April)
Number of registered inter-ethnic marriages	826	1 396	387
Number of registered marriages between Uzbeks and foreign nationals	627	726	162

5. The right to own property alone and in association with others

376. This right is established in article 36 of the Constitution. Neither the Property Act nor any other legislation on property rights limits ownership of property on the basis of race, ethnic background, language or religion. Article 4 of the Property Act states: “The right to own property 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 various legal persons, citizens, or stateless persons.”

6. The right to inherit

377. 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.

³⁵ Data from the Ministry of Justice.

378. Under the Civil Code, decedents' estates include all rights and responsibilities incumbent on the testator at the opening of the succession that are not extinguished when he or she dies. The Code (art. 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 estate.

379. Pursuant to article 1118, persons alive at the opening of the succession may inherit, as may children conceived during the testator's lifetime but born after the opening of the succession.

380. In accordance with article 1119, anyone who has wilfully taken or made an attempt on the life of the testator or any possible heirs, or has wilfully prevented the testator from carrying out his or her 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 will 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.

381. Furthermore, 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 when the succession opens; nor may parents (or adoptive parents) and adult offspring (or adoptive children) who have failed to meet their legal obligation to support the testator. In such cases, the grounds for denying unworthy heirs the inheritance are established by the courts on application from a person for whom such disqualification has proprietary consequences.

382. Inheritances are come into by will or by law.

383. Anyone may bequeath all or part of his or her property to one or more lawful heirs, or to a legal person, the State or local authorities. The testator may annul or change his or her will at any time, and is not obliged to make known his or her reasons for doing so.

384. A will must be made by the testator in person and in writing. The confidentiality of wills is guaranteed by the State.

385. Articles 1197–1199 of the Civil Code stipulate that the inheritance of property is regulated by the law of the country where that property is situated, and inheritance of property entered in the State register of Uzbekistan is regulated by Uzbek law.

7. The right to freedom of thought, conscience and religion

386. For centuries, Uzbekistan has had various religious and ethnic groups living together in concert. Diverse religions and faiths have always coexisted in the territory. Uzbekistan must again draw on this historical experience today given that 136 ethnic groups and peoples, most of whom identify themselves with one of the 17 official religions, are living peacefully in the independent Republic of Uzbekistan.

387. In accordance with article 29 of the Constitution, everyone has the right to freedom of thought, conscience and conviction.

388. Under article 31, freedom of conscience is guaranteed for all. Everyone has the right to profess any religion or none.

389. The imposition of religious views by force is prohibited. This is made explicit in article 3 of the Freedom of Conscience and Religious Organizations Act, which states that no coercion shall be applied as citizens determine their views on religion, their profession of faith or lack thereof, their participation or non-participation in religious services, rites and ceremonies and whether or not they receive a religious education.

390. Foreign nationals and stateless persons enjoy the same right to freedom of conscience and freedom of belief as Uzbek citizens.

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

392. Obstructing the lawful activity of religious organizations or the performance of religious rites is a punishable offence (article 145 of the Criminal Code).

393. There are 2,229 religious organizations — 179 non-Islamic and 2,050 Islamic — and 16 different faiths currently active in Uzbekistan, including Islam and the Orthodox, Catholic, Lutheran, Baptist, Full Gospel, Seventh Day Adventist and other Christian churches, religious communities of Bukhara and European Jews, Baha'i, Hare Krishnas and Buddhists. Every year, more than 120 members of non-Islamic religious communities make pilgrimages to their respective holy sites in Israel, Greece and the Russian Federation, and enjoy all the privileges extended to believers travelling abroad. In 2005, 2,354 Muslim citizens went abroad for the umrah and 5,212 for the hajj; in 2006, 2,978 for the umrah and 5,028 for the hajj; and, in 2007, 4,075 for the umrah and 5,088 for the hajj.

394. The Code of Criminal Procedure (art. 12) guarantees convicts' freedom of conscience. Persons undergoing short-term rigorous imprisonment or deprivation of liberty may request visits from the clergy of duly registered religious organizations. Convicts are permitted to observe rites and to use ceremonial objects and religious literature.

395. The Psychiatric Assistance Act (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 clergy members.

396. Uzbekistan has hosted several regular events in recent years devoted to freedom of religion and the rights of believers. Tashkent was declared by the Organization of the Islamic Conference to be the capital of Islamic culture for 2007. The Government adopted and carried out a corresponding programme of action, which included the restoration and construction of scores of mosques and the construction of new facilities at the Islamic University.

Table 34
Registration of religious organizations³⁶

<i>Registration</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Registered religious organizations	14	7	1

8. The right to freedom of opinion and expression

397. Everyone in Uzbekistan "has the right to freedom of thought, speech and belief. Everyone has the right to seek, receive and impart any information, except information aimed at undermining the existing constitutional system and other information 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 beliefs (article 3 of the Media Act). Censorship is prohibited by law (article 67 of the Constitution and article 4 of the Media Act).

398. The law prohibits the publication in print of calls for violent change to the constitutional system, State secrets, incitement to war, violence, pornography, material fomenting religious or ethnic discord, attacks on personal honour and dignity, or libel (article 4 of the Publishing Act of 30 August 1996).

³⁶ Data from the Ministry of Justice.

399. The right of all citizens of Uzbekistan to freedom of opinion and expression without restriction on racial or ethnic grounds does not mean that they may express opinions or convictions advocating racial or ethnic supremacy (article 6 of the Media Act).

9. The right to freedom of peaceful assembly and association

400. Article 33 of the Constitution states: "Citizens have the right to engage in public life by holding rallies, meetings and demonstrations in accordance with the laws of Uzbekistan."

401. Article 34 states: "Citizens of the Republic of Uzbekistan have the right to form trade unions, political parties and other voluntary associations and to participate in mass movements."

402. "No one may encroach on the rights, freedoms or dignity or persons constituting an opposition minority in political parties, voluntary associations, mass movements, or representative authorities."

403. 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, equal rights of party members, autonomy, lawfulness and transparency." In addition, in article 1 of the Public Associations Act: "Voluntary associations are voluntary groupings brought 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 or other areas of life."

404. The major political parties operating in Uzbekistan today include: the People's Democratic Party of Uzbekistan; the Movement of Entrepreneurs and Business People; the Liberal Democratic Party of Uzbekistan; the Adolat Social Democratic Party of Uzbekistan; and the Milli Tiklanish Democratic Party of Uzbekistan.

405. All restrictions on civil rights and all privileges or advantages conferred on grounds of party affiliation are prohibited.

406. Uzbekistan has a number of laws governing freedom of association (the Voluntary Associations Act, the Political Parties Act, the Financing of Political Parties Act, the Non-Governmental Non-Profit Organizations Act, the Freedom of Conscience and Religious Organizations Act, the Voluntary Funds Act, the Housing Owners' Associations Act, the Local Authorities Act, the Non-Governmental Non-Profit Organizations (Safeguards) Act and the Charitable Activities Act).

407. As at 1 January 2008 there were over 5,000 non-governmental non-profit organizations active in the country. The State is pursuing a policy of social partnership and actively developing civil-society institutions. Non-governmental non-profit organizations are registered by the Ministry of Justice. The registration procedure is permissive and determined under the law. There are currently no difficulties in registering such non-profit organizations, as the steady increase in their number testifies.

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

409. A joint decision by the Kengash (Councils) of the Legislative Chamber and Senate of the Oliy Majlis to strengthen support for non-governmental non-profit organizations and other civil-society institutions was adopted in June 2008, thereby establishing a voluntary fund to support these organizations and other civil-society institutions. A parliamentary

commission will manage the fund's resources and provide support to such non-profit organizations in the form of subsidies, grants and the commissioning of public services. These measures constitute a further step by the Government towards developing relations and supporting civil-society institutions.

410. Uzbekistan has a system of State-supported ethnic cultural centres (totalling 150), bringing together the ethnic minorities living in Uzbekistan.

E. Economic, social and cultural rights, including

1. The right to work

411. 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 labour relations: "All citizens shall have equal opportunities to enjoy and exercise their labour rights. The imposition of any limits or granting of privileges in labour relations on the grounds of ... race, ethnic background, language, religion ... or other considerations not associated with the worker's professional qualifications and output is prohibited and constitutes discrimination."

2. The right to form and join trade unions

412. Citizens of Uzbekistan have the right to form 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 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, and the Voluntary Associations Act of 15 February 1991 and the Trade Unions (Rights and Safeguards) Act of 2 July 1992 flesh out those rights.

413. Uzbekistan currently has 14 trade unions. Trade union members account for 43.2 per cent of the total workforce (14,791,900 persons).

414. Article 4 of the Trade Unions (Rights and Safeguards) Act and article 6 of the Labour Code prohibit any discrimination against trade union members.

415. Trade unions have the right to form federations and to join international trade union organizations.

416. Uzbek legislation on collective bargaining complies with ILO Convention No. 154 concerning the Promotion of Collective Bargaining.

417. Collective bargaining on employment is governed by the Employment Act. The procedure for settling labour disputes is set out in labour legislation. Individual labour disputes are settled, in accordance with the law, in enterprises' labour dispute commissions or in the courts. Workers have the right to choose which body will consider their disputes with their employers. If they go to court over demands arising out of labour relations, they are exempt from court fees.

418. Trade unions have the right to institute legal proceedings in both individual and collective labour disputes.

3. Right to housing

419. Article 2 of the Principles of State Housing Policy Act of 1996, as amended in 1997, states that the main aims of State housing policy are to establish conditions under which

each citizen can build, acquire or rent housing in accordance with his needs and means, and to provide municipal housing to citizens registered as needing better housing.

420. 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. Privately owned houses and flats may not be confiscated, and homeowners may not be deprived of their title to a house or flat except as specified by law. Compulsory alienation of housing is permitted only by court order."

4. The right to public health, medical care, social security and social services³⁷

421. 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 appropriate medical care" (art. 40). The right to appropriate medical care is guaranteed under the Public Health Care Act.

422. Within the framework of guaranteed medical services, the State has undertaken to provide free medical coverage in the following areas:

92. Emergency treatment

93. Primary health care and treatment at a number of preventive medical institutions, primarily in rural areas

94. Immunization and vaccination against a variety of infectious diseases

95. Examination and treatment of adolescents as ordered by draft boards

96. Obstetric services

97. Treatment of various kinds of patients with special entitlements (war veterans, disabled persons and orphans)

423. Under the State health system reform programme, the State guarantees free treatment to inpatients and persons undergoing outpatient drug treatment in connection with a range of diseases that pose a serious public health threat, namely tuberculosis, leprosy, HIV/AIDS, mental illness, cancer and sexually transmitted diseases.

424. One element in all public health programmes is improved reproductive health care.

425. Uzbekistan has a national reproductive health centre and a national centre for adolescent reproductive health, which have regional offices that offer workshops for reproductive health-care specialists.

426. Under Cabinet of Ministers decision No. 242 of 5 July 2002, an optional 16-hour course on the basics of reproductive health and family health has been introduced in schools, high schools and colleges. In order to teach young people about reproductive health issues, 800,000 brochures and 400,000 booklets for teachers and pupils have been prepared and published.

427. Pursuant to article 3 of the State Pensions Act of 1993, as amended in 2002, citizens may apply for a pension at any time after they become eligible for one.

³⁷ Uzbekistan. Common Country Assessment. United Nations, 2003.

See the initial report of Uzbekistan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.63).

428. Article 20 of the Persons with Disabilities Act of 1991, as amended in 2001, stipulates that all persons with disabilities shall enjoy full social, economic and individual rights and freedoms, and that discrimination against them is prohibited and subject to prosecution.

429. Article 13 of the Public Health Care Act of 1996, as amended in 1999, states that the “State guarantees health protection for its citizens, irrespective of ... race, ethnic origin, language ... or religion”. The State guarantees protection against discrimination regardless of any illness citizens may have. Article 44 (concerning the doctor’s oath in Uzbekistan) states that on receiving their diplomas doctors must swear that they will render medical assistance to any sick person irrespective of that person’s sex, age, race, nationality, language, religion or faith. Article 14 establishes the right of aliens and stateless persons to health care. It states: “Aliens in the Republic of Uzbekistan shall be guaranteed the right to health care in accordance with the international treaties to which the Republic of Uzbekistan is a party. Stateless persons permanently resident in Uzbekistan shall enjoy the same right to health care as citizens of the Republic, unless otherwise provided by the international treaties to which Uzbekistan is a party.”

430. Since 1 September 2002, under Cabinet of Ministers decision No. 33 of 25 January 2002 on measures to implement the programme of targeted support for socially vulnerable segments of the population, besides primary school pupils from low-income families, students from low-income families who attend higher grades of school have received a free set of winter clothes. Every year, students from low-income families attending normal schools are provided, free of charge, with a set of textbooks from the library. Foster parents caring for a child or children receive a monthly allowance equivalent to three times the minimum wage for each child in their care.

431. Direct payments, in the form of material assistance to poor families and allowances for families with children, provide needy families with additional income. Fifty per cent of Uzbekistan’s total budget expenditure goes on social and cultural activities and social welfare.

432. More than 1,000 children with disabilities take part each year in competitions to mark the International Day of Persons with Disabilities.

433. To improve the quality of physical education for children with disabilities, special gear and equipment are regularly provided to sports facilities, and the children are provided with athletic clothing and shoes.

434. A number of non-governmental non-profit organizations in Uzbekistan work directly with children with disabilities: the Kamila Centre in Angren, the Club for Rehabilitation and Integration of Children with Disabilities, or KRIDI, the Umidvorlik Coalition, which comprises 23 non-governmental non-profit organizations, the Pegas Al Falak Centre and others. Some organizations work with both persons with disabilities and older persons. The Ishonch va Khaet organization of persons living with HIV/AIDS is operating successfully.

5. The right to education and training

435. Article 41 of the Constitution states: “Everyone has the right to education. The State guarantees that general education is provided free of charge.”

436. 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, views on religion, social origin, occupation, social status, place of residence, or length of residence in the territory of Uzbekistan”.

437. The right to education is guaranteed by:

98. The development of State and non-State educational establishments
99. Arrangements for external and on-site training
100. Free instruction under State education and staff development programmes and paid vocational training at educational establishments on a contractual basis
101. Equal rights for graduates of all types of educational institutions to pursue their studies at the next level of education
102. The right extended to all home-educated or self-taught citizens to qualify as external students at accredited educational institutions
438. In accordance with international agreements, citizens of other States are entitled to receive an education in Uzbekistan.
439. Stateless persons residing in Uzbekistan have the same rights to an education as Uzbek citizens.
440. Secondary education in Uzbekistan is offered in seven languages: Uzbek, Karakalpak, Russian, Kazakh, Turkmen, Tajik and Kyrgyz. Under an arrangement between the Uzbek Ministry of Education and the countries of the Commonwealth of Independent States that constitute ancestral homelands of the foregoing ethnic minorities living in Uzbekistan, schools teaching in the languages of the ethnic minorities are provided with curricula and textbooks and other teaching aids purchased from those countries.
441. Today, 5,736,700 children are being taught by about 500,000 teachers in more than 9,765 schools.
442. There are 916,359 students studying in 100 lycées (academic secondary schools) and 956 colleges (vocational secondary schools).
443. Action is being taken under Presidential decree No. UP-3431 of 21 May 2004 on the State pan-ethnic programme for the development of school education, 2004–2009, to enhance State policy on educational reform. This is viewed as a key element in the course of reform and renewal of society as a necessary condition for the democratic reform of society, sustainable economic development and the integration of Uzbekistan into the international community.
444. A network of fundamentally new vocational secondary educational institutions has been established under a national professional development programme designed to cover all pupils completing the nine grades of the vocational education system, giving them a specific profession in addition to a general secondary education. The programme has involved the construction of 533 vocational colleges and 54 academic lycées with modern study and laboratory equipment.
445. More than 20 per cent of children aged between 3 and 5 years attend organized early-learning programmes. Free access to 12-year education and education in new types of educational institutions, including academic lycées and vocational colleges, is guaranteed for all. The literacy rate among the adult population is 99.2 per cent.
446. Under article 12 of the Education Act, primary education comprises grades 1 to 4 and is one of the steps towards a general secondary education.
447. 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.
448. Uzbekistan provides universal access to free 12-year education, including primary education, incomplete secondary education and also study at new types of educational establishments: academic lycées and vocational colleges.

449. Everyone with a general secondary education has the right to choose, of his or her own accord, a field of study at an academic lycée or vocational college.

450. In accordance with annex 1 (paras. 3–4) 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, competitive examinations are given in three languages: Uzbek, Russian and Karakalpak. The language of study in institutions of higher education in academic subjects and specialist fields (under enrolment criteria confirmed by the Cabinet of Ministers) is determined by ministries and departments and approved by a State commission before the application process begins. Applicants take tests in the language in which they would be studying in the institution of higher education. They are tested on the relevant subjects for the given field of study. Additional (aptitude) tests are given for some (specialized) fields of higher education.

451. Enrolment in institutions of higher education where certain subjects (specialist 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.

6. The right to equal participation in cultural activities

452. Article 42 of the Constitution states that everyone is guaranteed the right to enjoy the benefits of culture and that the State will be concerned with 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, ethnic background, faith, property or social status, have the right to engage in physical education and sport, to join voluntary organizations of a sporting and recreational nature and to participate in the management of the recreation and sports movement.

453. Under a presidential decree on the development of the theatrical arts in Uzbekistan of 26 March 1998 and the decision of the Cabinet of Ministers to establish the Uzbekteatr arts production association, 37 professional theatres and many amateur theatres now operate as parts of the association: 1 opera and ballet company performing in 2 languages (Uzbek and Russian); 7 theatre companies (including 3 performing in Russian); 14 musical and musical drama companies (including 1 Russian and 1 Karakalpak); 4 young people's theatres and 1 young spectators' theatre (including 1 Russian and 1 Karakalpak); and 10 puppet theatres (including 1 Karakalpak and 4 bilingual – Uzbek and Russian).

454. Uzbekistan has many amateur theatres: the Ilhom, Aladin, Mulokot, Eski Machit, Turon and others.

455. In addition, almost all higher educational establishments have theatre groups. A Nihol or Hazina theatre group festival takes place every year on an alternating basis.

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

457. Uzbekistan has 10 art museums, including the Savitsky State Art Museum of Karakalpakstan, which in recent years has become known throughout the world for its rich and unique collections.

458. The Federal Council of Trade Unions is actively involved in providing social protection, health care and recreation for the children of working families and creating an environment in which children may fully develop.

459. A system of collective agreements and conventions has enabled unions to maintain a steady level of services from cultural institutions, sports facilities and corporate health and social services for workers and their families.

460. Members of ethnic groups are actively involved in every kind of cultural activity in Uzbekistan.

461. An amateur theatre company of award-winning artists from the national festival of friendship and culture entitled “Uzbekistan, Our Common Home” has been formed at the Uzbek Inter-Ethnic Cultural Centre. It performs concerts in every district of Uzbekistan.

462. Participation in the cultural life of the country is not restricted by ethnic origin.

F. The right of access to any place or service intended for use by the general public

463. Uzbek law does not provide for such a right since it is covered by the legal principle that all citizens enjoy equal rights without distinction as to their race or ethnic background (in particular, the rights to freedom of movement and to equal participation in cultural activities). There are no cases in Uzbek legal practice or public life of violations of this right.

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

464. Under article 19 of the Constitution, the “civil rights and liberties set forth in the Constitution and the law are inviolable and no one may deny or restrict them without recourse to the courts”.

465. Article 1 of the 1996 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 may apply to the courts in accordance with the procedure established by law for the protection of a right that has been violated or contested or of a legally protected interest. Denial of the right to apply to the courts is invalid.

466. Under the Court Appeals (Acts and Decisions Violating Civil Rights and Liberties) Act, all citizens of Uzbekistan, regardless of race and ethnic background, 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).

467. Since it first became independent, Uzbekistan has been engaged in consistent, gradual reform aimed at enhancing the status of the courts and liberalizing criminal policy.

468. While the operation of the courts is State-funded, judges may defend their interests through the Judges Association, a non-governmental organization established by them.

469. Candidates for judgeships are selected by commissions of experienced judges on the basis of their professional and moral standing and their qualifications, without any kind of discrimination.

470. The term of office, independence, safety, emoluments and conditions of service of judges are covered by the Judges Act.

471. The fact that the people's access to justice is guaranteed means that the State must take all necessary steps to inform the public about judicial means of protecting their rights and to simplify, accelerate and reduce the cost of proceedings in civil, criminal, administrative, economic and other cases. The State must adopt the necessary measures to inform the public about the location and the jurisdictions of the various courts and about the procedure for applying to them.

472. Access to information about the courts and the law is an important aspect of ensuring citizens' access to justice.

473. Access to court and legal information on specific cases, the parties to a trial, evidence, events and documents included in criminal, civil, economic and administrative files, is restricted, and the arrangements for obtaining and using such information are set out in the law on criminal, civil, administrative and economic procedure.

474. The High Judicial Selection Commission in the Office of the President upholds the principle of judicial independence, judges being subject to the law alone. Particular attention is given to the training and retraining of judges in the educational institutions of the Ministry of Justice. High Commission members are elected by the Plenum of the Supreme Court for a five-year term. In accordance with the Judges Act, the initial roster of members of the judiciary is assembled by qualification boards of judges on the basis of proposals made by the courts, law enforcement bodies, institutions, organizations and members of judges' associations, taking candidates' educational level, work experience and professional acumen into account.

475. A research centre on the democratization and liberalization of the law on the judiciary and the independence of the judicial system was established at the Supreme Court in 2008 by presidential order. The centre concentrates on assessing law enforcement, judicial practice and the independence of the judiciary, and on putting forward proposals to improve legislation.

476. While the Government is seeking to enhance the powers of the judiciary it is also making efforts to reform the bar, protect lawyers' legal status and affirm their legal and social standing. A bar chamber with local branches was established in September 2008 to uphold the autonomy of the legal profession, offer further safeguards of its independence and enhance its authority and prestige. All these measures are aimed at promoting balanced criminal proceedings for the prosecution and the defence. Measures to reform the bar were initiated by a presidential decree in May 2008.

477. 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 Commissioner for Human Rights and the National Human Rights Centre.

478. The Ombudsman's activities are regulated by the Ombudsman Act, under which the Office of the Ombudsman complements existing arrangements for the protection of human rights and freedoms (art. 1). 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 inquiries. The Ombudsman shall entertain complaints from third persons, including voluntary associations, about the infringement of the rights, freedoms or lawful

interests of a specific person or group of persons, provided that the person or persons concerned consent" (art. 9).

479. Neither the Ombudsman nor his district representatives received any complaints about racial discrimination of any kind between 2006 and 2008. The Ombudsmen did put on record with the media, however, incidents of xenophobia and racial hostility towards migrant workers from Uzbekistan in the Russian Federation and Kazakhstan.

480. The district representatives of the Ombudsman and university ombudsmen regularly work with local authorities and college administrations to combat racial discrimination. The Ombudsman met with the OSCE High Commissioner on National Minorities in 2008 and informed him about preventive action taken to combat racial discrimination and xenophobia.

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

481. Under article 44 of the Constitution and articles 1 and 3 of the Court Appeals (Acts and Decisions Violating Civil Rights and Liberties) 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 that only the Constitutional Court is competent to try.

482. In accordance with articles 15, 985, 989, 990 and 991 of the Civil Code, citizens may seek redress in the courts for moral and material injury caused by discriminatory acts. Chapter 57 of the Civil Code, entitled "Obligations arising out of injury", specifies in detail the grounds and liability for injury caused by State or local authorities and officials.

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

483. Between 2006 and the end of 2008, according to the Office of the Procurator General and the Supreme Court, the Uzbek law enforcement agencies investigated 11 cases under article 141 of the Criminal Code (violation of the equal rights of citizens):

103. 1 case in 2006

104. 8 cases in 2007

105. 2 cases in 2008

484. All 11 cases were initiated by the procurator of Bukhara province into instances of human trafficking. Human traffickers are prosecuted under article 141 of the Criminal Code in conjunction with article 134 (Human trafficking). Violation of equal rights is manifested in the forcible confiscation and destruction of trafficking victims' identity documents.

485. The Bukhara province district criminal courts convicted 14 citizens in these cases, sentencing them to various terms for the multiple offences.

Combating prejudices which lead to racial discrimination and promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as 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

486. The right to education is protected under article 41 of the Constitution, which guarantees free general education to all. It is given effect by a unified State education policy and the application of the Education Act. This Act sets out the basic principles of State education policy.

487. “Education is declared a social development priority in the Republic of Uzbekistan.

488. “The basic principles of State education policy are that:

106. Education and upbringing should be humanist and democratic in nature
107. Education should be a lifelong and continuous process
108. General secondary and specialized secondary or vocational education is compulsory
109. Students are free to choose between specialized secondary education and vocational education, i.e. an academic lycée and vocational college
110. The education system is secular in nature
111. Education is accessible to everyone within State educational standards
112. The approach to choice of curriculum should be unified and differentiated
113. Learning and talent should be encouraged
114. The State and society should jointly manage the education system”

489. The right to education is governed not only by the Education Act but also by the national staff training programme and the nationwide school education development programme, which include necessary stabilization and educational development mechanisms and social support measures for students and pupils.

Article 10 of the Education Act lists the types of education provided in Uzbekistan:

115. Preschool education
116. General secondary education
117. Specialized secondary and vocational education
118. Higher education
119. Postgraduate education
120. Further training and staff development
121. Non-formal education

490. Given the accelerating pace of scientific and technological progress, the State is concerned with enabling children, regardless of their family background, to obtain on an equal footing the most modern secondary education possible so that, once their school days are over, they can obtain interesting work and an income to match. The Education Act

guarantees everyone an equal right to 12 years of free education without distinction as to sex, language, age, race, ethnic background, beliefs, attitude towards religion, social background, occupation, social status, place of residence or length of residence in Uzbekistan.

491. Compulsory 12-year education includes nine years of general secondary education and three years of specialized secondary or vocational education. General secondary education is conducted in two stages in ordinary schools: primary education (grades 1–4), and general secondary education (grades 1–9). General secondary education, compulsory in Uzbekistan, is governed in more detail by regulations approved by Cabinet of Ministers decision No. 203 of 13 May 1998. Specialized secondary and vocational education is provided at academic lycées and vocational colleges and is governed by the regulations on secondary, specialized and vocational education.

492. The traditional individual right to education has changed in substance with the transition to a market economy. Some education is now offered on a fee-paying or contractual basis; primary, secondary, specialized and vocational education remain free at public educational institutions.

493. Public funding of education is the main State guarantee that citizens can have an education that meets State educational standards. More than 50 per cent of the State budget, or 12 per cent of gross domestic income, is allocated to education.

494. Pupils at ordinary schools in Uzbekistan are taught in seven languages — Uzbek, Russian, Karakalpak, Kazakh, Turkmen, Tajik and Kyrgyz — in districts with a predominance or dense concentration of these peoples. They are taught in their native language and are required to study the official language (Uzbek and, in Karakalpakstan, Uzbek and Karakalpak) and foreign languages. Ethnic minority children may study their native languages in areas with dense ethnic populations. The procedures for the use of language of study in schools are governed by the Official Language Act and determined by the school in consultation with the relevant authorities on the basis of the needs of the students and their parents.

495. Instruction in vocational colleges, academic lycées and institutions of higher education is conducted in three languages: Uzbek, Karakalpak and Russian. In 2008, a total of 994,371 students were being taught in Uzbek, 58,453 in Karakalpak and 44,964 in Russian at specialized secondary educational institutions (colleges and lycées).

496. Given the multi-ethnic nature of the country, special attention is given to human rights education with a particular focus on creating an environment of ethnic harmony and non-discrimination.

497. More than 120 basic international human rights agreements have been translated into Uzbek and published in large quantities in Uzbekistan in close collaboration with international partners such as UNDP, UNESCO, UNICEF, OSCE and ICRC.

498. The entire educational system is bound up with the national programme for increased legal literacy adopted by Parliament in 1997, which seeks to inform the public about newly adopted laws and the laws on which human rights curricula are based. Human rights education in Uzbekistan is provided at the secondary (general secondary school) and upper secondary education (college and lycée) level, at institutions of higher education and in the career development system. Specialized training in human rights is given at law schools.

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

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

501. Informing students about the social and economic, political, legal, scientific and cultural development of the State.

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

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

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

505. Student inter-ethnic tolerance centres have been operating since 2006 in the National University of Uzbekistan and Djizakh State Pedagogical Institute.

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

B. Culture

507. Uzbekistan currently has more than 150 ethnic cultural centres and associations established by 27 different ethnic groups. Fourteen ethnic cultural centres have national status.

508. Among the cultural centres, 31 were established by Koreans, 23 by Russians, 9 by Kazakhs, 6 by Tatars, 3 by Bashkirs, 6 by Kyrgyz, 7 by Turkmens, 4 by Armenians, 4 by Germans, 10 by Tajiks, 3 by Uighurs, 8 by Jews, 5 by Turks, 6 by Ukrainians, 8 by Azerbaijanis, 4 by Poles, 2 by Belarusians, 2 by Crimean Tatars and 1 each by Arabs, Bulgarians, Greeks, Georgians, Latvians, Karakalpaks, Chinese and Dungans.

509. The National Inter-Ethnic Cultural Centre, established by government decision in 1992, focuses on providing guidance and practical assistance to cultural centres and enhancing friendship and peace between the various ethnic groups living in Uzbekistan. The Centre is a unique association that helps to address the various issues encountered by ethnic cultural centres as non-governmental non-profit organizations.

510. The ethnic cultural centres are involved in an array of activities. They focus on developing and preserving their culture, traditions, customs and languages. They actively

participate in the social life of the country and in joint events with other organizations, tackle social issues that touch on the lives of their members and instil a sense of patriotism and internationalism in the young.

511. The cultural centres maintain extensive links with their ethnic homelands through close contacts with various artistic associations, cultural and educational organizations, ministries of culture, higher education institutions, parliaments and business circles.

512. Since independence, members of 24 ethnic groups (71 people in all) have been awarded the highest State honours.

513. The centres have established Sunday schools, giving lessons on the traditions and language of each particular ethnic group: Armenian, Hebrew, Korean, German, Polish, Ukrainian, Uighur, Bukhara Hebrew, Greek, Georgian, Dungan, Chinese and so forth. For example, school No. 321 in Tashkent gives classes in Hebrew and Jewish history and traditions, and classes in Korean are offered at school No. 290.

C. Information

514. 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 other than information aimed at undermining 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."

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

516. Consistent legislative and practical efforts have been made to promote freedom of the information media. Registered media outlets of all kinds — State and private, print and electronic — have grown in number in recent years. Associations and foundations to support the media have been created. The Journalists' Union, Writers' Union, National Association of Electronic Media, National Foundation for the Support and Development of Independent Print Media and news agencies are active in Uzbekistan. There are 1,069 media outlets operating in Uzbekistan, including 931 print publications, 4 news agencies (2 of which are privately owned), 78 electronic media outlets and 56 websites. As at 1 August 2008, 42 private electronic media outlets were in operation.

517. Today, the mass media operate in 12 languages, and titles distributed include 502 in Uzbek, 164 multilingual publications and 84 publications in 3 or 4 languages (Uzbek, Russian, Karakalpak and Tajik).

518. National newspapers in Uzbekistan published in minority languages include the Korean *Kore sinmun*, the Tajik *Ovozi tochik* and the Kazakh *Nurli Jol*. Other periodicals such as the Armenian diaspora newspaper *Apaga*, *Tkhonil – Edinstvo*, published in Korean and Russian, and *Bulubulcha Dono*, in Tajik, have large readerships.

519. Newspapers in minority languages are published in districts with dense concentrations of minority populations. Examples include the Tajik papers *Ovozi Samarkand* in Samarkand province and *Istiklol iuli* and *Sadoi Sukh* in Fergana province.

520. The Republic of Karakalpakstan publishes about 40 newspapers and 7 magazines. More than 80 per cent of these publications are in Karakalpak.

521. There are television and radio broadcasts that seek to inform the public about various aspects of the exercise and protection of human rights and the right of every person to equality before the law without distinction as to race, colour, or national and ethnic

origin. Between 2006 and the end of 2008, the National Television and Radio Broadcasting Company of Uzbekistan alone broadcast more than 50 programmes on rights enshrined in the Convention on the Elimination of All Forms of Racial Discrimination, such as the right to equal treatment before the courts and other judicial bodies, the right to security of person and protection by the State, political rights, including 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 of the country, the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and so forth. The following is a sampling of the titles of such programmes: "One Law for All"; "Human Dignity is Sacred"; "Accident"; "Protection under the Law"; "Life and Law"; "Your Lawyer"; "Radio Lawyer"; "Who is Right?"; "Do You Know Your Rights?"; and "Justice and the Rule of Law".

522. Television and radio programmes such as Under One Sky, In One Family, Uzbekistan Our Common Home, Chinsen, Didar, Striving to Be Just, Rondo and Elaman illustrate the history and daily lives of the peoples, ethnic groups, and minority communities currently living in Uzbekistan, and their distinctive cultures, art, customs and traditions, and seek to foster mutual understanding, concord, cross-cultural relations and communication.

523. The news and current affairs programmes Akhborot, Davr and Poitakht regularly cover major events involving the promotion and protection of human rights in the political, economic, social, cultural and other aspects of public life. Weekly and monthly television and radio shows such as Reportazh, Novoe utro, Utro budushchego, Arena molodyozhi, Luchi razuma, Bodroe utro and Podrostok tackle human rights issues, including the campaign against racial discrimination and efforts to enhance inter-ethnic understanding.

524. More than 20 television and radio programmes are broadcast on national radio in the languages of the peoples and minority groups living in the country, including Korean, Tajik, Kazakh, Karakalpak, Russian, Turkmen, Tatar, Uighur and Kyrgyz.
