



**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**

**Information provided by the Government of Uzbekistan on the implementation
of the concluding observations of the Committee on the Elimination of
Racial Discrimination**

[2 July 2007]

**Information on the status of implementation of the recommendations of the
Committee on the Elimination of Racial Discrimination, prepared on the
basis of inputs from the relevant ministries and departments**

Paragraph 6

1. The national plan of action for the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination following consideration of the third to fifth periodic reports of Uzbekistan (CERD/C/UZB/CO/5) was adopted at a meeting of an interdepartmental working group chaired by the Minister of Justice in May 2007. Under a government decision, this interdepartmental body, which is composed of the heads of law enforcement agencies and major ministries and departments as well as representatives of the science sector, has authority to approve draft national plans of action for the implementation of the recommendations of United Nations human rights treaty bodies.
2. The following took part in the drafting of the national plan of action for the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination following consideration of the third to fifth periodic reports of Uzbekistan: the Ministry of Justice, the Office of the Procurator-General, the Supreme Court, the National Centre for Human Rights, the Ministry of Internal Affairs, the Ministry of Education, the Ministry of Higher, Secondary and Special Education and a number of non-governmental organizations.
3. The process of preparation and adoption of this national plan lasted six months because national plans relating to all the other concluding observations of other United Nations human rights treaty bodies were being drafted and adopted simultaneously.

Paragraph 12

4. The Constitution of Uzbekistan declares the adherence of the people of Uzbekistan to human rights and sets the building of a humane and democratic State as a strategic task.
5. During the reform of the law and the system of justice, domestic legislation was refined by bringing it into line with the standards and principles of international law.
6. In August 2005, exercising his right to initiate legislation, the President issued a decree on the introduction of habeas corpus into Uzbekistan's legislation on criminal procedure from 1 January 2008. The lower house of Uzbekistan's parliament has adopted a bill to amend the Code of Criminal Procedure.
7. On 29 June 2007 the Senate of the Oliy Majlis approved the amendments which introduced the habeas corpus procedure.
8. Uzbekistan's laws on the judicial system and court proceedings as well as its criminal legislation are in keeping with international legal standards, the provisions of the International Covenant on Civil and Political Rights and other international conventions ratified by Uzbekistan.
9. Our State's Constitution declares that the judiciary is independent of the legislative and executive branches, political parties and other voluntary organizations.

10. The judiciary is assigned a special chapter in the Constitution, where the term “judiciary” is covered by a number of provisions which embrace both the organization of the system of justice and the principles governing the operation of the courts.

11. As a branch of State power, the judicial system in Uzbekistan discharges the role of the State in protecting human and citizens’ rights and freedoms. Human rights and freedoms determine not only the meaning, the content and the application of laws and the activities of the legislature and the executive, but also the meaning and content of the activities of the judiciary itself. The judicial system has a task of enormous importance: to ensure respect for human rights by State agencies, to transform abstract legal norms into actual rights and obligations, and to ensure that the State fulfils its obligations to the individual.

12. One of the fundamental characteristics of the judicial branch is the fact that its practical activities are entrusted only to specially established State bodies - the courts.

13. The special nature of the courts as judicial organs also lies in the fact that specific rules and procedures have been established to govern their activities. These rules regulate everything that must take place in the courts when any matter is examined. Their principal purpose is to ensure that the decisions reached are lawful, substantiated and fair.

14. There are various procedures for exercising judicial authority, referred to as “types of proceedings”. They include constitutional, civil, economic, criminal and administrative proceedings. Each of these is governed by a special legislative act.

15. The legal basis for the system of justice is set out in article 107 of the Constitution, in accordance with which the Constitutional Court, courts of general jurisdiction and economic courts operate in Uzbekistan. The establishment of extraordinary courts of any kind is not permitted.

16. The activities of the courts of general jurisdiction and those of the economic courts are regulated by the Courts Act. In addition to the organizational foundations of the system of justice, this legal instrument lays down guarantees of the independence of the courts as the sine qua non for ensuring the operation of a democratic State governed by the rule of law.

17. The guarantees and principles that ensure the independence of the judicial system, which are set out in current legislation and correspond to the generally accepted norms of international law, the procedure laid down by law which governs the selection, appointment and dismissal of judicial personnel, the strict procedure laid down by law governing the administration of justice in criminal, administrative, civil and economic cases, and the fact that it is an offence under the law to interfere in the work of the courts, support the claim that an independent judiciary operates in Uzbekistan.

18. In order to ensure genuine independence of the judiciary, the further democratization of the principles governing the selection and placement of judicial personnel, and the introduction of appropriate candidates for posts as judges, the President decided on 30 July 1999 to set up a commission in the President’s office to review issues related to the appointment and dismissal of judges. The establishment of this Commission was a significant step towards addressing one of

the important problems in the judicial reform - that of constituting a body of judicial personnel composed of qualified and competent judges who are independent of the bodies and persons involved in their appointment.

19. For the purpose of further improving the process of selecting candidates and appointing judges, and ensuring compliance with legislative requirements when qualified and erudite specialists possessing high moral standards are recommended for judicial posts, under a Presidential decree of 4 May 2000 the commission to review issues related to the appointment and dismissal of judges was transformed in 2001 into the Higher Commission on Qualifications for selection and recommendation of candidates for judicial posts, located in the office of the President. This Commission is composed of judges, deputies to the Oliy Majlis, legal experts and representatives of law enforcement agencies and non-governmental organizations.

20. A qualification board of judges has been set up under article 74 of the Courts Act to examine matters related to the selection of candidates for judicial posts, the responsibility of judges in disciplinary matters, the suspension or early revocation of judges' authority, the certification of judges' qualifications and their assignment to grades, and the formation of a roster of judges. The board is selected for a term of five years at meetings of the judges of the courts in question.

21. The higher qualification board of judges for the courts of general jurisdiction is selected by the plenum of the Supreme Court for a term of five years.

22. In accordance with the law the initial roster of judges is formed by the qualification boards of judges on the basis of proposals made by courts, law enforcement agencies, institutions, organizations and members of associations of judges, taking into account the level of education, working experience and professional qualities of the candidates for the posts of judges.

23. Anyone who has reached the age of 25, has received an advanced legal education and has no less than three years' professional experience in his or her area of specialization is entitled to apply for inclusion on the roster of judges.

24. Through personal interviews, the holding of an examination and a review of documentation presented, the qualification board of judges determines the professional suitability, moral and professional qualities, level of knowledge and general attitudes of the candidates for inclusion on the roster of judges.

25. On the basis of the results of the examination, the qualification board of judges decides whether to include candidates on the roster. Subsequently, when a vacancy arises for the post of judge the corresponding board examines the candidatures from the persons on the roster, taking into account their professional activities, personality and general attitudes, by means of an examination tailored to the areas in which the courts specialize.

26. The findings of the qualification boards of judges on whether these persons correspond to the proposed post of judge, or the possibility of appointing them, are sent to the Higher Commission on Qualifications for selection and recommendation of candidates for judicial posts, located in the office of the President.

27. The Commission issues findings on whether each proposed candidature meets the requirements for the post of judge. In this way, the principle of transparency in appointments to judicial posts is guaranteed.
28. Under article 63 of the Courts Act, the procedure for investing candidates with the authority of a judge is as follows. Judges of the Supreme Court and the Higher Economic Court are selected by the Senate of the Oliy Majlis on the proposal of the President of Uzbekistan. Judges in the Republic of Karakalpakstan are selected or appointed by the Jokargy Kenes of Karakalpakstan on the proposal of the Chair of the Jokargy Kenes of Karakalpakstan, as previously approved by the President of Uzbekistan.
29. Judges of oblast, Tashkent city, inter-district, district (city) and military courts are appointed by the President of Uzbekistan on the proposal of the Higher Commission on Qualifications for selection and recommendation of candidates for judicial posts, located in the office of the President, while judges of economic courts are appointed on the proposal of the President of the Higher Economic Court.
30. The final phase of investiture of the candidate with the authority of a judge is the swearing-in ceremony, since under the law judges cannot begin to fulfil their duties if this procedure is not respected.
31. The fact that judges of the Supreme Court and the Higher Economic Court are selected by the upper house of the Oliy Majlis, or Senate, on the proposal of the President of Uzbekistan, and that judges of district, oblast and equivalent courts are appointed by the President of Uzbekistan, enhances the status of judges and serves as a guarantee of their independence.
32. The Courts Act guarantees the independence and impartiality of the judiciary. Such guarantees include the procedure for the selection, appointment and dismissal of judges, as laid down in the law; their immunity; the strict procedure governing the dispensing of justice; the fact that the deliberations of judges when handing down decisions are confidential; the prohibition on demanding their disclosure; and the fact that it is an offence to display lack of respect for the courts or to interfere in the settlement of specific cases with the aim of securing the desired decision, or to violate the immunity of judges. The Criminal Code contains a chapter devoted to offences against justice.
33. Important means of ensuring the independence of the judiciary are guarantees of the inviolability of judges, their homes, their places of work, the transport and means of communication they use, their correspondence, property and documents.
34. The law lays down a special procedure for criminal prosecution of judges. Criminal proceedings against judges may be instituted only by the Procurator-General. Judges may not face criminal prosecution or be remanded in custody without the consent of the plenum of the Supreme Court or the plenum of the Higher Economic Court, as the case may be.
35. Entering judges' homes or places of work or the transport they use, conducting checks, searches or seizures in such places, listening to their telephone conversations, carrying out personal examinations or personal searches of judges or the examination, removal or seizure of

their correspondence, their property or documents, may be carried out only with the authorization of the procurator of Karakalpakstan, the procurator of an oblast or the city of Tashkent or the Military Procurator of Uzbekistan, or by decision of a court.

36. One of the guarantees of the independence of judges is that the special procedure for bringing disciplinary proceedings against them for irregularities in the administration of justice, for omissions in the organization of judicial work as a result of neglect or lack of discipline, or for official misconduct or disreputable conduct, may be initiated only by the qualification board of judges.

37. If judges violate their oath, persist in activities incompatible with their position after the corresponding qualification board of judges has issued a warning or suspended their authority, or are unable to perform their duties over a lengthy period as a result of their state of health or for other valid reasons, their authority may be revoked in advance of the normal date, but only by the corresponding qualification board of judges.

38. Guaranteeing the material and social welfare of judges at a level appropriate to their elevated status plays a significant role in ensuring the independence of judges, and for this reason these issues are specially regulated in the Court Act. Specifically, article 76 of the Act emphasizes that the life and health of judges enjoy the special protection of the State and benefit from mandatory State insurance financed from public funds.

39. The same article provides for the payment of substantial benefits if judges die during their term of service, suffer severe injury or other harm to their health in connection with the pursuit of their official duties, suffer harm caused by the destruction of or damage to their property in connection with their official activities, etc.

40. The dispensing of justice is based on a number of generally recognized democratic principles. Under article 112 of the Constitution, judges are independent and subject only to the law. Any interference in the activities of judges in the dispensing of justice is inadmissible and is punishable under the law.

41. This principle is enshrined in many pieces of legislation: the Constitutional Court Act (arts. 4 and 5), the Courts Act (art. 4), the Code of Criminal Procedure (art. 14), etc.

42. The legislature and executive do not have the right to adopt decisions which encroach on the competence of the judiciary.

43. Between 2005 and April 2007, the Senate of the Oliy Majlis considered 42 questions related to the selection of candidates for posts as judges.

Paragraph 13

44. Under the legislation relating to criminal procedure (Code of Criminal Procedure, art. 16), court proceedings are conducted on the basis of equality of citizens before the law and the courts irrespective of their sex, race, ethnic origin, language, religion, social origin, beliefs or personal or social status.

45. In accordance with article 20 of the Code of Criminal Procedure, parties in court proceedings who have inadequate or no knowledge of the language in which the proceedings are being conducted are entitled to make statements, lodge applications or complaints and address the court in their mother tongue or another language known to them, either orally or in writing. In such cases, and also when acquainting themselves with the case materials, the parties in the proceedings are entitled to use the services of an interpreter in accordance with the procedure laid down by law.

46. Documents relating to investigations and court documents which are required to be communicated to accused persons or defendants or other parties in the proceedings must be translated into the mother tongue of the person concerned or another language known to him or her.

47. The legislation relating to criminal procedure sets out the procedure for summoning an interpreter (Code of Criminal Procedure, art. 71). It lays down that an interpreter is summoned in cases where a suspect, accused person, defendant or aggrieved party, civil claimant, civil respondent or his or her representative, a witness, expert or specialist does not know the language in which the proceedings are being conducted, or is deaf or dumb.

48. Article 72 of the Code of Criminal Procedure sets out the rights and obligations of interpreters. Specifically, interpreters have the right to pose questions to the parties in the proceedings for the purpose of refining their translation; to acquaint themselves with the record of any investigation in which they took part, and also with the record of any court hearing, and to make observations to be noted in the record; to refuse to participate in the proceedings if they do not possess the knowledge required for interpretation; and to lodge complaints concerning the actions and decisions of the person conducting the initial inquiry, the investigator, the procurator or the court.

49. Interpreters must appear when summoned by the person conducting the initial inquiry, the investigator, the procurator or the court; provide the requested interpretation accurately and fully; and certify the accuracy of their translation by means of a signature in the record of any part of the investigation carried out with their participation, and in the record of the court hearing, as well as in the court documents which are communicated to the parties in the proceedings, translated into their mother tongue or another language known to them. They must also not disclose without the permission of the person conducting the initial inquiry, the investigator or the procurator the documents relating to the initial inquiry and the preliminary investigation, and must comply with the procedure in the investigation of the case and during the court hearing. Interpreters bear responsibility under the law for any translation they know to be incorrect.

50. Article 238 of the Criminal Code lays down that interpreters supplying a translation they know to be incorrect during the initial inquiry or the preliminary investigation or in court are guilty of a criminal offence. Such criminal acts are punishable by a fine of up to 25 times the minimum wage or punitive deduction of earnings for up to two years, or rigorous imprisonment for up to six months.

51. In order to guarantee the rights and freedoms of citizens who are members of ethnic minorities in Uzbekistan, the legislation relating to criminal procedure provides for the mandatory presence of defence counsel in cases involving persons who do not know the language in which the proceedings are being conducted.
52. Under a decision adopted on 24 September 2004 by the plenum of the Supreme Court on the application of the rules of criminal procedure concerning the admissibility of evidence, the definition of inadmissible evidence includes cases where the testimony of a suspect, accused person or defendant has been obtained in the absence of defence counsel, in circumstances where counsel's presence is mandatory.
53. Analysis of court cases shows that in most cases where the parties in the proceedings are persons who have inadequate or no knowledge of the language, an interpreter is supplied by the corresponding authorities.

Paragraph 15

54. The Uzbekistan State Committee on Statistics has begun to devise reporting procedures and techniques in accordance with the recommendations of the United Nations human rights treaty bodies. Currently information is being gathered in accordance with the requirements of paragraph 15 of the concluding observations (on breakdown by ethnic group) (CERD/C/UZB/CO/5).
55. Currently 18 per cent of the 120 deputies in the lower house of Uzbekistan's parliament are women. In the upper house 15 per cent of the 100 senators are women. In the executive branch women account for 3.4 per cent, and in judicial bodies 22.7 per cent.
56. In agencies of the executive, 182 of the 198 women who are deputy office heads at the city and district level are from the Uzbek ethnic group, 10 from the Karakalpak ethnic group, 3 from the Kazakh ethnic group, 2 from the Tajik ethnic group and 1 from the Russian ethnic group.
57. In local government bodies, out of 7,833 female consultants on organizational matters 82.7 per cent are from the Uzbek ethnic group, 8.6 per cent from the Tajik ethnic group, 2.2 per cent from the Kazakh ethnic group, 0.3 per cent from the Kyrgyz ethnic group, and 6 per cent from other ethnic groups.
58. Within the Ministry of Justice 2,176 of the 4,322 staff are women, working in various functions, of whom 53 are candidates of legal sciences and 5 doctors of legal sciences, while 615 women are working as heads of notarial offices in various regions of Uzbekistan.

Breakdown of personnel in enterprises and organizations by sex, age, education and duties, 2005¹

	Established labour force at the end of the reporting period	Including:					
		Office workers	Of whom:			Manual workers	Women
			Managers	Specialists	Technical executives		
Total number of workers	3 641 157	1 699 724	179 405	1 299 166	221 153	1 941 433	1 766 614
Of whom, those with higher education	861 614	801 221	138 540	631 597	31 084	60 393	422 425
Secondary special education	977 755	726 810	33 517	594 082	99 211	250 945	559 612
Secondary and incomplete secondary education	1 801 788	171 693	7 348	73 487	90 858	1 630 095	784 577
Aged under 16	783	5	1	1	3	778	408
16-24	486 105	215 180	4 141	178 063	32 976	270 925	252 440
25-29	743 358	340 053	17 733	271 465	50 855	403 305	382 323
30-39	1 052 529	473 800	47 278	366 326	60 196	578 729	533 495
40-49	909 860	431 121	64 438	314 815	51 868	478 739	431 631
50-54	319 785	165 630	29 313	118 260	18 057	154 155	128 434
55 and over	128 737	73 935	16 506	50 235	7 194	54 802	37 885
Of whom: women aged 55 and over	37 885	28 269	3 928	21 647	2 694	9 613	-
Men aged 60 and over	27 392	17 346	4 984	11 147	1 215	10 046	-
Women in the total number of workers	1 766 614	972 401	49 009	817 668	105 729	794 203	-

¹ Excluding small enterprises.

Breakdown of personnel in enterprises and organizations by sex, age, education and duties, 2006²

	Established labour force at the end of the reporting period	Including:					
		Office workers	Of whom:			Manual workers	Women
			Managers	Specialists	Technical executives		
Total number of workers	3 150 528	1 745 030	172 859	1 354 451	217 720	1 405 498	1 538 020
Of whom, those with higher education	872 766	825 596	134 030	660 826	30 740	47 170	434 544
Secondary special education	970 357	743 744	32 157	613 701	97 886	226 613	560 379
Secondary and incomplete secondary education	1 307 405	175 690	6 672	79 924	89 094	1 131 715	543 097
Aged under 16	242	1	0	0	1	241	110
16-24	390 973	198 061	3 856	160 355	33 850	192 912	206 605
25-29	610 864	342 737	15 053	278 122	49 562	268 127	317 592
30-39	901 354	493 418	42 942	389 654	60 822	407 936	457 340
40-49	812 496	448 116	63 144	336 299	48 673	364 380	385 524
50-54	310 320	184 534	30 802	135 432	18 300	125 786	129 171
55 and over	124 278	78 161	17 061	54 588	6 512	46 117	41 678
Of whom: women aged 55 and over	41 678	31 690	4 132	24 784	2 774	9 988	-
Men aged 60 and over	26 549	17 459	5 055	11 309	1 095	9 090	-
Women in the total number of workers	1 538 020	1 005 186	47 720	845 497	111 969	532 834	-

² Excluding small enterprises.