

UZBEKISTAN

Follow-up: State Reporting

i) Action by Treaty Body

CERD, A/62/18 (2007)

CHAPTER IV. FOLLOW-UP TO THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

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497. On 12 April 2007, reminders were sent by the coordinator on follow-up to the following States parties which had not yet sent information following adoption of the concluding observations of the Committee at its sixty-seventh and sixty-eighth sessions, held respectively from 1 to 19 August 2005 and from 20 February to 10 March 2006: Barbados, Bosnia and Herzegovina, Botswana, El Salvador, Guatemala, Guyana, Lithuania, Mexico, Nigeria, Tanzania, Turkmenistan, Uzbekistan, Venezuela and Zambia.

498. Between 18 August 2006 and 17 August 2007, follow-up reports were received from the following States parties on the implementation of the recommendations regarding which the Committee had requested information within a year: Azerbaijan (CERD/C/AZE/CO/4/Add.1), Bahrain (CERD/C/BHR/CO/7/Add.1), France (CERD/C/FRA/CO/16/Add.1), Georgia (CERD/C/GEO/CO/3/Add.1), Lithuania (CERD/C/LTU/CO/3/Add.1), Mexico (CERD/C/MEX/CO/15/Add.1), Uzbekistan (CERD/C/UZB/CO/5/Add.2), Ukraine (CERD/C/UKR/CO/18/Add.1), Norway (CERD/C/NOR/CO/18/Add.1), and Guatemala (CERD/C/GTM/CO/11/Add.1) (see annex IV for an overview of the follow-up reports pending receipt, received, examined or scheduled for consideration at the seventy-second session).

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Annex IV

OVERVIEW OF INFORMATION PROVIDED BY STATES PARTIES ON THE IMPLEMENTATION OF THE CONCLUDING OBSERVATIONS

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Sixty-eighth session (20 February-10 March 2006) - Follow-up reports due by 10 March 2007

<u>State party</u>	<u>Date of receipt of follow-up report</u>	<u>Session at which follow-up report was discussed</u>
Uzbekistan	2 July 2007	Report scheduled for consideration at the seventy-second session
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ii) Action by State party

CERD, CERD/C/UZB/CO/5/Add.1 (2006)

Comments by the Government of the Republic of Uzbekistan to the concluding observations of the Committee on the Elimination of Racial Discrimination

[20 June 2006]

The Government of Uzbekistan thanks the Committee on the Elimination of Racial Discrimination for its comprehensive and constructive consideration of the third, fourth and fifth periodic reports of the Republic of Uzbekistan on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

The concluding observations of the Committee on the Elimination of Racial Discrimination have been widely disseminated and debated at all levels of society, particularly among government bodies, non-governmental non-profit organizations and the media.

In Uzbekistan work continues on the preparation of national plans of action to implement the recommendations of United Nations treaty bodies and a national plan of action is currently being drawn up to implement the recommendations of the Committee on the Elimination of Racial Discrimination.

The Uzbek Government herewith submits its comments on the principal subjects of concern to the Committee.

9. The Committee reiterates its concern about the absence of a definition of racial discrimination in domestic law, even if the provisions of the Convention may be directly invoked before national courts.

The Committee is of the view that the elaboration of specific legislation on racial discrimination, including all elements provided in article 1 of the Convention, is an indispensable tool for effectively combating racial discrimination.

Uzbek legislation was already in conformity with the provisions of the Convention on the Elimination of All Forms of Racial Discrimination prior to ratification: there were no provisions that would have run counter to those of the Convention. It should be noted that the provisions of the Convention are in keeping with the national interests of Uzbekistan; likewise the principles and norms set forth in the Convention are in line with government policy. There have been virtually no court cases involving violations of the Convention. In its short lifetime, parliament has passed more than 300 laws governing rights and fundamental freedoms. Almost every law contains provisions prohibiting racial discrimination and mechanisms to ensure that the prohibition is enforced. By way of example, article 6 of the 1995 Labour Code prohibits discrimination in labour relations: "All citizens have equal opportunities to possess and exercise labour rights. The imposition of any limit on, or the granting of privileges in labour relations on the basis of ... race, nationality, language, religion ... or other considerations unrelated to employees' qualifications and the results of their

work is unacceptable and shall be deemed discrimination.”

The provisions of the Convention on the Elimination of All Forms of Racial Discrimination are reflected in the Criminal Code and the Code of Criminal Procedure of Uzbekistan.

For instance, in accordance with article 5 of the Criminal Code, persons who have committed offences have equal rights and responsibilities and are equal before the law without distinction as to sex, race, ethnic origin, language, religion, social origin, beliefs or individual or social status.

Moreover, the Criminal Code provides penalties for specific offences, including the violation of citizens' equality (art. 141), violation of freedom of conscience (art. 145), genocide (art. 153) and incitement to national, racial or religious hatred (art. 156). Article 16 of the Code of Criminal Procedure stipulates that in criminal cases justice shall be administered on the basis of citizens' equality before the law and the courts, irrespective of their sex, race, nationality, language, religion, social origin, religious beliefs or personal or social status.

In view of the foregoing, Uzbekistan considers that it is not necessary to adopt specific legislation on racial discrimination.

11. The Committee is concerned about the lack of comprehensive information on the acquisition, in practice, of permanent residence permits or citizenship in the State party.

The State party is invited to provide in its next periodic report information on the number of persons that were granted Uzbek citizenship, and residence permits, disaggregated by ethnic origin.

Uzbek citizens are persons who were permanently resident in Uzbekistan at the time of the entry into force of the Citizenship Act (28 July 1992).

Permanent residence is certified by a *propiska* (compulsory residence registration) stamp in passports.

In accordance with article 17 of the Citizenship Act of 2 July 1992, foreign citizens and stateless persons may be granted Uzbek citizenship upon request.

The following conditions apply:

1. Renunciation of foreign citizenship;
2. 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);
3. Lawful means of subsistence;
4. Recognition of and compliance with the Uzbek Constitution.

In exceptional circumstances, the requirements listed in paragraphs 1, 2 and 3 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.

The procedure for acquiring citizenship is governed by Presidential Decree No. 500 of 20 November 1992 approving the Regulations on the procedure for reviewing matters relating to Uzbek citizenship. According to the decree, “foreign citizens or stateless persons who have been continuously resident in Uzbekistan for the previous five years shall submit their application for citizenship to the President of the Republic of Uzbekistan through the internal affairs agencies in their place of permanent residence, and persons who have been permanently resident abroad shall submit their application through the appropriate diplomatic missions or consular offices of Uzbekistan, indicating that they recognize the Constitution and the obligation to comply with its requirements, including the renunciation of foreign citizenship.

Uzbek citizenship shall be refused and applications rejected if the applicant:

- Advocates violent change of the constitutional order of Uzbekistan;
- Is a member of parties or other organizations whose activities are not compatible with the provisions of the Uzbek Constitution;
- Is serving a prison sentence for acts punishable under Uzbek law.”

Pursuant to article 36 of the Citizenship Act, documentation relating to citizenship shall be submitted personally by applicants and processed by the internal affairs agencies in their place of residence and, for persons permanently resident abroad, by the relevant diplomatic missions or consular offices of Uzbekistan.

Persons who have acquired Uzbek citizenship in accordance with the procedure prescribed by law shall be issued with Uzbek passports by the internal affairs agencies or by diplomatic missions or consular offices of Uzbekistan. An entry shall be made in the documents of children under the age of 16 indicating that they are Uzbek citizens.

Pursuant to article 44 of the Citizenship Act, appeals may be lodged in the legally prescribed manner regarding the rejection of applications for citizenship without valid grounds, failure to observe the deadline for the examination of applications or other wrongful acts by officials that violate the procedures for examining and deciding on citizenship cases with the superiors of the officials concerned or in a court of law.

A repeat application for citizenship shall be examined one year after the initial decision. Should any information that is relevant to the case emerge of which the applicant was not or could not have been aware, the application in question may be examined even earlier.

In its next periodic report, in compliance with its obligations under the Convention, the Government of Uzbekistan will provide information on the number of persons who have been granted Uzbek citizenship disaggregated by ethnic origin.

12. The Committee requests that the State party clarify the situation concerning the independence of judges, particularly as regards litigation involving non-Uzbek ethnic groups, in view of the information provided by the delegation that judges to higher courts are appointed by the Higher Chamber of Parliament, and that ordinary judges are designated by the President, on the recommendation of the Higher Selection Commission.

The Committee recommends that the State party examine whether current practice on judicial appointments fully ensures the independence and impartiality of the judiciary.

Pursuant to the Constitution, on the recommendation of the President of Uzbekistan, the Senate of the Oliy Majlis elects the president and judges of the Supreme Court and the Higher Economic Court.

Judges in provincial, inter-district, district, municipal, military and economic courts are appointed and dismissed by the President of Uzbekistan.

Candidatures for judges are submitted for approval to the President of Uzbekistan by the Higher Commission for Selection and Recommendation of Judges. This Commission is composed of deputies of the Legislative Chamber and members of the Senate of the Oliy Majlis, representatives of the divisions of expert judges, voluntary associations and jurists. This ensures the direct participation of representatives of the legislature in appointing judges to the provincial, inter-district, district, municipal, military and economic courts.

Such a procedure for appointing judges by no means limits their independence; on the contrary, it serves to guarantee the independence of judges from the various agendas of the different political groups in parliament.

This system of establishing the organs of the judiciary is based on the principle of the separation of powers and serves to strengthen the system of checks and balances of State power and to guarantee the independence of judges. In many countries parliament and the President participate in the establishment of the judiciary.

13. The Committee has noted the information provided by the State party that, according to the law, interpretation is systematically provided in court to members of minorities (free of charge in criminal and civil cases). It regrets, however, that no information on the application of this provision in practice was made available (art. 5, para. (a)).

The Committee invites the State party to provide information, including statistical data, on the number of trials where interpretation was provided free of charge, disaggregated by language.

The Act on the procedure for and scale of reimbursement for expenses incurred by witnesses, victims, experts, specialists, interpreters and official witnesses of 3 July 1992 provides that interpreters who are summoned by a body conducting an initial inquiry, an investigator, a procurator or a court shall be reimbursed expenses for return travel from their home to the place to which they have been summoned and for accommodation, and shall be paid per diem, in accordance with the

procedure and amounts laid down for the expenses of employees of companies, institutions and organizations who are travelling on business.

It should be noted that the provisions of this Act on the reimbursement of expenses do not apply to interpreters who are performing official duties.

In criminal cases (Code of Criminal Procedure, art. 75) persons summoned to act as interpreters shall keep the salary earned from their employer during the period spent working for the body conducting the initial inquiry, the investigator, procurator or judge. People who are not employed shall be recompensed for being taken away from their normal activities. Moreover, they are entitled to be reimbursed for expenses incurred on account of the summons. Interpreters are entitled to payment for their work, except in cases where such work was done in the discharge of official duties. Expenses are reimbursed in accordance with the procedure and scale established in the aforementioned Act.

In civil cases (Code of Civil Procedure, art. 113), interpreters are paid in advance by the party who requested their services. In cases where their services are requested by both parties, or the interpreters are summoned by a court, the requisite amounts shall be apportioned equally between the parties, with the exception of parties who have been exempted from payment of court fees.

According to information provided by the Supreme Court based on an analysis of judicial practice in 2005 and the first quarter of 2006, there were no cases in which the courts called upon the services of interpreters under article 75 of the Code of Criminal Procedure or article 113 of the Code of Civil Procedure.

14. The Committee is concerned about the absence of specific legislation on refugees, in particular the lack of legal safeguards against forced removal of individuals to a country where their life and health may be at risk (art. 5, para. (b)).

The Committee invites the State party to elaborate a legislative framework for the protection of refugees in accordance with international standards, to pursue its cooperation with UNHCR and to protect persons who have sought refuge in Uzbekistan. The Committee also recommends the State party, in accordance with article 5 (b), to ensure that no person will be forcibly returned to a country where there are substantial grounds for believing that his or her life or physical integrity may be put at risk. In this regard, the State party is invited to establish a mechanism to permit appeals against decisions to remove aliens, with a suspensive effect on removals, pending examination of appeals.

In accordance with the provisions of the treaty of the Commonwealth of Independent States on judicial assistance and legal relations in civil, family and criminal cases of 22 January 1993 and bilateral extradition treaties concluded with Tajikistan, Pakistan, China, India and other countries, as well as treaties with Georgia, Azerbaijan, Ukraine, Turkey and other countries on the surrender of persons convicted of offences to serve sentence in the countries of which they are citizens, the duties of the Office of the Procurator-General include the extradition of foreign citizens who have been evading prosecution abroad, so that criminal proceedings can be taken against them in the place

where the offence was committed in their homeland, as well as the transfer of prisoners so that they can continue serving their sentence in their homeland.

In this connection, pursuant to article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a person shall not be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

15. The Committee regrets that insufficient information was provided on the effective level of participation of members of national and ethnic minorities in State institutions, and in particular on the number of women of non-Uzbek ethnic origin occupying positions of responsibility within the State party's administrative, political or private sectors (art. 5, para. (c); general recommendation No. 25).

The State party should provide further information on these issues, including disaggregated statistical data by sex, ethnic origin, occupational sector, and functions assumed.

Following the elections held on 26 December 2004 and 9 January 2005, a total of 120 deputies were elected to and registered with the Legislative Chamber of the Oliy Majlis. The procedure prescribed by law (Elections to the Oliy Majlis Act, art. 22), whereby at least 30 per cent of deputies must be women, played a positive role during the election campaign. The women who stood for election - 159 in all - were highly motivated and professional and were a match for their opponents in terms of political maturity, erudition and intellect. As a result, almost 18 per cent of the deputies elected were women - two and a half times more than in the 1999 elections.

During the elections there was stiff competition among the political parties for seats in the Legislative Chamber. In some 77 per cent of the constituencies, the number of candidates contending each seat ranged from 4 to 6: in 55 constituencies there were 4 candidates for each seat, in 32 there were 5, and so on.

During the election campaign no manifestations of inter-ethnic hatred were observed, no conflict or clashes on ethnic grounds arose among those standing for parliament or members of the electorate.

Of the deputies elected, just under 91 per cent are Uzbeks and just over 9 per cent are of other nationalities.

Of the 120 deputies in the Legislative Chamber of the Oliy Majlis 21 (17.5 per cent) are women. The nationalities represented are Uzbek (91 men and 19 women); Karakalpak (3 men and 1 woman); Russian (2 men); Ukrainian (1 man); Tajik (1 man and 1 woman); Tatar (1 man).

The Senate comprises representatives of all social strata, different nationalities and peoples. Some 89 per cent of senators are Uzbek and 11 per cent are Karakalpak, Russian, Turkmen, Kazakh, Ukrainian and Korean. In all, 15 per cent are women.

Women make up 3.4 per cent of the staff of government bodies and 22.7 per cent of the

judiciary.

The Uzbek Women's Committee is the main body responsible for devising and implementing government policy to tackle women's problems in Uzbekistan. The chair of the Committee is also the Deputy Prime Minister. In order to ensure that balanced decisions are taken with the participation of women throughout the country, the chairs of the provincial women's committees are also appointed as deputy *khokims* (local administrators) and are responsible for promoting women's interests and realizing women's potential at the local level.

*16. The Committee notes with concern that the State party continues to require an "exit visa" for individuals travelling abroad, which may result in limitations of their freedom of movement. It is also concerned about the continuing existence of a compulsory residence registration (*propiska*) system in the State party. While acknowledging that it is maintained for purposes of address registration, retention of this system may affect de facto the enjoyment of a number of rights and freedoms. Allegations of corruption in this regard are also of concern (art. 5, para. (d) (i) and (ii)).*

*The State party is invited to abolish the requirement for an "exit visa" and to ensure that the existing compulsory residence registration system does not limit the rights and freedoms of the State party's citizens. The State party is invited to present, in its next periodic report, statistical data on the number of *propiska* applications (disaggregated by region and ethnic origin of applicants) and their outcome.*

It should be emphasized that the *propiska* by no means limits the freedom of citizens to move around the country or to relocate to other regions. The *propiska* is legal and statistical proof that a person lives in a specific place at a specific address and without it it would be difficult to calculate the population.

Pursuant to Presidential Decree No. 22-40 of 26 February 1999 on reforming the Uzbek passport system, foreign citizens, including citizens of member States of the Commonwealth of Independent States and stateless persons, are entitled to a permanent *propiska* for Uzbekistan only when they are in possession of a residence permit, issued according to the procedure laid down by the internal affairs agencies.

Provision is made for citizens of member States of the Commonwealth of Independent States who have been in Uzbekistan for more than three days to be issued with a temporary *propiska* for the place where they are staying.

Provision is made for foreign citizens and stateless persons who have entered Uzbekistan on an entrance visa to be issued with a temporary *propiska* for the duration of the validity of their visa. The decree also provides that special committees should be established in the Council of Ministers and in the *khokimats* (local administrative bodies) at the provincial level and in the city of Tashkent, to examine matters relating to the issuing of residence permits for foreigners, including citizens of Commonwealth member States and stateless persons, and of *propiskas* for Uzbekistan. These regional committees are chaired by the President of the Council of Ministers and the leaders of the *khokimats* of the provinces and of Tashkent.

According to the regulations on the passport system approved by the above-mentioned decree, the following persons are entitled to a permanent *propiska* for Uzbekistan:

1. Uzbek citizens;
2. Foreign citizens, including from Commonwealth member States, and stateless persons who are in possession of a residence permit issued in accordance with the procedure laid down by the internal affairs agencies.

The regulations also stipulate that the following are entitled to a temporary *propiska* for Uzbekistan:

1. Uzbek citizens who have moved from one address in Uzbekistan to take up temporary residence at another;
2. Citizens of Commonwealth member States;
3. Persons who have arrived from Commonwealth member States who hold passports of the former Union of Soviet Socialist Republics which contain no indication of citizenship;
4. Foreign citizens and stateless persons who have arrived in Uzbekistan with entrance visas.

At the same time, to regulate procedures for the entry of foreign citizens wishing to take up permanent residence in Tashkent, on 27 February 1999, the Cabinet of Ministers adopted decision No. 92 rationalizing the acquisition of property by foreign citizens and stateless persons in Uzbekistan and their entry to take up permanent residence in Tashkent.

In accordance with the standard regulations on the establishment of special committees in the Council of Ministers of the Republic of Karakalpakstan and in *khokimats* at the provincial level and in Tashkent, to examine matters relating to the issuing of residence permits for foreigners, including citizens of Commonwealth member States and stateless persons, and of permanent *propiskas* for Uzbekistan, approved by Cabinet of Ministers decision No. 178 of 16 April 1999:

1. Uzbek citizens who reside without a *propiska* or proper registration, or with visas that have expired, or without visas or with Uzbek residence permits that have expired, are liable to fines under article 223 of the Code of Administrative Liability, whereas foreign citizens or stateless persons so residing are liable under article 225 of the Code.

Foreign citizens are entitled to move around the territory of Uzbekistan provided that they observe the regulations governing residence in the country. Restrictions on movement and the choice of where to live are allowed in order to guarantee State security and the rights and legal interests of Uzbek citizens. A similar procedure and regulations are laid down by most States, since a permit or registration system helps to verify the number of persons entering and leaving a given place, provides information on population movements, and ensures the security of society, the individual and the State. In all countries it is an obligation and not a right for a person to register where he or she is staying or has taken up residence. Such a situation does not restrict a person's freedom of movement, since the choice of where to take up residence is made by the citizen

concerned.

18. The Committee notes with concern that, according to information received, some minority languages have limited access to public media, in particular television broadcasts (art. 5, para. (d) (viii)).

The Committee recommends that the State party ensure that sufficient time is devoted to programmes in minority languages in the public media. The State party should take steps to facilitate the publication of newspapers in minority languages. Particular efforts should be made in this regard in relation to the use of Tajik, the language spoken by the largest minority.

In Uzbekistan there are 887 periodicals, including 676 newspapers, 189 magazines, 1 journal and 1 bulletin, published in 6 different languages. There are also 32 television stations, 19 combined television and radio stations, 14 radio stations and 6 cable television channels broadcasting in 6 languages (Russian, Kazakh, Tajik, Uighur and Kyrgyz).

All provinces, towns, districts and areas with high concentrations of ethnic minorities have national cultural centres. Currently there are 135 national cultural centres catering for 28 nationalities, which actively function and cooperate with State authorities at all levels of local government. The cultural centres pay special attention to activities related to national traditions. The activities of the national cultural centres are regularly and thoroughly covered in the media. These activities are covered in greater detail in various languages on the international television channel; such broadcasts include "Uzbekistan - our common home" and "One family" in Russian, "Umid" in Uighur, "Zhetigen" and "Diydar" in Kazakh, "Aichurek" in Kyrgyz, "Mekhrangez" and "Ranginkammon" in Tajik, "Biznen meres" in Tatar, "V dobriy khati" in Ukrainian and "Chinsen" in Korean.

The activities of the national centres receive regular and full coverage in the newspapers *Khalk suzi*, *Narodnoe slovo*, *Pravda vostoka*, *Toshkent okshomi* and *Tashkentskaya pravda* and in *Nurly jol* in Kazakh and *Ovozi tojik* and *Fakhrangi Osie markazi* in Tajik.

The social movement Khalk Birligi (Unity of the People) has its own periodical, the newspaper *Birlik-Edinstvo* (Unity), which was founded in 1995 on the initiative of the Uzbek International Cultural Centre and the national cultural centres. The Russian national cultural centre has its own periodical (*Vestnik*), the Korean national cultural centre publishes its own newspaper and the Yangiyul municipal Ukrainian cultural centre publishes the newspaper *Nadiya* (Hope). Newspapers are published in Russian, Kazakh, Tajik, Korean, Kyrgyz and Turkmen in districts and provinces of Uzbekistan.

Representatives of the various ethnic groups take part in world forums in their historical homelands: since 2001 alone, more than 200 delegates from Bashkir, Tatar, Kazakh, Tajik, Lithuanian, Kyrgyz, Armenian, Korean and Ukrainian national cultural centres have participated in such forums.

19. While appreciating the State party's efforts to provide children belonging to ethnic minorities with education in their native language, the Committee notes the reports

according to which in practice there is a lack of educational materials and textbooks in some languages (art. 5, para. (e) (v)).

The Committee encourages the State party to undertake consultations with concerned minority groups, and make every effort to address their concerns in this regard. The State party should submit information on the measures taken, and provide disaggregated data on the number of schools teaching in minority languages, their geographical distribution, quality of education provided, and difficulties encountered, if any. It should ensure that all public schools have equal access to public funds for education, including educational materials and infrastructure.

Education in different languages is continuously being improved in Uzbekistan. Tuition is provided in general education schools in seven languages: Uzbek (8,671 schools); Karakalpak (375); Russian (695); Kazakh (495); Tajik (265); Kyrgyz (64) and Turkmen (47). In the schools where tuition is in Uzbek, there are 5,272,652 pupils (89 per cent); in Karakalpak 126,709 (2.13 per cent); in Russian 277,227 (4.67 per cent); in Kazakh 117,946 (2 per cent); in Tajik 106,013 (1.79 per cent); in Kyrgyz 13,782 (0.23 per cent) and in Turkmen 12,531 (0.21 per cent).

Schools have been opened in areas where there is a high concentration of minorities at the parents' request. For example, in Tashkent there are schools where Hebrew, Farsi, Hindi, Chinese, Korean, Arabic and other languages are studied in depth.

All Uzbek schools, irrespective of the language of tuition, follow the same State standards for general education secondary schools and special attention is paid not only to the tuition in those schools, but also to supplying them with modern textbooks, educational and visual material and training manuals.

Availability of textbooks per pupil for the school year 2005-2006

Language of tuition	Uzbek	Russian	Karakalpak	Kazakh	Kyrgyz	Tajik	Turkmen	For the country as a whole
Availability as a percentage	93.1	90.7	90.9	89.1	86.3	88.6	84.4	92.1

In the school year 2005-2006, taking into account all sources of funding, of the total of 463 textbooks for general education schools published in the seven languages, 444 were republished and 19 were new publications.

Language of tuition	No. of textbooks published
Uzbek	47
Karakalpak	52
Russian	60
Kazakh	70
Kyrgyz	72

Tajik	70
Turkmen	92
Total	463

Certain problems and shortcomings have been observed with the production, printing and supply to customers of the textbooks and training manuals:

1. Some publishers and printers inaccurately assess their own resources and in-house capacities resulting in the submission of bids for the publication of the textbooks without the requisite technical wherewithal or sound financial basis, which is the reason for their failure to meet delivery schedules;
2. The shortage of qualified translators, particularly working into Turkmen and Kyrgyz, adversely effects the timely publication of textbooks in these languages;
3. The absence of proper regulations covering the production of textbooks for free sale on the market, of a specific mechanism for determining their demand and of marketing strategies makes it difficult for parents to purchase textbooks on the open market.

21. The Committee has noted with interest the information provided by the State party on the work of the National Centre for Human Rights. No information was provided, however, to confirm that the Centre complies with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) (art. 6).

The Committee encourages the State party to establish a national institution, in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) (General Assembly resolution 48/134).

The legal framework for the activities of the National Centre for Human Rights is the Presidential decree on the establishment of the National Centre for Human Rights of the Republic of Uzbekistan of 31 October 1996 and the Cabinet of Ministers decision on matters relating to the organization of the National Centre for Human Rights of 13 November 1996 (documents attached). The main duties and functions of the National Centre for Human Rights set forth in the aforementioned documents are in line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).

**Decree of the President of the Republic of Uzbekistan
of 31 October 1996**

**on the Establishment of the National Centre for Human Rights of
the Republic of Uzbekistan**

With a view to establishing an effective mechanism for the protection of human rights and freedoms, broadening cooperation with international and human rights organizations and raising

awareness of human rights issues among staff in government departments and the population as a whole, in accordance with United Nations efforts to support democratization, human rights and good governance:

1. A National Centre for Human Rights of the Republic of Uzbekistan shall be established. The National Centre for Human Rights shall be a State-run, analytical, consultative, interdepartmental coordinating body.
2. The main duties of the National Centre for Human Rights shall be:
 1. To draw up a national plan of action and a strategy for implementing the provisions of the Constitution, laws and universally recognized norms in the field of human rights;
 2. To develop cooperation between Uzbekistan and international and national human rights organizations;
 3. To prepare national reports on the observance and protection of human rights in Uzbekistan;
 4. To play an advisory role for State and government bodies and voluntary human rights associations;
 5. To coordinate the activities of State bodies in the areas of education, the dissemination of information and the publication of educational materials on the promotion and protection of human rights;
 6. To establish a database on the realization and development of human rights in Uzbekistan;
 7. To prepare recommendations for State bodies on how to improve their activities relating to the observance and protection of human rights;
 8. To conduct and organize research on various aspects of the promotion and protection of human rights.
3. The National Centre for Human Rights shall be a legal entity headed by a director, appointed by presidential decree. The deputy director of the National Centre for Human Rights shall be appointed by the Cabinet of Ministers.
4. The activities of the National Centre for Human Rights shall be funded from the national budget under expenditures for the maintenance of State and government bodies, as well as from various voluntary contributions.
5. The National Centre for Human Rights shall be exempt from taxes, customs duties and fees, on condition that the funds thus made available are used to upgrade equipment and technology and to provide incentives for employees.
6. The National Centre for Human Rights shall be included in the list of organizations which, as a mandatory requirement, are sent documentation from sessions of the Oliy Majlis, presidential decrees and orders, Cabinet decisions and orders, and regulations and guidelines issued by ministries and departments.

7. The National Centre for Human Rights shall be authorized to publish the specialist periodical *Demokratizatsia i Prava Cheloveka v Uzbekistane* (Democratization and Human Rights in Uzbekistan), in Uzbek, Russian and English.

8. Ministries and departments shall provide the necessary information in response to queries from the National Centre for Human Rights on matters relating to the promotion, exercise and protection of human rights in Uzbekistan.

9. The Ministry of Foreign Affairs, the State Press Committee, the National Information Agency and the State television and radio broadcasting corporation shall assist the National Centre for Human Rights in maintaining international contacts, establishing links with similar organizations abroad and concluding agreements with international human rights organizations.

10. The Cabinet of Ministers shall adopt within one week a decision on the organization of the activities of the National Centre for Human Rights.

President of the Republic of Uzbekistan
I.A. Karimov

**DECISION OF THE CABINET OF MINISTERS OF
THE REPUBLIC OF UZBEKISTAN
of 13 November 1996, No. 399**

**on matters relating to the organization of the activities
of the National Centre for Human Rights**

The present decision contains amendments pursuant to paragraph 3 of the annex to Cabinet of Ministers decision No. 135 of 26 May 2005.

Pursuant to the Presidential Decree of 31 October 1996 on the establishment of the National Centre for Human Rights, the Cabinet of Ministers decides:

1. To approve:

The regulations on the National Centre for Human Rights set out in annex 1;

The structure of the National Centre for Human Rights set out in annex 2 and a staff complement for the Centre of 28 persons (not including auxiliary staff).

2. To ensure that the director and the deputy director of the National Centre for Human Rights enjoy a status, salary conditions, social allowances and medical and transport benefits comparable to those of a minister and a first deputy minister of Uzbekistan respectively.

To apply to the workers of the Centre the standard wage scale and salary conditions for the categories of managers, specialists and other employees of Government and State bodies.

3. The Tashkent *khokimat* in agreement with the Central Council of the People's Democratic Party shall decide before 1 January 1997 on how to set up the National Centre for Human Rights at No. 5, block 3, Mustakillik Square, and shall carry out the renovation and repair of the building and the surrounding area.

4. The Ministry of Finance of Uzbekistan shall allocate funds to cover the costs of setting up the National Centre for Human Rights, carrying out repairs, supplying office furniture and computer equipment, equipping a small print shop, publishing *Demokratizatsia i Prava Cheloveka v Uzbekistane* in Uzbek, Russian and English, and other printed matter and purchasing paper.

Each year it shall allocate the necessary funds in local and foreign currencies so that foreign experts may be offered contracts, to send specialists from the Centre abroad for periods of training and further training, to cover their participation in international forums, for subscriptions to periodicals, the purchase of computer software, foreign publications, the use of Internet services and other information technology.

5. The Ministry of Telecommunications shall provide the National Centre for Human Rights with telephone and facsimile services, including through the government telephone exchange.

6. The Ministry of Finance shall allocate to the Tashkent city public transport association Tashgorpasstrans the necessary funds to maintain two passenger vehicles and to purchase a minibus for use by the National Centre for Human Rights.

7. The State Press Committee shall include the National Centre for Human Rights on the list of organizations which receive complementary copies (one copy) of human rights materials and books published in Uzbekistan; it shall also assist with the publication of *Demokratizatsia i Prava Cheloveka v Uzbekistane* and other printed matter on human rights produced by the Centre.

8. The Ministry of Foreign Affairs and the Ministry of Justice shall help the National Centre for Human Rights to establish links with foreign and international organizations dealing with human rights.

9. The Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of National Education and the Ministry of Higher and Special Secondary Education, the Office of the Procurator, the Supreme Court, the National Information Agency and the Uzbek television and radio broadcasting corporation Uzteleradio shall submit to the National Centre for Human Rights information, proposals, conclusions and other essential material on matters relating to the promotion and protection of human rights.

10. The State Advisor to the President of Uzbekistan, B.K. Gulyamov, shall be responsible for monitoring implementation of the present decision.

President of the Cabinet of Ministers
I. Karimov

**Annex 1 to Cabinet of Ministers decision No. 399
of 13 November 1996**

Regulations on the National Centre for Human Rights

**The present regulations contain the amendments pursuant to paragraph 3 of the annex to
Cabinet of Ministers decision No. 135 of 26 May 2005.**

- I. General provisions
- II. Duties and functions of the Centre
- III. Rights of the Centre
- IV. Structure and management
- V. Assets, property and financial resources of the Centre
- VI. Accounting, statistics and auditing
- VII. Reorganization and cessation of activities

I. General provisions

1. The National Centre for Human Rights (hereinafter referred to as the Centre) shall be a State-run, analytical, consultative, interdepartmental coordinating body for the implementation of the universally recognized principles and norms of international law, the provisions of the Uzbek Constitution and laws, presidential decrees, and government policy relating to human rights and freedoms.
2. The activities of the Centre shall be governed by the Constitution and laws of Uzbekistan, presidential decrees, Cabinet of Ministers decisions and the universally recognized principles and norms of international law; it shall organize its activities in line with the duties and functions defined in the present regulations.

II. Duties and functions of the Centre

3. The duties and functions of the Centre shall be:
 1. To draw up a national plan of action on human rights and civil liberties;
 2. To foster cooperation between Uzbekistan and international and national organizations dealing with human rights;
 3. To prepare national reports on the observance and protection of human rights in Uzbekistan and to submit them to international organizations;

4. To cooperate with international and non-governmental organizations on matters relating to the protection of human rights and the implementation of joint projects;
5. To draft and give expert advice on bilateral and multilateral inter-State treaties in the field of human rights and to participate in negotiations on them;
6. To play an advisory role to State and government bodies and voluntary associations on human rights;
7. To coordinate the activities of State bodies in the areas of education, the dissemination of information and the publication of educational materials on the promotion and protection of human rights;
8. To establish a database on the exercise and development of human rights and civil liberties;
9. To conduct and contribute to sociological research on the development of human rights and freedoms;
10. To prepare recommendations for State bodies on how to improve their activities relating to the observance and protection of human rights;
11. To develop national programmes on the protection of human rights and freedoms;
12. To devise a strategy to foster a rights-based culture among the population;
13. To encourage and coordinate civil society initiatives relating to the promotion and protection of human rights;
14. To prepare and publish literature, broadcast television and radio programmes on human rights and regularly publish *Demokratizatsia i Prava Cheloveka v Uzbekistane*;
15. To organize scientific research on the observance and protection of human rights at the national, regional and international levels;
16. To engage in international cooperation in the area of education, the preparation of programmes and joint organization of conferences, seminars and training courses on human rights;
17. To liaise with non-governmental organizations, human rights organizations and political parties on matters relating to human rights;
18. To disseminate information to the public and the international community through the mass media on government activities relating to the observance, protection and promotion of human rights and fundamental freedoms.

III. Rights of the Centre

4. The Centre shall have the right:
 1. To engage in cooperation with international and national human rights organizations abroad;
 2. To cooperate directly with the missions of foreign States, international organizations and other accredited missions in Uzbekistan on matters relating to the preparation and dissemination of information on human rights;
 3. To refer enquiries to State bodies, voluntary associations and Uzbek missions abroad and, as a mandatory requirement, to obtain information, proposals, conclusions and other essential information relating to the promotion and protection of human rights;
 4. To establish coordinating and other councils and expert commissions to conduct inquiries into the situation regarding the protection of human rights;
 5. To establish temporary working groups composed of scholars and specialists for the preparation of research and information material on human rights;
 6. To enlist the services of Uzbek and foreign scholars, specialists and experts to give advice, and to study and draft proposals on human rights;
 7. To help devise programmes relating to the promotion and protection of human rights;
 8. To publish and disseminate within the international community information on human rights in Uzbekistan;
 9. To receive as a mandatory requirement information from the mission of the Republic of Uzbekistan to the United Nations and other international organizations on the examination of human rights issues and decisions adopted;
 10. To exchange essential information with international and national human rights organizations;
 11. To participate in international human rights forums and to send specialists from the Centre on mission and for training abroad;
 12. To receive as a mandatory requirement and free of charge Uzbek legislation and regulations and essential guidelines, reports and research and information material from government bodies, ministries and State committees.

IV. Structure and management

5. The Centre shall be a legal entity, shall have its own seals, stamps, letterhead and other company information registered in accordance with the established procedure.

The Centre may open accounts in national and foreign currencies in banks in Uzbekistan and abroad in order to run its activities.

6. The Centre shall be a State-run, non-commercial institution funded from the national budget and voluntary contributions.

7. The main structural units of the Centre shall be divisions and a secretariat established to deal with specific problems.

The Centre shall have a library, a scientific research fund and an editorial and publishing division.

As part of its activities the Centre shall establish an editorial board and organize the publication of the periodicals which it has founded.

8. The Centre shall be headed by a director, who shall be appointed and dismissed by presidential decree; his deputy shall be appointed and dismissed by a Cabinet of Ministers decision.

The status, salary conditions, social allowances and medical and transport benefits of the director and deputy director shall be comparable to those of a minister and a first deputy minister of Uzbekistan respectively.

9. The Director of the Centre:

1. Shall oversee the activities of the Centre;
2. Shall liaise with the committees and commissions of the chambers of the Oliy Majlis, the departments of the Cabinet of Ministers, ministries and departments, and shall represent the Centre in all central and local government authorities and with international and national organizations of other countries on human rights issues;
3. Shall attend meetings on human rights issues of the chambers of the Oliy Majlis, the committees and commissions of the chambers of the Oliy Majlis, the Cabinet of Ministers, the boards of ministries and departments, the Presidium of the Academy of Sciences and the academic councils of scientific and educational institutions;
4. Shall take decisions on matters falling within the Centre's competence;
5. Shall issue orders and instructions that must be complied with by the units of the Centre;
6. Shall hold talks with representatives of foreign governmental and international organizations;

7. Shall be personally responsible for the discharge of the duties incumbent on the Centre and the performance of its functions and shall determine the level of responsibility of the directors of the services concerned;
 8. Shall approve the estimated budget of the Centre;
 9. Shall approve the staffing arrangements for the Centre according to the staff complement and the wages and salaries fund;
 10. Shall take decisions on sending specialists from the Centre on mission abroad;
 11. Shall approve the regulations governing the subsidiary units of the Centre;
 12. Shall allocate duties to the employees of the Centre;
 13. Shall conclude contracts and agreements, including on labour issues, on behalf of the Centre;
 14. Shall hire and dismiss staff at the Centre in accordance with the provisions of labour law;
 15. Shall define ways of creating economic incentives for and encouraging employees, and shall establish a supplement of up to 100 per cent of the base salary for specialists and high-level administrative staff to be funded from the special economic incentive fund;
 16. Shall use various financial arrangements to enlist the services of consultants, experts and specialists, including from abroad, to conduct research on human rights issues and to pay the foreign specialists in freely convertible currency;
 17. Shall dispose of the Centre's assets, take decisions on managing its property, sign financial, payment and other documents and grant power of attorney;
 18. Shall consider and deal with other matters relating to the activities of the Centre.
10. The Deputy Director shall provide guidance on the principal organizational and policy aspects of the Centre's activities and shall oversee the work of the units assigned to him or her.

V. Assets, property and financial resources of the Centre

11. The assets of the Centre shall consist of the fixed capital (buildings, installations, equipment, vehicles, etc.) working capital, financial resources and other tangible assets acquired from all sources of funding.

The value of the Centre's property shall be reflected in its autonomous balance sheet.

12. The Centre's resources shall be constituted by the budgetary allocations required to run the Centre's statutory activities, and from other sources that are not prohibited under Uzbek legislation.

13. Assets acquired from the proceeds of the Centre's activities and with income derived from charitable donations, sponsorship or unremunerated activities shall be the property of the Centre.

14. The Centre shall have the right to pay travel and other expenses in foreign currency to its staff members who travel abroad.

15. The Centre shall have the right to lease and sell to legal entities its fixed capital, working capital and other tangible assets, and to remove them from the balance sheet in accordance with the procedure prescribed by law.

16. The Centre shall be liable for the assets assigned to it, which under the legislation in force may be subject to seizure.

17. The funds remaining at the Centre's disposal after mandatory payments have been made shall be used to upgrade the Centre's equipment and technology.

VI. Accounting, statistics and auditing

18. The Centre shall maintain routine and business accounts of the results of its activities, compile statistics and check the accuracy of its accounts and balance sheets.

VII. Reorganization and cessation of activities

19. Decisions relating to the liquidation or reorganization of the Centre (in the form of a merger, takeover, break-up, split-off or transformation) shall be taken by the President of Uzbekistan.

Annex 2 to Cabinet of Ministers decision No. 399 of 13 November 1996

Structure of the National Centre for Human Rights of Uzbekistan

Management of Centre

Director

Deputy Director

Information and Legal Division

Chief of Division

Information Programmer - Chief Consultant

Principal Specialist

Chief Librarian

Human Rights Analysis and Research Division

Chief of Division

Principal Research Officer - Chief Consultant

Senior Research Officer - Lead Consultant

Senior Specialist

International Human Rights Cooperation Division

Chief of Division

Principal Specialist

Senior Specialist

Human Rights Education Division

Chief of Division

Principal Specialist - Chief Training Officer

Senior Specialist

Editorial and Publishing Division

Chief of Division

Senior Editor

Proof-reader

Senior Specialist

Public Relations Division

Chief of Division

Principal Specialist

Principal Consultant

Senior Specialist

Secretariat

Chief of the Secretariat

Senior Staff Inspector

Senior Inspector - Records Manager

Accountant

CERD, CERD/C/UZB/CO/5/Add.2 (2007)

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.