



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the fifth periodic report of Uzbekistan\*

1. The Committee considered the fifth periodic report of Uzbekistan (CEDAW/C/UZB/5) at its 1347th and 1348th meetings, on 4 November 2015 (see CEDAW/C/SR.1347 and 1348). The Committee's list of issues and questions is contained in CEDAW/C/UZB/Q/5 and the responses of Uzbekistan are contained in CEDAW/C/UZB/Q/5/Add.1.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its fifth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Director of the National Human Rights Centre, Akmal Saidov, and comprised representatives of the Ministry of Health, the Ministry of Justice and the Ministry of Internal Affairs, the Vice-Chair of the Women's Committee and representatives of the Office of the Prosecutor General and the Permanent Mission of Uzbekistan to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's fourth periodic report (CEDAW/C/UZB/4) in undertaking legislative reforms, in particular the adoption in 2013 of amendments to article 47 of the Code of Administrative Liability, establishing the liability of parents, caregivers or guardians if they prevent children, including girls, from receiving compulsory secondary education or secondary specialized vocational training.

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\* Adopted by the Committee at its sixty-second session (26 October-20 November 2015).



5. The Committee notes the adoption of the following institutional and policy framework elements:

(a) Action plan for 2015-2016 on the prevention of trafficking in persons, in 2015;

(b) National plan of action on the implementation of the concluding observations of the Committee, in 2010.

### **C. Principal areas of concern and recommendations**

#### **Oliy Majlis (parliament)**

6. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Oliy Majlis to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

#### **Visibility of the Convention and the Committee's general recommendations**

7. The Committee notes with concern that there is insufficient knowledge among the branches of government of the rights of women under the Convention, the concept of the substantive equality of women and men and the Committee's general recommendations. It is further concerned that women themselves, especially those in rural areas, are unaware of their rights under the Convention and thus lack the information necessary to claim those rights.

8. **The Committee recommends that the State party:**

(a) **Ensure that the Convention and the Committee's general recommendations are sufficiently known and applied by all branches of government, including the judiciary, as a framework for laws, court decisions and policies on gender equality and the advancement of women;**

(b) **Enhance women's awareness of their rights and the remedies available to them to claim violations of those rights under the Convention and ensure that information on the Convention and the Committee's general recommendations is provided to all women, including rural women.**

#### **Legislative framework**

9. While appreciating that the State party's legal system recognizes the precedence of international law over national law, the Committee is concerned that the State party has not undertaken a comprehensive legislative review or enacted new legislation to incorporate all the provisions of the Convention into national law. It notes with concern that, in the absence of such incorporation, the Convention is rarely directly applied by national courts. It is further concerned that several bills with an important bearing on women's rights, such as that on equal rights and opportunities for men and women and that on violence in the family, have been pending for many years.

10. **The Committee urges the State party:**

(a) **To carry out, within a clear time frame, a comprehensive legislative review and adopt new legislation in order to bring its national law into line with the provisions of the Convention;**

(b) **To accelerate the adoption of the bill on equal rights and opportunities for men and women and the bill on violence in the family and ensure that they fully comply with the Convention.**

**National machinery for the advancement of women**

11. The Committee reiterates its previous concern (see [CEDAW/C/UZB/CO/4](#), para. 15) that the Women's Committee, designed as the national machinery for the advancement of women, has the status of a non-governmental organization and does not receive funding from the State party, which limits its effective functioning in promoting women's rights and gender equality. The Committee is concerned that the national machinery lacks the status, authority and human, technical and financial resources from the State budget that are necessary to effectively promote the implementation of the Convention. While noting the adoption of a national plan for the implementation of the Committee's previous concluding observations, the Committee is concerned that there is no comprehensive national plan of action to promote gender equality and that a proper monitoring and accountability mechanism has not been established.

12. **The Committee recommends that the State party:**

(a) **Strengthen the Women's Committee by transforming it into an effective and genuine part of the State machinery for the advancement of women with the status, authority and human, technical and financial resources necessary to effectively promote the implementation of the Convention and enhance coordination between the Women's Committee and government agencies;**

(b) **Use the Convention as the legal framework for the design of a comprehensive national plan of action to promote gender equality and put in place monitoring mechanisms to regularly assess the progress made towards the achievement of the goals established in the plan.**

**Temporary special measures**

13. The Committee notes with appreciation that the State party has established a minimum quota of 30 per cent for women candidates on the electoral lists of political parties for parliamentary elections. It also notes that the State party has adopted several social policies to improve the situation of women and girls. The Committee reiterates, however, that not all measures that potentially are, or would be, favourable to women qualify as temporary special measures. The Committee is concerned about the limited understanding and use of temporary special measures to achieve the substantive equality of women in the State party regarding all areas of the Convention in which women are underrepresented or disadvantaged.

14. **In line with article 4 (1) of the Convention and recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Ensure that all relevant State officials and policymakers are familiar with the concept of temporary special measures and adopt and implement such measures, including time-bound goals and quotas, directed towards the achievement of the de facto or substantive equality of women and men in all areas in which women are underrepresented or disadvantaged, including in public and political life, education, health and employment;**

(b) **Address the root causes of the weak implementation of existing temporary special measures and adopt legislation to encourage the use of such measures, covering both the public and private sectors.**

#### **Stereotypes and harmful practices**

15. The Committee remains concerned at the persistence of deep-rooted patriarchal attitudes and stereotypes concerning the roles and responsibilities of women and men in the family and in society, which discriminate against women and perpetuate their subordination within the family and society and which, among other things, are reflected in women's educational and professional choices, their limited participation in political and public life, their unequal participation in the labour market and their unequal status in marriage and family relations. The Committee recalls that such stereotypes are also root causes of violence against women and expresses concern at the prevalence of harmful practices that discriminate against women, such as child and/or forced marriage and polygamy, and that, to date, the State party has not taken sustained measures to modify or eliminate discriminatory stereotypes, negative traditional attitudes and harmful practices.

#### **16. The Committee urges the State party:**

(a) **To put in place, without delay, a comprehensive strategy with proactive and sustained measures, targeting women and men at all levels of society, including traditional leaders, to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and in society and harmful practices that discriminate against women;**

(b) **To expand public education programmes on the criminal nature and adverse effects of harmful practices, such as child and/or forced marriage and polygamy, on women's enjoyment of their human rights, in particular in rural and remote areas, and include them in school curricula at the different levels;**

(c) **To use innovative measures targeting the media to strengthen understanding of the substantive equality of women and men and enhance positive and non-stereotypical portrayals of women in all areas, with special emphasis on the education system.**

#### **Violence against women**

17. The Committee remains deeply concerned at the prevalence of violence against women, in particular domestic and sexual violence, in the State party and at the lack of statistical information on violence against women disaggregated by age and relationship between the victim and the perpetrator. The Committee notes with concern that cases of domestic violence against women are underreported, given that it is considered a private matter, that there is limited use of protection orders and that cases are taken mainly to local bodies known as the mahalla for

reconciliation. It further notes that, notwithstanding the State party's efforts to establish a facility in 2015 for vocational training for women who are victims of violence, victim assistance and protection services are insufficient, given that there are only two shelters. The Committee further notes that the bill on prevention of violence in the family contains a definition of violence against women, including domestic violence, but remains concerned at the delay in its adoption.

**18. Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party:**

(a) **To accelerate the adoption of the bill on the prevention of violence in the family, adopt comprehensive measures to prevent and address violence against women and girls and ensure that women and girls who are victims of violence have access to immediate means of redress, including compensation, and protection, and that perpetrators are prosecuted and adequately punished;**

(b) **To provide mandatory training for judges, prosecutors, police officers and other law enforcement officials on the strict application of legislation criminalizing violence against women and on gender-sensitive procedures to deal with women victims of violence, as well as training to heads of mahalla;**

(c) **To encourage women to report incidents of domestic, sexual and other forms of violence to the police and limit the use of mediation by officials in mahalla by destigmatizing victims and raising the awareness of the police and the general public to the criminal nature of such acts;**

(d) **To provide adequate assistance and protection to women who are victims of violence by establishing shelters, including in rural areas, and enhancing cooperation with non-governmental organizations providing shelter and rehabilitation to victims;**

(e) **To collect statistical data on domestic, sexual and other forms of violence against women, disaggregated by age and relationship between the victim and the perpetrator.**

**Trafficking and exploitation of prostitution**

19. The Committee notes the adoption of an action plan to combat trafficking in persons for 2015-2016 and a programme of cooperation for 2011-2013 between States members of the Commonwealth of Independent States on combating trafficking in persons. It is concerned, however, at:

(a) The lack of information on the number of complaints, investigations, prosecutions and convictions relating to trafficking in, and exploitation of the prostitution of, women and girls and on victim support and rehabilitation programmes;

(b) Discrimination against women in prostitution, the absence of shelters and crisis centres for women in prostitution adapted to their needs and the lack of exit and reintegration programmes for women who wish to leave prostitution.

**20. The Committee recommends that the State party:**

(a) **Seek international assistance, if appropriate, to conduct studies on trafficking and the exploitation of women in prostitution, including by**

**collecting data, disaggregated by age and ethnicity, to identify and address the root causes of trafficking and include such data in its next periodic report;**

**(b) Adopt a comprehensive approach to addressing the phenomenon of prostitution, provide shelters and crisis centres, exit and reintegration programmes and alternative income-generating opportunities for women who wish to leave prostitution, and take measures to reduce the demand for prostitution.**

#### **Participation in political and public life**

21. While noting the slight increase in the number of women elected as heads of mahalla, the Committee remains concerned at the low percentage of women in political and public life, in particular in decision-making positions, including the decline of women's representation in the Oliy Majlis (from 22 to 16 per cent), notwithstanding the 30 per cent quota for women candidates on party lists, and in the public administration (27 per cent), the civil service (19 per cent), the judiciary (13 per cent) and the diplomatic service (only 3 per cent of ambassadors are women), owing to persistent traditional and patriarchal attitudes, the lack of effective temporary special measures and insufficient capacity-building and campaign funding for potential women candidates. While welcoming the greater presence of women in some decision-making positions that are appointed, the Committee is concerned at the underrepresentation in general in the State party of women in positions to which they could be elected or appointed, considering this to be an indication of insufficient support for women by those responsible for electing or appointing individuals to such positions. The Committee is also concerned at the lack of data on voters disaggregated by sex, a unified database of citizens and the absence of cross-referenced data between the Central Election Commission and the various ministries, and insufficient information on women voters who may be excluded from registration on the lists of voters because they live in their husband's home without permanent or temporary registration.

**22. The Committee recommends that the State party:**

**(a) Take measures to increase the participation of women in political and public life at all levels and in both elected and appointed decision-making positions by:**

**(i) Effectively implementing the existing 30 per cent quota for candidates on party lists, including by taking measures to ensure that women candidates are placed in electable positions and/or constituencies by political parties;**

**(ii) Conducting awareness-raising activities among political actors and society at large to support the equal participation of women in decision-making positions;**

**(iii) Engaging in capacity-building efforts for women candidates, including by taking measures to enhance their access to campaign financing;**

**(b) Conduct awareness-raising activities for politicians, community leaders, journalists and the general public on the importance of the participation of women in decision-making, both in elected and appointed**

**positions, in order to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention;**

**(c) Ensure cross-checking and exchange of information about voter lists between the Central Election Commission and other bodies, collect data on women voters and ensure that divorced or single women are registered.**

### **Education**

23. The Committee notes with appreciation that the State party has achieved parity in primary and secondary education, but is concerned that women and girls continue to choose traditionally female-dominated fields of education and career paths, such as health, education and the service industries, and that they remain underrepresented in the natural sciences and technological education. While noting the intention of the State party to review the school curricula and textbooks, the Committee remains concerned about the persistence of some negative stereotypes of women in those curricula and textbooks and at the absence of age-appropriate education on sexual and reproductive health and rights in schools.

**24. The Committee recommends that the State party:**

**(a) Accord priority to eliminating negative stereotypes and structural barriers to the enrolment of girls in non-traditional fields of education, including through the adoption of temporary special measures, and provide career counselling for girls on non-traditional career paths, such as science and technology;**

**(b) Review school curricula and textbooks to eliminate gender stereotypes and integrate age-appropriate education on sexual and reproductive health and rights into the curricula, including sex education for adolescent girls and boys covering responsible sexual behaviour.**

### **Employment**

25. The Committee welcomes the significant progress made by the State party in eliminating child labour, including the exploitation of girls and boys in the cotton-harvesting season. The Committee is concerned, however, at:

(a) The persistent gender pay gap;

(b) The list of occupations that are prohibited for women, which appears to be overly protective, overemphasizes women's role as mothers and places excessive restrictions on working time, overtime work and night work for women, thereby limiting their economic opportunities in several areas;

(c) The continued occupational segregation between women and men in the labour market and women's concentration in low-paid jobs in the formal and informal economy;

(d) The lack of information on legislation prohibiting sexual harassment in the workplace, on the number of prosecutions and convictions and on the sentences imposed on perpetrators.

26. **The Committee recommends that the State party:**

(a) **Intensify its efforts to create an enabling environment for women to become economically more independent, including by raising the awareness of employers in the public and private sectors of the prohibition of discrimination against women in employment, intensifying efforts to promote the entry of women into the formal economy through the provision of vocational and technical training and increasing the availability of child care and preschool education;**

(b) **Effectively apply legislation guaranteeing equal pay for work of equal value, adopt measures to close the gender wage gap and regularly review wages in the sectors in which women are concentrated;**

(c) **Review the list of occupations and sectors that are prohibited for women, so as to ensure that such a prohibition is strictly necessary for the protection of motherhood and proportionate to the legitimate aim pursued, and promote and facilitate women's access to previously prohibited occupations by improving working conditions and occupational health and safety;**

(d) **Adopt legislation to specifically define and prohibit sexual harassment in the workplace.**

#### **Health**

27. The Committee welcomes the progress made by the State party in reducing the high number of abortions in the country, but is concerned at:

(a) The stark increase in the use of sterilization as a method of contraception, owing to the unavailability and/or inaccessibility of non-irreversible methods of contraception, and allegations of forced sterilization;

(b) The lack of information on the main causes of mortality among women and girls in the State party.

28. **In line with its general recommendation No. 24 (1999) on women and health, the Committee calls upon the State party:**

(a) **To adopt legislative amendments clearly defining the requirement of women's free, prior and informed consent to sterilization, in accordance with relevant international standards, and ensuring that the woman is informed of the permanent consequences and potential risks of sterilization and the alternatives available, and of the requirement that she give her free, prior and informed consent;**

(b) **To provide adequate compensation to victims of coercive or non-consensual sterilization and punish the perpetrators of such illegal practices;**

(c) **To enhance access to family planning services and affordable and safe modern contraceptives for all women and men in order to reduce the use of sterilization as a method of contraception;**

(d) **To collect disaggregated data on the causes of mortality of women and girls in the State party and provide training to medical and health professionals, in particular in rural areas.**

**Rural women**

29. The Committee notes with concern the disadvantaged status of women in rural areas, in particular that only 9 per cent of all farms are headed by women and that rural women occupy only 4.2 per cent of managerial positions in agriculture, primarily occupy low-paid positions and earn 82 per cent of men's salaries. The Committee regrets the lack of measures taken by the State party to address poverty among rural women and to ensure their ownership and use of land, as well as their access to justice, education, health, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and microcredit. It is further concerned about the low level of participation of rural women in decision-making processes at the community level.

**30. The Committee recommends that the State party:**

(a) **Seek international assistance and cooperation, which should focus on improving the infrastructure in rural areas, and formulate measures to combat poverty among rural women to ensure their access to justice, education, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities, microcredit and ownership and use of land, taking into account their specific needs;**

(b) **Ensure the participation of rural women in decision-making processes at the community level on an equal basis with men;**

(c) **Study the impact of the economic and social strategy of rural development on women's human rights and collect specific disaggregated data in that regard.**

**Women in detention and women human rights defenders**

31. While noting the information provided by the delegation that the Ombudsman has the power to visit detention facilities in the State party, the Committee is concerned at the conditions for women in detention and the lack of a conducive environment for lodging complaints about their treatment. The Committee is further concerned at intersecting forms of discrimination against and the forced sterilization, ill-treatment and abuse of women human rights defenders in detention.

**32. The Committee calls upon the State party:**

(a) **To ensure adequate conditions and protection from violence and abuse for women in detention, establish independent and effective mechanisms to enable them to complain about their treatment and set up independent monitoring and oversight mechanisms in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **To ensure that complaints by women detainees, including women human rights defenders, about discriminatory treatment and sex-based and gender-based discrimination are effectively investigated and the perpetrators prosecuted and adequately punished.**

**Marriage and family relations**

33. The Committee notes the information provided by the delegation that an amendment to the Family Code introducing the same legal minimum age of marriage for girls and boys is under consideration, but remains concerned:

(a) That article 15 of the Family Code currently provides for different minimum ages of marriage for girls (17 years) and boys (18 years), with the possibility of authorizing the marriage of a girl at 16 years of age;

(b) That the practice of early marriage and polygamy persists, in particular in rural areas, although both practices are in principle sanctioned by law, and that social norms regarding the role of women in preserving the family persist, with an impact on women's decision to seek a divorce;

(c) That women are often unable to exercise their rights to an equal share in marital property owing to the transfer of such property to the families of the husband or other third parties;

(d) That the number of de facto unions in the State party is growing and that women in such unions are left without economic protection upon the dissolution of the union, in the absence of legal recognition of such unions, given that they are not entitled to joint property acquired during the union.

34. **The Committee recommends that the State party:**

(a) **Amend the Family Code to increase the legal minimum age of marriage to 18 years for girls and boys, in accordance with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices;**

(b) **Raise the awareness of traditional leaders, representatives of mahalla and society at large of the importance of eliminating discriminatory practices, such as early marriage and polygamy, and ensuring that women take their own decision about marriage and divorce;**

(c) **Ensure that women are able to enjoy their right to an equal share in marital property;**

(d) **Protect the economic rights of women upon the dissolution of de facto unions, regardless of whether they have legal recognition, in line with the Committee's general recommendation No. 29 (2013) on article 16 of the Convention (economic consequences of marriage, family relations and their dissolution).**

**Data collection**

35. The Committee is concerned at the general lack of updated statistical data, disaggregated by sex, age, ethnicity, geographical location and socioeconomic background, which are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking and for systematic monitoring and evaluation of the progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

36. The Committee calls upon the State party to develop a gender indicator system to improve the collection of the data, disaggregated by sex and other relevant factors, necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In that regard, the Committee draws the State party's attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in securing the collection of accurate data.

#### **Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

37. The Committee encourages the State party to ratify the Optional Protocol to the Convention and accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

38. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

#### **2030 Agenda for Sustainable Development**

39. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

40. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Oliy Majlis and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention and the Committee's general recommendations to all stakeholders.

#### **Technical assistance**

41. The Committee recommends that the State party consider seeking international assistance and cooperation and availing itself of technical

assistance in the development and implementation of a comprehensive programme aimed at the implementation of the recommendations set out above and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.

#### **Ratification of other treaties**

42. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the International Convention on the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

#### **Follow-up to the concluding observations**

43. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 10 (a) and (b) and 18 (a) and (e) above.

#### **Preparation of the next report**

44. The Committee invites the State party to submit its sixth periodic report in November 2019.

45. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; 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 Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.