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I. Introduction

1. Uzbekistan's development since independence has taken place in two separate periods, each of which has a special place in the country's history. The first period, from 1991 to 2000, was a transitional stage of priority reforms and changes in which the foundations of Uzbekistan's statehood were laid. This period saw the establishment of the legal and organizational bases for the building of a democratic State governed by the rule of law, for a socially orientated market economy and for the formulation of a State policy of promoting, respecting and defending human rights and freedoms. It was in this period that Uzbekistan acceded to the six core international human rights instruments.

2. The second period, from 2001 to 2007, was a time of active democratic renewal and modernization and played an equally important role in Uzbekistan's development. The following were the characteristic features of this period: first, the increasing role and influence of the legislature, stemming from the establishment and functioning of a bicameral parliament that takes the general interests of the State and the regions into account when adopting legislation; secondly, the increasing role and influence of political parties and civil society institutions in the adoption of critical government decisions and the rising authority and significance of non-governmental organizations (NGOs) in the public scrutiny of government activities; thirdly, cardinal reforms to liberalize and humanize the judicial system, abolish the death penalty and strengthen the independence and effectiveness of the judiciary; and fourthly, extensive human rights information and educational efforts.

3. From the first days of independence, there was a growing understanding that civil and political rights could be realized only when equal opportunities meet essential needs in terms of food, housing, health care and jobs were made available to all.

4. The fulfilment of economic, social and cultural rights is a priority for the Uzbek Government and people. From 2006 to 2010, efforts in this area took place in the context of significant strides towards building a democratic government based on the rule of law and building up economic and social policy so as to offset the effects of the world financial crisis, with primary regard for the economic and social rights of impoverished and vulnerable social groups.

5. This period saw the adoption of measures to consolidate the legal machinery for realizing political, economic, social and cultural rights, to update the legislation on the rights of citizens to education, medical care, social welfare, jobs and leisure activities and to promote physical fitness and sports activities. The following legislative amendments and supplements designed to strengthen the legislative safeguards of these rights were adopted: new versions of the Disabled People's Social Welfare Act, Citizens' Pensions Act, Education Act, Labour Protection Act, Employment Act, etc.

6. Reform of the judicial system has been continuing:

(a) As from 1 January 2008, the death penalty was abolished and this form of punishment was replaced by life or long-term imprisonment, enabling Uzbekistan to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The European Union not only welcomed the abolition as from 1 January 2008 of the death penalty in Uzbekistan but also expressed the hope that this decision would prompt other countries of the region to follow Uzbekistan's example. It noted that the Uzbek Government has its support in carrying out the decision and introducing further reforms in the judicial system;

(b) As from 1 January 2008, habeas corpus has been instituted in Uzbekistan. The power to impose the penalty of detention has been transferred from the prosecutor's office to the courts, thus strengthening judicial control over the observance of human rights in pretrial investigations;

(c) The Human Trafficking Prevention Act has been adopted, establishing a set of institutions for combating human trafficking; the Criminal Code has been supplemented by an article 135, "Human trafficking", which defines this offence and outlines penalties for those who commit it; a national plan of action for intensifying the struggle against human trafficking, 2008–2010, has been adopted; and a national centre for the rehabilitation of trafficking victims has been set up;

(d) Through amendments and supplements to the Legal Counsel Act, the Legal Practice and Lawyers' Defence (Safeguards) Act, the Code of Criminal Procedure and the Code of Administrative Responsibility, the legal profession has been reformed to better balance the procedural rights of the prosecution and the defence, introduce the democratic institution of Miranda rights and make it an offence to obstruct the work of lawyers.

7. Forty per cent of Uzbekistan's population consists of children, 64 per cent under 30 years of age. Consequently, one of the Government's human rights priorities is creating the most favourable conditions for the physical, intellectual and spiritual development of children and young people, as well as providing comprehensive support for large families, orphaned children and children deprived of a family environment.

8. In addition to the over 100 legislative acts on the rights of the child in Uzbekistan, a Children's Rights (Safeguards) Act entered into force on 1 January 2008. This law elevates the protection of the child to the level of State policy. It outlines a broad range of governmental policy measures for the defence of children's rights. In short, the Children's Rights (Safeguards) Act has become something of a Children's Constitution for Uzbekistan. The country is continuing to work towards developing an active civil society and creating a partnership between the Government and the public, for which purpose:

(a) A bicameral parliament has been set up and is functioning smoothly, cooperating actively with political parties, NGOs and civil society organizations;

(b) An important event in Uzbek political life — elections to the Oliy Majlis and local legislative bodies in 2009 — attested to the democratic nature of the electoral system and the political activism of voters;

(c) The following legislative acts were adopted: the Act on Strengthening the Role of Political Parties in the Renewal and Further Democratization of Governance and in the Modernization of Uzbekistan, of 11 April 2007, set up procedures whereby political parties can monitor appointments to the highest positions in the executive branch; and the Non-Governmental Non-Profit Organizations (Safeguards) Act, under which NGOs are eligible for State aid in the form of procurement of services, grants and subsidies.

9. The Legislative Chamber and the Senate adopted a joint decision, dated 3 July 2008, on strengthening support for non-profit non-governmental organizations and other civil society institutions, thereby establishing a voluntary fund to support these bodies as well as a parliamentary commission to manage the fund's resources.

10. The extensive commemorations in Uzbekistan of the sixtieth anniversary of the Universal Declaration of Human Rights were a remarkable moment. A presidential decree dated 1 May 2008 and devoted to this event approved a programme of action outlining a whole range of legislative, organizational and educational measures that were carried out during the year. In 2008, on the recommendation of the international treaty monitoring bodies, legislation was adopted on Uzbekistan's accession to International Labour Organization (ILO) Conventions Nos. 138 and 182, the two Optional Protocols to the

Convention on the Rights of the Child, the United Nations Convention against Corruption and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, among others.

11. The realization that Uzbekistan, as part of an integrated global economic space, was experiencing and would continue to experience the adverse and increasingly harsh effects of the world crisis led to the adoption in late 2008 of a programme of anti-crisis measures for 2009 to 2012 based on the actual state of the country's economy. The Government is committed to ensuring that effective measures are adopted to mitigate for citizens the effects of the world financial crisis and that a timely preventive policy is implemented to protect the economy, social institutions and human rights from the negative effects of the crisis, including its effects on the well-being of the population, in particular the socially vulnerable groups – women, children, disabled persons and retired persons. Uzbekistan is currently pursuing its cooperation with the international human rights treaty monitoring bodies in the following ways:

- In 2006, the following were considered: Uzbekistan's third to fifth periodic reports on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination; the second periodic report on its implementation of the Convention on the Rights of the Child; the second and third periodic reports on its implementation of the Convention on the Elimination of All Forms of Discrimination against Women
- In 2007, Uzbekistan's third periodic report on its implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was considered
- In 2008, the Human Rights Council considered the national report of Uzbekistan as part of the universal periodic review mandated by Council resolution 5/1, adopted on 20 March 2009
- In 2009, Uzbekistan's third and fourth periodic reports on its implementation of the Convention on the Rights of the Child were prepared and submitted to the Committee on the Rights of the Child
- In 2010, committees considered the fourth periodic report on the implementation of the International Convention on the Elimination of All Forms of Discrimination against Women; the third periodic report on the implementation of the International Covenant on Civil and Political Rights; and the sixth and seventh periodic reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination; the second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights was prepared and submitted to the Committee on Economic, Social and Cultural Rights

12. Uzbekistan takes very seriously the concluding observations and recommendations adopted by the United Nations treaty bodies following their consideration of its periodic reports. For each of these documents, a national plan of action aimed at implementing the recommendations is adopted. The present revised core document was prepared in 2010 on the basis of the guidelines for the introduction to reports of States parties under the six core international human rights instruments and the latest compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties; it contains information to supplement the previous core document submitted in 2004. The structure corresponds to the suggestions contained in the guidelines. It presents Uzbekistan in all its cultural, historical, political and legal diversity, and the authors have included information on the land and the people, the political structure, the foundations of

democratic society and the defence of human rights, information and communications and effective legal remedies.

II. General information about the reporting State

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

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

14. The country has a total area of 447,400 square kilometres and comprises the Republic of Qoraqalpog'iston, 12 provinces (*viloyat*) and the City of Tashkent, 121 towns and cities and 163 rural districts. The population is 26.6 million. The capital is Tashkent.

1. Historical survey

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

16. Various cultures and civilizations helped to shape the Uzbek race, with its Turkic roots, into a titular nation. The historical development of the Uzbeks took place in a context of close contacts and intermingling with the Iranian peoples and culture.

17. Central Asia, including the land that is now Uzbekistan, was conquered by the Arabs in the eighth century and was added to the possessions of the Arab Caliphate. Islam was introduced in the wake of this conquest. The new religion spread quickly, although the people held on to some aspects of Zoroastrianism and certain other religions (Buddhism, Manichaeism and Nestorian Christianity). The spread of Islam led to the absorption of the region into the area of Islamic civilization.

18. In the late ninth century, the reign of the Arabs was replaced by the rule of local dynasties. From the ninth to the twelfth centuries, the territory of Uzbekistan was ruled by the Samanid, Karakhan and Seljuk States. In the early thirteenth century, Central Asia (along with Azerbaijan and Persia) was briefly part of the Khwarezm-Shah dynasty, which was brought down by the hordes of Genghis Khan. Soon after, power shifted to the Timurid (established by Tamerlane) dynasty. During this period (late fourteenth to the fifteenth centuries), the economy and culture flourished, and Tamerlane made his capital at Samarkand. In the Middle Ages, the Timurid Empire extended over a vast territory, forming a common legal and economic space. This period, and the absolute monarchy that emerged at the time, may be regarded as the foundation for the nationhood of Uzbekistan. At the turn of the sixteenth century, the Timurid Empire was replaced by the Shaybanid Empire, which ruled throughout the sixteenth century. For nearly four centuries, from the

sixteenth century until Russia conquered Central Asia in the late nineteenth century, there were three Uzbek khanates in the territory of Uzbekistan: Bukhara (an emirate as from the mid-eighteenth century), Khiva and Kokand. In the late nineteenth century, most of Central Asia, including contemporary Uzbekistan, became part of Russia. The Governorate-General of Turkistan was established. After the Russian revolution, in 1920, the Bukhara and Khorezm People's Soviet Republics were formed. In 1924, Central Asia was divided up into ethnic States. The Uzbek Soviet Socialist Republic was established on 27 October 1924. Under this ethnic division, the territories populated chiefly by Uzbeks became part of the Uzbek SSR. The Republic housed 82 per cent of all Uzbeks living in the USSR; they made up 76 per cent of the total population of the newly formed Republic. Uzbekistan was part of the USSR for nearly 70 years, and its demographic, social and economic development was influenced by typically Soviet processes. The turning point in the country's history occurred on 1 September 1991, when Uzbekistan's independent statehood was proclaimed: on 31 August 1991, the Supreme Soviet of the Republic of Uzbekistan adopted a decision proclaiming the independent statehood of the Republic of Uzbekistan and a constitutional act on the legal foundations of the independent statehood of the Republic of Uzbekistan.

2. Population

19. The majority of the population (more than 21 million people) is Uzbek, a Turkic-speaking people with an ancient and distinctive culture. Uzbekistan is also home to a great number of other peoples: Kazakhs, Tajiks, Karakalpaks, Kyrgyz, Turkmen, Russians, Ukrainians, Tatars, Armenians, Koreans and Uigurs. In anthropological terms, the Uzbeks are a people of mixed descent, with both Caucasian and Mongoloid elements. Anthropologists regard the Uzbeks as southern Europeoids of the Central Asian Mesopotamian type. The Uzbek population of the towns and ancient cultivated oases has a comparatively small admixture of Mongoloid features.

20. Uzbek is the official language of Uzbekistan. The literary Uzbek language belongs to the Karluk group of the western branch of the Turkic languages. One of the characteristic features of the Uzbek language is its profound historical links with the Tajik language. The Karakalpak language belongs to the Kipchak group of the Turkic languages. In terms of religious affiliation, Uzbeks and Karakalpaks are Sunni Muslims of the Hanafi *madhhab* (school of law). Typical of Islam in Uzbekistan, and indeed throughout Central Asia, is the merging of orthodox Islam and Islamic mysticism, or Sufism, as well as the presence of some pre-Islamic beliefs.

B. Constitutional, political and legal structure of the State

21. The Republic of Uzbekistan was constituted on 31 August 1991 in the former Uzbek Soviet Socialist Republic, which had been part of the Union of Soviet Socialist Republics. It is a unitary State with a presidential form of government. Uzbekistan's accession to State sovereignty marked the beginning of fundamental reforms and political changes. The Constitution of the Republic of Uzbekistan, adopted on 8 December 1992, reflects the people's will, spirit, social consciousness and culture. Of particular note is the Constitution's adherence to the universal values and generally accepted principles and standards of international law. There is no mention of a universal political ideology, class conflict or party dictatorship, or of oppressive dominance of the people by the State. The Constitution establishes the principle of a separation of powers between the Legislature, the Executive and the Judiciary.

1. The Legislature

22. Legislative power is exercised by the Oliy Majlis (Parliament), the highest representative body of the State. In 2005, following the conduct of a referendum, a bicameral Parliament was established, consisting of an upper chamber (the Senate) and a lower chamber (the Legislative Chamber) of the Oliy Majlis. The establishment of the bicameral Parliament considerably strengthened the stability of the State. First, the constitutional powers of Parliament were extended and the checks and balances between the legislative, executive and judicial branches were markedly improved. Secondly, the democratic representation of all regions was expanded. Thirdly, the quality of the legislative process was greatly improved. Fourthly, the transition was made to a professional Parliament. The procedure for the formation and the legal status of the Parliament of the Republic of Uzbekistan are set out in the Constitution (arts. 76–88), in constitutional acts on the Senate of the Oliy Majlis and the Legislative Chamber of the Oliy Majlis, as well as in the Oliy Majlis (Elections) Act and the Legislative Chamber and Senate (Composition) Act.

23. Members of the Legislative Chamber serve for a term of five years. The Chamber consists of 150 deputies: 135 are elected by geographical constituencies on a multi-party basis and 15 are elected by the Ecological Movement of Uzbekistan. The professional and consistent work of all the deputies is the foundation for the Chamber's proceedings. The Legislative Chamber is made up of committees which, since the elections of 2009, consist of the following: Budget and Economic Reforms; Legislation and Judicial Questions; Employment and Social Questions; Defence and Security; International Affairs and Interparliamentary Relations; Agrarian and Water Supply Questions; Industry, Construction and Trade; Science, Education, Culture and Sports; Democratic Institutions, Non-Governmental Organizations and Local Authorities; Information and Communication Technology; and Ecology and the Environment.

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

25. The Senate consists of senators representing geographical constituencies. Members of the Senate are elected in equal numbers — six persons — from the Republic of Qoraqalpog'iston, the provinces and the city of Tashkent. These elections are conducted by secret ballot at joint sessions of the members of the *Jokargy Kenes* (Parliament) of the Republic of Qoraqalpog'iston and of the local legislative bodies in provinces, districts and towns, from among their own number. Sixteen members of the Senate are appointed by the President of the Republic from among the most distinguished citizens having broad practical experience and special merit in the sciences, the arts, literature, industry and other areas of the life of the State and society.

Political parties

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

27. *The Social Democratic Party of Uzbekistan Adolat (SDPU)* was founded on 18 April 1995. Its membership as at 1 August 2009 was 77,210, drawn from the middle and poorer strata of the population. The party endeavours to advance their political and social objectives and to ensure social protection for them based on the principles of social justice.

28. *The Democratic Party of Uzbekistan Milli Tiklanish (DPMT)* was founded on 20 June 2008 by decision of a joint congress representing the merger of the Democratic Party Milli Tiklanish and the National Democratic Party Fidodorlar. Its membership as at 1 August 2009 was 108,390. Its basic aims are to create favourable conditions for the development of national self-awareness and to instil and enhance among citizens the feelings of national pride, love and devotion to their homeland; to bring together in its ranks

the patriots of the country, to mobilize their intellectual and creative potential for serving Uzbekistan and to heighten its international standing.

29. *The Movement of Entrepreneurs and Businesspeople (UzLuDep)* was founded on 3 December 2003. As at 1 August 2009, it had 161,758 members. It is a nationwide political organization expressing and defending the interests of property-owners, small-scale entrepreneurs, owners of farms and *dekhans* (small family farms), highly skilled manufacturing workers, managerial personnel and businesspeople.

30. *The People's Democratic Party of Uzbekistan (NDPU)*, founded on 1 November 1991, represents the left wing in the country's politics. It expresses the political aspirations of a number of social strata and groups. As at 1 July 2009, it had 364,800 members. It is multi-ethnic in composition, bringing together representatives of 53 ethnic groups that populate Uzbekistan.

31. The activities of political parties in Uzbekistan are regulated by the Constitution, the Political Parties Act, the Political Parties (Funding) Act and the Constitutional Act on strengthening the role of political parties in the renewal and further democratization of governance and in the modernization of Uzbekistan.

2. The Executive

32. The President is the Head of State and is elected by the citizens of Uzbekistan on the basis of universal, equal and direct suffrage in a secret ballot for a term of seven years (Constitution, art. 90). Any citizen of Uzbekistan who has reached the age of 35, is fluent in the official language and has resided permanently in the territory of Uzbekistan for at least 10 years immediately prior to the election may stand for election to the post of President. Under the Constitution (art. 90), a person may not be President for more than two consecutive terms.

33. According to article 93 of the Constitution, the President is the guarantor of the rights and freedoms of citizens and of the Constitution and laws of the Republic. The President also has the authority:

- To take the measures necessary for the sovereignty, security and territorial integrity of the country
- To represent the Republic within the country and in international relations
- To negotiate and sign agreements for the Republic and to ensure that they are adhered to
- To staff and head the Executive branch
- To facilitate interaction at the higher levels of authority and State governance
- To establish and disband ministries, State committees and other government bodies
- To appoint and dismiss judges of the province, inter-district, district, city, military and economic courts
- To establish the National Security Service and State monitoring bodies
- To resolve questions of citizenship and the granting of political asylum
- To act as Commander-in-Chief of the Armed Forces of the Republic

34. Executive power is exercised by the Cabinet of Ministers. It consists of the Prime Minister of the Republic and his deputies, ministers, chairpersons of State committees and the head of Government of the Republic of Qoraqalpog'iston.

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

36. The Cabinet is responsible for managing economic, social and spiritual affairs and ensuring application of the Constitution, the laws and other decisions adopted by the Oliy Majlis and the decrees, decisions and instructions issued by the President; in accordance with the legislation in force, it adopts decisions and instructions that have binding force throughout the national territory on all institutions, enterprises, organizations, officials and citizens. The Cabinet's work is regulated by chapter XX of the Constitution and by the Cabinet of Ministers Act.

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

38. *Local authorities.* In addition to the higher legislative and executive bodies — the Oliy Majlis, the Office of the President and the Cabinet of Ministers — the system of governmental institutions also includes local authorities dealing with social problems at the province, district and city levels: councils of peoples' deputies (*kengashi*) and regional chief administrators (*khokims*). Their rights and powers are set out in the Constitution and in the Local Authorities Act. Nominations for the post of chief administrator are submitted by the President for approval by the regional council of peoples' deputies following consultations with representatives of the party groups in the council. These party groups are entitled to initiate the process of notifying the President of unsatisfactory performance on the part of the regional chief administrator.

39. All chief administrators exercise their powers based on the principle of independent authority. Within the limits of the authority conferred on them, their decisions are binding on all enterprises, institutions, organizations and associations, as well as on officials and citizens in the area concerned (Constitution, art. 104).

40. Local legislative bodies — the councils of peoples' deputies — perform their functions under the direction of the chief administrator.

3. The Judiciary

41. The Judiciary in Uzbekistan is independent of the legislative and executive branches and of political parties and other civil society organizations (Constitution, arts. 106–116). Judicial authority is exercised by a system of courts:

(a) The Constitutional Court, which cases regarding the constitutionality of the acts of the legislative and executive branches;

(b) The Supreme Court, which is the highest judicial organ with respect to civil, criminal and administrative matters;

(c) The Higher Economic Court, which adjudicates on disputes in the economic sphere;

(d) The Supreme Court of the Republic of Qoraqalpog'iston;

(e) The Economic Court of the Republic of Qoraqalpog'iston;

(f) The province, City of Tashkent, district, municipal and economic courts.

42. Since 1 January 2000, following the adoption of the presidential decree on modernization of the judicial system and the incorporation of amendments and addenda to

the Courts Act, the courts have been specialized to permit separate consideration of civil or criminal cases. Thus, some courts of general jurisdiction have been reorganized to form the Supreme Civil Court of the Republic of Qoraqalpog'iston; the Tashkent civil court; and the province and inter-district civil courts. Similarly, the following courts were established: the Supreme Criminal Court of the Republic of Qoraqalpog'iston; the Tashkent criminal court; and the province, district and municipal criminal courts.

43. According to article 112 of the Constitution and under the Courts Act, "judges are independent and subject solely to the law. Any interference in the work of judges in administering the law is inadmissible and punishable by law. The immunity of judges is guaranteed by law. Judges may not serve as senators or members of any representative bodies. Judges may not be members of political parties, participate in political movements or engage in any type of paid activity other than scientific and educational activity. A judge may be removed from office prior to the expiry of the term of service only on grounds specified by law."

(a) *The Electoral System*

44. The structure and principles of the electoral system are embodied in the Constitution, one chapter of which (XXIII) is entirely devoted to this system, and in the Referendums Act (1991), the Presidency (Elections) Act (1991), the Oliy Majlis (Elections) Act (1993), the Councils of Peoples' Deputies (Province, District and City Elections) Act (1999), the Citizens' Voting Rights (Guarantees) Act (1994) and the Central Electoral Commission Act (1998).

45. In establishing the principles of the electoral system, the Constitution guarantees all citizens:

- (a) The right to vote and to be elected to representative bodies;
- (b) Equality and freedom of expression;
- (c) The right to simultaneous membership of no more than two representative bodies.

46. Constitutional rights are enjoyed by all citizens having reached the age of 18. The sole exceptions under the Constitution are with respect to specific categories of persons. The following may not participate in elections:

- (a) Citizens deemed by a court to be legally incompetent;
- (b) Persons being held in a place of detention by order of a court.

47. The most recent presidential elections, held on 23 December 2007, indicate that more than 16 million people have the right to vote in Uzbekistan.

48. In Uzbekistan, the right to vote is accorded only to citizens. Aliens and stateless persons do not have this right.

49. The Councils of Peoples' Deputies (Province, District and City Elections) Act set out the basic principles for the conduct of elections:

- (a) Plurality of parties;
- (b) Universal, equal and direct suffrage;
- (c) Secrecy of the ballot;
- (d) Transparency.

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

51. The national legislation provides that at least 30 per cent of the candidates put forward for representative office must be women.

52. Uzbekistan's electoral system is a form of majority rule. Pursuant to the Oliy Majlis (Elections) Act, a candidate obtaining more than half of the votes of those participating in the election is deemed elected.

(b) *Legal status and regulation of NGO activities*

53. To date, the Ministry of Justice and its local subdivisions have officially registered 1,587 non-profit NGOs, and the existence of 3,446 NGOs has also been recorded. The legal regulation of NGOs is based on both public and private law.

54. The State is pursuing a policy of social partnership and actively encourages the development of civil society institutions. Under the Non-Governmental Non-Profit Organizations (Safeguards) Act, the State may support the activities of NGOs in the form of subsidies, grants and contractual awards. In June 2005, the National Association of Non-Governmental Non-Profit Organizations was set up: it represents the interests of NGOs in their relations with the State. On 3 July 2007, by a joint decision of the Legislative Chamber and the Senate on measures to increase support for non-governmental non-profit organizations and other civil society institutions, a support fund for NGOs and other civil society institutions and a parliamentary commission to manage the fund's resources were set up in the Oliy Majlis. Resources are allocated directly to the fund in the form of subsidies, grants and contractual awards pursuant to applications by NGOs and other civil society institutions and to the decisions of the parliamentary commission, whose members include not only deputies and senators but also representatives of NGOs.

55. Uzbekistan has adopted a number of legislative acts that consolidate and support the activities of NGOs: the Constitution (chapter XII), the Civil Code, the Civil Societies Act, the Non-Governmental Non-Profit Organizations Act, the Voluntary Foundations Act, the Private Property Owners' Associations Act, the Local Authorities Act, the Local Authorities (Election of Presiding Officers) Act, the Non-Governmental Non-Profit Organizations (Safeguards) Act and the Charities Act.

56. Under the Constitution, the State guarantees respect for the rights and lawful interests of civil society organizations and ensures that they have equal opportunities under the law to participate in public life. Interference by State bodies and officials in the activities of civil society organizations, like interference by such organizations in the activities of State bodies and officials, is prohibited. Article 57 of the Constitution prohibits "the creation and operation of civil society organizations for the purpose of changing the constitutional order by force; opposing the sovereignty, integrity and security of the Republic and the rights and freedoms of its citizens under the Constitution; advocating war or social, religious, ethnic or racial enmity; or impairing the health and morality of the people. The creation or operation of paramilitary groups on ethnic or religious grounds [...] and the formation of secret societies or associations are also prohibited."

57. According to the Constitution (art. 62), disbanding, banning or limiting the activities of a civil society organization requires a court decision.

58. The Ministry of Justice is the principal agency for registration of non-profit NGOs. Pursuant to the Non-Governmental Non-Profit Organizations Act, the judicial body that receives the documents for official registration of an NGO must examine them and take a decision on approval or rejection within two months; it must then, within three days of that

decision, issue to the founders a certificate of official registration or a document indicating the specific provisions of the legislation on which rejection is based.

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

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

60. As in the case of juridical persons, NGOs are assessed for tax purposes after deduction of expenditure for socially useful statutory activities. Only the income (profits) from their business activity is taxed.

(c) *Administration of justice*

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

- The independence of the courts and judicial immunity (arts. 106 and 108)
- The independence of judges and their subordination only to the law (art. 112)
- The ineligibility of judges for representative office (arts. 108 and 112)
- The ineligibility of judges for membership in a political party or movement (arts. 108 and 112)
- The openness and transparency of proceedings in all courts: hearings behind closed doors are permitted only in the cases specified by the law (art. 113)
- The conduct of judicial proceedings in the official language of the State or in the majority national language of the locality (art. 115)
- The participation of a lawyer at all stages of preliminary and court proceedings (art. 116)
- The binding nature of decisions of the judicial authorities for all organs of the State, enterprises, establishments and organizations, civil society organizations, officials and citizens (arts. 109, 110 and 114)

62. Uzbekistan's judicial system has three branches, since the country's composition includes the Republic of Qoraqalpog'iston and 12 provinces. In addition, the Tashkent City court has the position of a province court and a higher status than the district courts within the boundaries of the capital.

63. Cases are heard by courts of several different instances. The district and inter-district criminal courts have only one function – that of courts of first instance. The Supreme Court of the Republic of Qoraqalpog'iston, the province courts and the City of Tashkent court act as courts of first instance for cases falling within their jurisdiction at the appeal, review and supervisory levels. They supervise the proceedings of the district, city and inter-district courts (Courts Act, art. 30).

64. The Supreme Court, as the highest judicial authority for civil, criminal and administrative justice, is empowered to consider cases both at first instance and in its supervisory capacity. Furthermore, cases heard by the Supreme Court at first instance may also be considered by it on appeal or in review proceedings, but cases heard on appeal may not be considered in review proceedings (Courts Act, art. 13).

65. The procedural rules applied by the courts in the administration of justice are set out in several pieces of legislation: the Code of Criminal Procedure (1994), the Code of Civil Procedure (1997) and the Code of Economic Procedure (1997).

66. As a general rule, a case may be heard in two instances – first and second. The supervisory review of cases is not regarded as a third instance, since it is permitted only in exceptional circumstances.

67. The courts of first instance consider the merits of the case with a view to establishing the defendant's guilt or innocence in criminal cases and the success or failure of the action in civil cases. Any court may consider at first instance cases falling within its jurisdiction.

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

69. In its consideration of the merits it is usual for a court, with or without the participation of a people's assessor,¹ to examine the evidence and establish all the important facts of the case. On the conclusion of its proceedings, the court imposes a sentence in criminal cases and makes an award in civil cases.

70. Before judicial decisions become enforceable, they may be appealed to a higher court within 10 days of their issuance in criminal cases and 20 days in civil cases.

71. Once they become enforceable, court decisions and sentences that have not been considered on appeal may be submitted to a higher court for review within one year of the issuance of the decision or sentence.

72. Judicial decisions that have become enforceable may be reviewed at the supervisory level, but only following an objection by the prosecutor or court president or their deputies to whom this right is accorded by Uzbek law.

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

74. Under article 15 of the Criminal Code, offences are classified according to their nature and the degree of danger to the public that they represent: minor, less serious, serious and especially serious offences.

75. Minor offences are offences committed intentionally for which the law prescribes up to three years' deprivation of liberty and offences committed through negligence for which the law prescribes up to five years' deprivation of liberty.

76. Less serious offences are offences committed intentionally for which the law prescribes deprivation of liberty for more than three but less than five years and offences committed through negligence for which the law prescribes deprivation of liberty for more than five years.

77. Serious offences are offences committed intentionally for which the law prescribes deprivation of liberty for more than 5 but less than 10 years.

78. Especially serious offences are offences committed intentionally for which the law prescribes deprivation of liberty for more than 10 years or for life.

(d) *Maximum and average duration of pretrial detention*

79. As part of the reform of the judicial system, the duration of pretrial investigations in criminal cases was reduced from 2 years to 1 and the duration of pretrial detention, from 18

¹ Pursuant to article 13 of the Code of Criminal Procedure, in respect of crimes or offences that do not constitute a serious public threat or less serious offences, cases are heard by a single-judge court.

to 9 months (in exceptional cases 12 months). The scope of application of this measure was also restricted.

80. In addition, in order to ensure effective protection of the rights and freedoms accorded by the Constitution, in particular the rights to security of person and protection against unjustified criminal prosecution and to a fair trial, on 1 January 2008 the power to order remand in custody was transferred to the courts. The appropriate amendments were made by Act No. ZRU-100 of 11 July 2007 to the articles in the Code of Criminal Procedure governing the duration of remand in custody and the procedure for its extension. At present, pursuant to the requirements of Article 245 of the Code of Criminal Procedure:

81. “The duration of remand in custody during the investigation of an offence shall not exceed three months.

82. “Applications for extension of the three-month time limit on remand in custody established by the law shall be considered by the courts as follows:

Up to five months – when made by a procurator of the Republic of Qoraqalpog’iston or a procurator of a province or the City of Tashkent or a procurator of equivalent rank;

Up to nine months – when made by the Procurator-General of the Republic of Uzbekistan;

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

83. Article 247 of the Code specifies the procedure for extension of the duration of remand in custody.

84. At least six days before the expiry of the established time limit on remand in custody, the procurator issues an order to apply for an extension, which is submitted to the court. The order must state the reasons for the protracted investigation and the verifiable facts and circumstances justifying the application for an extension.

85. The application to extend the period of remand in custody is considered by a single-judge court in a district or municipal criminal court or a district or territorial military court in the place where the offence was committed or where the pretrial investigation is being conducted; in the absence of the judge of that court or under circumstances which prevent him or her from participating in the examination of the case file, the application is considered by a judge from another appropriate court, designated by the President of the Supreme Criminal Court of the Republic of Qoraqalpog’iston, a criminal court of the city of Tashkent or a province or the Military Court of the Republic of Uzbekistan.

86. The application is considered by the court, in closed session, within 72 hours of receipt of the case file.

87. The application is considered in the presence of the procurator and the accused and counsel, if any. When necessary, an investigator may be summoned to appear before the court.

88. The application may be considered in the absence of the accused if he has been admitted to a medical institution for forensic psychiatric appraisal. In such cases, it is mandatory for defence counsel to be present during the application’s consideration.

89. On completion of the consideration of the application, the judge hands down one of the following rulings:

- (a) To extend the period of remand in custody;
- (b) To refuse such an extension.

90. The judge's ruling to extend the period of remand in custody or to refuse the extension takes effect from the moment it is pronounced and is subject to immediate enforcement. The ruling is transmitted to the procurator for enforcement and to the accused and defence counsel for information. Within 72 hours, the decision may be appealed or contested under the appeals procedure described in the second paragraph of article 241 of the Code.

91. The appeals court, after examining the appeal or objection, is entitled to decide:

- (a) To uphold the lower court's ruling and dismiss the appeal or objection;
- (b) To set aside the lower court's ruling and either to refuse to extend the period of remand in custody or to extend the period. If the period of remand in custody is extended for an accused person who was released from custody when the period expired, the court must issue a new remand order for that person.

(e) *Number of internal affairs ministry personnel per 100,000 persons*

92. The number of officers employed by the Ministry to fight crime and safeguard public order is 111 for every 100,000 persons.

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

A. Acceptance of international human rights norms

93. In the years since independence, Uzbekistan has acceded to the following fundamental instruments of international law in the field of human rights:

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions and limitations</i>
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	31 Aug. 1995	-	-
International Covenant on Civil and Political Rights (ICCPR), 1966	31 Aug. 1995	-	-
International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965	31 Aug. 1995	-	-
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	6 May 1995	-	-
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	31 Aug. 1995	-	-
Convention on the Rights of the Child (CRC), 1989	9 Dec. 1992	-	-

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions and limitations</i>
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), 1990	-	-	-
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, 2000	12 Dec. 2008	-	-
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000	11 Dec. 2008	-	-
Optional Protocol to the International Covenant on Civil and Political Rights concerning communications from individuals, 1966	31 Aug. 1995	-	-
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989	10 Dec. 2008	-	-
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women concerning individual complaints and inquiry procedures, 1999	-	-	-
Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning regular visits undertaken by independent national and international bodies to places of detention, 2002	-	-	-

1. Ratification of other United Nations human rights treaties and related instruments

94. Uzbekistan has acceded not only to the 10 core international instruments but also to other United Nations instruments on human rights:

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions and limitations</i>
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	20 Aug. 1999	-	-
Slavery Convention, 1926, as amended 1955	-	-	-
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others, 1949	12 Dec. 2003	-	-
Convention relating to the Status of Refugees, 1951, and its Protocol, 1967	-	-	-
Convention relating to the Status of Stateless Persons, 1954	-	-	-
Convention on the Reduction of Statelessness, 1961	-	-	-
Rome Statute of the International Criminal Court, 1998	-	-	-

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions and limitations</i>
United Nations Convention against Transnational Organized Crime, 2000	Signed 13 Dec. 2000; ratified 30 Aug. 2003	-	-
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	Signed 28 June 2001	-	-
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	Signed 28 June 2001; ratified 8 July 2008	-	-

2. Ratification of other relevant international conventions

95. Uzbekistan has acceded to 13 conventions of the International Labour Organization (ILO) and to the Geneva Conventions on international humanitarian law:

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions and limitations</i>
Conventions of the International Labour Organization			
Weekly Rest (Industry) Convention (No. 14), 1921	-	-	-
Forced Labour Convention (No. 29), 1930	30 Aug. 1997	-	-
Forty-Hour Week Convention (No. 47), 1935	6 June 1995	-	-
Annual Holidays with Pay Convention (No. 52), 1936	6 June 1995	-	-
Labour Inspection Convention (No. 81), 1947	-	-	-
Migration for Employment Recommendation (No. 86), 1949	-	-	-
Freedom of Association and Protection of the Right to Organize Convention (No. 87), 1948	-	-	-
Migration for Employment Convention (No. 97), 1949	-	-	-
Right to Organize and Collective Bargaining Convention (No. 98), 1949	30 Aug. 1997	-	-
Equal Remuneration Convention (No. 100), 1951	30 Aug. 1997	-	-
Social Security (Minimum Standards) Convention (No. 102), 1951	6 June 1995	-	-
Maternity Protection Convention (Revised) (No. 103), 1952	-	-	-
Abolition of Forced Labour Convention (No. 105), 1957	30 Aug. 1997	-	-

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions and limitations</i>
Weekly Rest (Commerce and Offices) Convention (No. 106), 1957	-	-	-
Discrimination (Employment and Occupation) Convention (No. 111), 1958	30 Aug. 1997		
Equality of Treatment (Social Security) Convention (No. 118), 1962	-	-	-
Employment Policy Convention (No. 122), 1964	6 May 1995		
Labour Inspection (Agriculture) Convention (No. 129), 1969	-	-	-
Minimum Wage Fixing Convention (No. 131), 1970	-	-	-
Annual Holidays with Pay Convention (Revised) (No. 132), 1970	-	-	-
Workers' Representatives Convention (No. 135), 1971	30 Aug. 1997		
Minimum Age Convention (No. 138), 1973	4 April 2008	-	-
Migrant Workers (Supplementary Provisions) Convention (No. 143), 1975	-	-	-
Migrant Workers Recommendation (No. 151), 1975	-	-	-
Labour Relations (Public Service) Convention (No. 151), 1978	-	-	-
Collective Bargaining Convention (No. 154), 1981	30 Aug. 1997		
Occupational Safety and Health Convention (No. 155), 1981	-	-	-
Workers with Family Responsibilities Convention (No. 156), 1981	-	-	-
Indigenous and Tribal Peoples Convention (No. 169), 1989	-	-	-
Worst Forms of Child Labour Convention (No. 182), 1999	8 April 2008	-	-
Maternity Protection Convention (No. 183), 2000	-	-	-
Geneva Conventions and other international humanitarian law treaties			
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949	3 Sept. 1993	-	-
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (1949)	3 Sept. 1993	-	-
Geneva Convention (III) relating to the Treatment of Prisoners of War (1949)	3 Sept. 1993	-	-

<i>Treaty</i>	<i>Accession</i>	<i>Reservations and declarations</i>	<i>Derogations, restrictions and limitations</i>
Geneva Convention (IV) relating to the Protection of Civilian Persons in Time of War (1949)	3 Sept. 1993	-	-
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), 1977	3 Sept. 1993	-	-
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II), 1977	3 Sept. 1993		-

3. Accession to various international instruments

96. In the years since independence, Uzbekistan has also acceded to the following international instruments on human rights and fundamental freedoms:

Universal Declaration of Human Rights, 1948	30 Sept. 1991
World Declaration on the Survival, Protection and Development of Children, 1990	19 Dec. 1994
Declaration on the Right of Peoples to Peace, 1984	30 Aug. 1997
Declaration on the Right to Development, 1986	30 Aug. 1997
Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981	30 Aug. 1997
Declaration of the Principles of International Cultural Cooperation, 1966	30 Aug. 1997
Code of Conduct for Law Enforcement Officials, 1979	30 Aug. 1997
Basic Principles on the Independence of the Judiciary, 1985	30 Aug. 1997
Hague Convention on the Civil Aspects of International Child Abduction, 1980	1 May 1999
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	20 Aug. 1999

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

1. Legislative basis for the protection of human rights

97. As at 1 January 2010, Uzbekistan had in force 15 codes, 332 legislative acts, 4,161 presidential decrees and 1,252 presidential decisions, 9,001 decisions of the Cabinet of Ministers and 2,058 sets of departmental regulations. This vast body of legislation constituted during the years of independence has laid the foundations for the comprehensive regulation of social, economic and political relations. Virtually all the provisions of the Universal Declaration of Human Rights are embodied in the Constitution and have been further developed in the legislation in force.

98. According to the Independence of the State (Foundations) Act of 31 August 1991:
“In the territory of the Republic of Uzbekistan, citizenship of the Republic of Uzbekistan is determined in accordance with the Universal Declaration of Human Rights.”
99. “All citizens of the Republic of Uzbekistan, irrespective of their nationality, social origins, religious faith or opinions, have equal civil rights and enjoy the protection of the Constitution of the Republic and its laws.”
100. The Constitution seamlessly integrates popular, community and State values and all the generally recognized humanistic ideals of the law.
101. The special status of the generally recognized rules on human rights is laid down in the preamble to the Constitution, which states:
“The people of Uzbekistan, solemnly proclaiming its commitment to human rights and the principles of State sovereignty, conscious of its grave responsibility to present and future generations, relying on historical experience in the development of Uzbek statehood, affirming its loyalty to the ideals of democracy and social justice, acknowledging the primacy of universally recognized rules of international law, aiming to ensure that all citizens may live a life of dignity, committed to building a humane and democratic State based on the rule of law, with a view to ensuring civil peace and national accord, and being represented by plenipotentiary deputies, adopts the present Constitution of the Republic of Uzbekistan.”
102. The Constitution is grounded in the basic principle that “the human being, human life, freedom, honour, dignity and other inalienable rights” constitute “the ultimate value” (art. 13). This fundamental precept is one of the pillars of Uzbekistan’s constitutional order. The role and the importance attached in the Constitution to human rights and freedoms are attributable to this precept.
103. According to article 31 of the Constitution, “Freedom of conscience is guaranteed for all. Everyone has the right to profess any religion or none. The imposition of religious views by force is prohibited.”
104. Article 43 of the Constitution sets out the obligation of the State to safeguard the human rights and freedoms embodied in the Constitution and the law. Under article 44, legal defence of rights and freedoms and the right to complain to the courts concerning unlawful acts of State agencies or officials or of civil society organizations are guaranteed to all.
105. In addition to these general provisions on guarantees, the codification of virtually every specific right and freedom is accompanied by an indication of the conditions and means of its realization.
106. The constitutional guarantees of human rights encompass all legal means of upholding and protecting human rights and freedoms in the various branches of the law in Uzbekistan.
107. Of course, the guarantees of civil rights and freedoms are not regulated by the Constitution alone.
108. In Uzbekistan, human rights are also codified by constitutional acts, legal codes and a solid body of directly applicable law. Parliament has adopted more than 300 laws regulating fundamental human rights and freedoms. General guidance on guaranteeing and protecting civil rights and freedoms is given in the legislation on specific categories of activity. The most important principles for guaranteeing human rights and freedoms are

embodied in the Family Code, the Labour Code, the Housing Code, the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Responsibility.

109. The social programmes adopted by the Government when dedicating each new year to the solution of a specific social problem form an integral part of the country's legal system. These programmes generally include legislative and practical measures to improve the well-being of vulnerable groups in the population: families, mothers, children, the elderly, persons with disabilities and young people. The programmes are supported by State funding, and NGOs are involved in their implementation. The year 2010 was the Year for Balanced Development of Future Generations and the objective was to consolidate the means for the legal, social, economic and moral defence of the rights and interests of children and young people.

110. In January 2008, legislation on the abolition of the death penalty, transfer to the courts of the power to order remand in custody, guaranteeing children's rights and combating human trafficking entered into force, as did a constitutional act giving political parties a greater role in the renewal and further democratization of governance and in the modernization of Uzbekistan.

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

2. Status of international human rights treaties in domestic law

112. By early 2010, Uzbekistan had concluded over 5,340 multilateral and bilateral treaties and agreements and had acceded to more than 186 of the most important international conventions and treaties, including more than 70 on the protection of human rights and freedoms.

113. An analysis of domestic legislation from the standpoint of upholding the primacy of international law over domestic law shows that in the legislation in a number of specific fields, the precedence of the rules of international treaties over domestic laws is widely acknowledged. According to article 1.1 of the Criminal Code, for example, Uzbekistan's criminal legislation is based on the Constitution and the generally recognized rules of international law and consists of the Code itself.

114. Article 4 of the Penal Enforcement Code uses the following prescriptive language: "The legislation on penal enforcement shall take into account the principles and rules of international law relating to the enforcement of sentences and the treatment of prisoners.

115. "The rules set out in the legislation on enforcement of prison sentences must not conflict with the international instruments on protection of prisoners against torture and other inhuman or degrading treatment.

116. "If an international treaty to which Uzbekistan is a party contains provisions that differ from those in the legislation on enforcement of prison sentences, the provisions of the international treaty must be followed."

117. The wording most commonly used contains a general reference to the rules of international law. For example, the formulation most often encountered is a variation on article 9 of the Family Code: "If an international treaty to which the Republic of Uzbekistan is a party contains rules which differ from those set out in Uzbek family law, the rules of the international treaty shall apply." This provision addresses the precedence to be accorded to a treaty when it establishes "rules which differ" in a specific case, without affecting the general applicability of the law as a whole; in other words, when an exception is made for a specific situation. In such a situation, the treaty does not take precedence over the law, because the point at issue is the precedence to be accorded in a concrete case. This example

provides support for the view that “rules which differ” means rules derogating from or altering the law in question rather than rules making an exception for a specific situation.

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

119. In the words of the International Treaties Act of 25 December 1995, “The international treaties of the Republic of Uzbekistan are subject to direct and mandatory application by the Republic in accordance with the rules of international law.”

3. State institutions for decision-making on human rights

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

- The Legislative Chamber and the Senate of the Oliy Majlis and local legislative bodies
- The President of the Republic
- The Cabinet of Ministers and the ministries, departments and agencies of the Executive
- The institutions of the Judiciary
- The Office of the Procurator-General

121. The Oliy Majlis — Uzbekistan’s highest elected representative body — creates the legal basis for the promotion and protection of human rights. Over the years of independence, the Oliy Majlis has drafted and adopted more than 1,000 laws, most of them designed to provide direct protection of specific rights and freedoms. The ratification of international human rights treaties is carried out by the national Parliament. Committees of both the lower and upper chambers regularly conduct procedural checks on the application of such treaties and the human rights legislation in force. In 2006, for example, the Senate monitored compliance with the Convention on the Rights of the Child in the provinces of the Fergana valley, and in 2005–2006 the Interparliamentary Relations Committee of the Legislative Chamber monitored the application of the Convention against Torture in Tashkent province.

122. From 2006 to 2009, the Legislative Chamber’s monitoring and fact-finding activities included monitoring the application of the Convention on the Rights of the Child. The Committee on Democratic Institutions, NGOs and Independent Civil Societies assessed the performance of the Ministry of Health (2008) and the Ministry of Education (2007) in implementing the Convention on the Rights of the Child in Surxondaryo province, and the Committee on International Affairs and Interparliamentary Relations assessed performance in Qashqadaryo province (2006).

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

124. In 1995, the Oliy Majlis established the post of Human Rights Commissioner (Ombudsman), who is empowered to consider complaints of violations of human rights. The Ombudsman operates in accordance with the law. When a complaint is received, the Ombudsman conducts an independent investigation and, based on the findings, makes recommendations on how to correct the situation which are transmitted to the appropriate

government officials and agencies. Based on the complaints, the Ombudsman can monitor human rights violations. Statistics on complaints and an analysis of their substance and the recommendations issued are sent in the form of an annual report to both chambers of the Oliy Majlis and published on the Internet.

125. In accordance with article 93, paragraph 1, of the Constitution: “The President of the Republic of Uzbekistan shall act as guarantor of the observance of civil rights and liberties, the Constitution and the laws of the Republic of Uzbekistan.”

126. The President of the Republic initiated the drafting of a national framework document on priority measures for the reform and further liberalization of the judicial system. The Death Penalty (Abolition) Act and the Habeas Corpus Act became law as a result of initiatives by the President. The national human rights institutions were also established at the President’s initiative. Special attention is always given to the realization of human rights in the President’s statements to joint sessions of Parliament. On 1 May 2008, the President issued a decree on measures to commemorate the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, comprising a set of organizational and legal initiatives to enhance guarantees of human rights in Uzbekistan. At the President’s initiative, the Government adopted and is carrying out a programme to offset and neutralize the consequences of the world economic crisis, 2009 to 2012.

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

128. The Government has adopted a whole array of social programmes to help to ensure the incorporation in domestic legislation of the generally accepted rules of international human rights law and their comprehensive application.

129. The judiciary is part of the system of State agencies for the protection of human rights. A considerable role in this system is played by the Constitutional Court, which is responsible for examining the constitutionality of the acts of the Legislature and the Executive. Since its establishment, the Constitutional Court has issued 14 orders and decisions to interpret the provisions of legislation and to defend various human rights and freedoms.

130. The courts of general jurisdiction work to protect against and remedy violations of rights. The Supreme Court devotes particular attention to the protection of all types of human rights when it meets in plenary session to examine judicial practice. Decisions handed down by the Supreme Court at these sessions constitute official interpretations of the law and are binding on all law enforcement agencies and judicial bodies. During plenary sessions in 2007, for example, in connection with the introduction of the judicial remedy of habeas corpus and the abolition of the death penalty, the Supreme Court adopted decisions on certain aspects of the use of life imprisonment as a form of punishment and the use by the courts of remand in custody as a preventive measure during pretrial investigations.

131. In 2009, in connection with the adoption of the Prevention of Human Trafficking Act, the Supreme Court, meeting in plenary session, adopted an order on judicial practice in cases of human trafficking.

132. The procuratorial authorities are called upon to provide special protection for the rights of persons involved in criminal proceedings. The legal status of the public prosecutor is defined by the Constitution and the Office of the Procurator-General Act of 29 August 2001, under which “the Procurator-General of the Republic of Uzbekistan and the procurators subordinate to him shall supervise the rigorous and uniform application of the law by all ministries, State committees, departments, State monitoring bodies and regional

chief administrators and by all institutions, enterprises and organizations, regardless of their hierarchical status, affiliation or form of ownership, and by military units, civil society organizations, officials and citizens". The Office of the Procurator-General, in addition to its responsibility for general supervision of the application of the law, has two special departments concerned directly with human rights: a department for monitoring compliance with the law regarding the enforcement in places of detention and remand in custody of sentences and other measures of restraint ordered by the courts; and a department for the protection of the legitimate interests of individuals, society and the State.

133. The Ministry of Justice is vested with considerable powers to uphold and protect human rights and freedoms. According to paragraphs 2 and 6 of the regulations on the Ministry of Justice, one of the Ministry's fundamental tasks is to safeguard the human rights and freedoms embodied in the Constitution and the law and to fully develop civil society institutions and strengthen the relevant legal framework.

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

135. The following are the Department's chief functions: to analyse human rights legislation and the status of compliance with it and to make proposals for the development and improvement of both; and to safeguard the human rights and freedoms embodied in the Constitution and the law. The Department for the Protection of Human Rights formulates measures to enhance the public's knowledge of the law applicable to human rights and freedoms and promote the concept of respect for human rights and freedoms in society; and seeks to strengthen the role of lawyers in the defence of human rights and freedoms, develop civil society institutions and consolidate their legal foundations. It cooperates with the international and non-governmental organizations working in Uzbekistan to promote human rights and freedoms.

136. By a presidential decision of 15 December 2005, the Centre for Monitoring Compliance with Legislative Acts was established under the Ministry of Justice in order to set up a system for monitoring the compatibility of the growing body of legislative instruments and law enforcement practices with the aims and challenges of reform and modernization.

137. The agencies of the Ministry of Internal Affairs play an important role in the protection of human rights and freedoms in Uzbekistan. Investigating offences is the most visible area of their work, often affecting the rights and freedoms of citizens involved in criminal proceedings. In accordance with paragraphs 2 and 1 of the regulations on the Ministry of Internal Affairs, dated 25 October 1991, "within the limits of its jurisdiction, the Ministry shall guarantee the protection of the rights and legitimate interests of citizens and public order and public safety and shall support the fight against crime".

138. On instructions from the Ministry in 2008, the Department for the Protection of Human Rights and Legal Support was established. The chief functions of the Department include: monitoring the observance of human rights and freedoms, in conjunction with the Human Rights Commissioner of the Oliy Majlis and the National Centre for Human Rights; cooperation and exchange of information with international organizations with regard to the protection of human rights and freedoms; promotion of legal literacy among Ministry personnel and their education in the core legal provisions on the realization and protection of human rights and freedoms.

4. Invocation of international human rights treaties by judicial bodies

139. Uzbekistan's legal system recognizes the precedence of international law over domestic law. In order to be applied, an international instrument must be incorporated in domestic law. Following incorporation, the rules of international law become part of domestic law with binding force. But it has not become standard practice for judicial bodies to cite specific international instruments directly; such practice is in fact extremely rare.

5. Legal remedies against human rights violations

140. Uzbekistan's legislation spells out clearly the legal remedies for the violation of protected rights. These remedies are established in legislative instruments such as the Civil Code, the Code of Civil Procedure, the Courts Act, the Procurator's Office Act, the Citizens' Applications Act, the Human Rights and Freedoms (Reporting of Violations to the Courts) Act, the Human Rights Commissioner (Ombudsman) Act, the Legal Profession Act, the Non-Governmental Non-Profit Organizations Act, the Order on the Ministry of Justice and the Order on the Ministry of Internal Affairs.

141. Uzbekistan provides several forms of legal protection against violations of human rights that may be subdivided into administrative and legal remedies. None of these remedies is at variance with another – they all supplement one another. They include both mediation and conciliation procedures as well as more formal legal procedures.

142. Administrative procedures for reporting violations of human rights: in the event of such a violation by an official of any agency, the person concerned may apply to a higher authority. Complaints must be considered within 30 days, and the applicant must receive a reasoned written reply. This procedure is used quite frequently and works effectively.

143. One may also apply to the Procurator's Office, which must likewise consider the complaint within 30 days. The consideration of individual complaints is part of the Office's supervisory responsibilities and may result in the prescription of legal action against the official who committed the human rights violation. Lodging complaints with the Procurator's Office is another quite powerful and effective way of restoring rights infringed.

144. Since 2005, the Ministry of Justice has included a Department for the Protection of Human Rights, one of whose functions is to deal with applications and complaints concerning human rights violations. The Department's services include free legal assistance, when necessary, with applications to the courts. A considerable volume of such assistance has been furnished in recent years to entrepreneurs, farmers and rural inhabitants.

145. In addition, the Human Rights Commissioner (Ombudsman) of the Oliy Majlis and the National Centre for Human Rights are involved in the protection by the State of civil rights through institutions other than the judiciary. When considering complaints, the Ombudsman conducts a separate and independent inquiry, then issues a decision of an advisory nature for the officials ruling on the case. The number of complaints filed with the Ombudsman and the positive outcomes demonstrate the public's trust in that office. The National Centre for Human Rights also considers complaints of human rights violations from the public as part of its monitoring work.

146. Judicial procedures for the protection of infringed rights: recourse to administrative procedures does not preclude the possibility of applying to the courts for the restoration of infringed rights. Unlike administrative procedures, however, judicial procedures entail court costs and involve protracted examination of cases.

147. Recourse to the legal profession, with its network of public and private law firms and offices, offers another means of legal protection. In addition, the law schools operate legal clinics which provide free legal assistance to members of the public. The protection of

human rights may also be facilitated by civil society organizations, which may appear in court as legal representatives.

6. Institutions and national machinery for monitoring the exercise of human rights

148. In accordance with the Vienna Declaration and Programme of Action, Uzbekistan has established several national human rights institutions: the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, the National Centre for Human Rights and the Institute for Monitoring Current Legislation, which is attached to the Office of the President.

149. The Ombudsman plays a significant role in monitoring compliance with human rights legislation: using the resources placed at its disposal, this institution is involved not only in restoring rights that have been infringed but also in updating domestic legislation.

150. The consideration of complaints from citizens and the provision of assistance in correcting infringements of their rights and freedoms are two of the Ombudsman's priority tasks as part of efforts to build up interactive relations with State authorities, the courts and the law enforcement agencies with a view to achieving the full and effective observance and protection of human rights and freedoms in Uzbekistan.

151. In 2009, for example, the Ombudsman received 10,409 complaints (7,394 directly and 1,294 through regional offices) and gave out legal advice and explanations through a confidential telephone helpline in 1,516 cases, 205 being follow-up consultations. The Ombudsman accepted for review 3,515 of the complaints received violations of the rights, freedoms or legitimate interests of citizens. During the reporting period, 452 complaints were resolved in a positive manner; the rest remain under review. The Ombudsman also handled 666 complaints from foreign citizens and 48 from places of detention; 336 were filed in person.

152. The National Centre for Human Rights was established by presidential decree on 31 October 1996.

153. This institution was created in order to coordinate the activities of all governmental and non-governmental organizations involved in the protection of human rights. It studies various aspects of the realization and protection of human rights at both the national and the international levels; prepares country reports on Uzbekistan's fulfilment of its international human rights obligations for submission to the United Nations treaty bodies; organizes seminars, lecture series and study trips; provides assistance in developing and implementing human rights study programmes; compiles and disseminates information on human rights; develops technical cooperation and information links with international human rights centres and organizations; coordinates locally the activities of international agencies that render technical assistance in matters of democratization, governance and human rights protection; and receives and reviews complaints from the public about human rights violations.

154. The Institute for Monitoring Current Legislation is a research arm of the Office of the President that monitors legislation and carries out technical review of the laws enacted in order to further the Head of State's legislative initiatives.

155. The Centre for Research on the Democratization, Liberalization and Independence of the Judiciary and on Related Legislation is an independent research and consultative agency of the Supreme Court.

156. The National Centre for the Social Adaptation of Children deals with issues affecting socially vulnerable children in Uzbekistan. It is an organization established by decision of the Cabinet of Ministers to coordinate, monitor and evaluate the social protection of children and to study and draft legislative instruments for the realization and protection of the rights and interests of socially vulnerable groups of children.

157. Uzbekistan also has a network of NGOs engaged in promoting and protecting specific human rights which work in close coordination with State authorities.

158. The National Association of Non-Governmental Non-Profit Organizations of Uzbekistan was established in 2005 in order to coordinate the activities of NGOs; it currently has 330 member organizations encompassing all aspects of the life of society and working in various fields (social support, the law, women, youth and the environment).

159. The Women's Committee of Uzbekistan provides coordination and advisory services on matters of policy relating to women. It was established in 1991 and is funded from the State budget. One unique feature of this national mechanism is that its chairperson also holds the post of Deputy Prime Minister, a circumstance which entitles the Committee to coordinate a social partnership between governmental organizations, civil society institutions and NGOs. The Committee, which has regional branches, initiates, coordinates and implements the Government's policies, programmes and projects designed to improve the status of women, counsels the Government on women's issues and disseminates pertinent information to women.

160. Prominent among the organizations for the defence of children's rights is the Forum of Culture and Arts of Uzbekistan Foundation, established in February 2004. It is a voluntary, independent non-governmental association of citizens' groups and public organizations supporting the sciences, culture, education and sport in Uzbekistan.

161. The Forum's goal is to revive the spiritual heritage and national traditions of Uzbekistan, to consolidate the creative potential of prominent public and cultural figures, to support fresh talent, gifted young people and artistic dynasties and to provide the international community with objective information on the unique national culture, rich heritage and diverse artistic scene in modern Uzbekistan. The Forum also informs the Uzbek public about trends in international art and culture.

162. The major activities of the Forum include: international performances; projects and activities for young persons; creative arts for children; fashion and design; production projects; festivals, exhibitions, concerts and joint projects; charitable works and social projects; sport.

163. The Kelajak Ovozi Youth Initiatives Centre (YIC) was founded in 2006 by young people, including the winners of various Forum-sponsored projects. It maintains a network of centres throughout the country that bring together over 5,000 young men and women. It regularly holds youth forums, study camps, teleconferences, videoconferences, seminars and other training events based on the activities of young people in Tashkent and elsewhere in Uzbekistan.

164. A number of projects have been launched under the Centre's auspices, including:

- The Kelajak Tour Bureau of International Youth Tourism and Cooperation promotes the involvement of young people in tourism, represents Uzbekistan at international tourism fairs and other international events and provides technical support in the holding of major cultural events in Uzbekistan.
- The School of Young Entrepreneurs – every year, following a competitive examination, the young men and women accepted to the School study with leading business professionals and trainers, develop their own business plans and carry them out with the support of the project's organizers and sponsors. The most successful graduates receive grants and other funding for carrying out their business plans.
- The Kelajak Lingvo Language Centre gives members of the Kelajak Ovozi Youth Initiatives Centre the chance to study English, French, German, Arabic and other languages free of charge.

- The Youth Employment Centre, which assists young people in finding part-time or full-time jobs in various institutions throughout Uzbekistan, builds contacts between graduates and employers, provides orientation, information and other assistance to young people and holds job fairs, round tables and other events relating to the employment of young people. In two years, over 200 young people have found jobs thanks to the Centre.
- The Kelajak Ovozi Youth Television Studios operate in every region of Uzbekistan, where young journalists prepare spots and programmes on aspects of young people's lives that are regularly broadcast on the NTT network.
- The Dilemma Discussion Club was set up in 2008 and is devoted to promoting debate about social issues, developing speaking and communication techniques and providing experience in moderating discussions among various participants. Such clubs have been opened at the regional branches of the *Kelajak Ovozi* YIC, and debating tournaments are regularly held at the regional and national levels.
- The *Kelajak Ovozi* newspaper, based at the Kelajak Ovozi Press Centre, has been published since March 2008 in Russian and Uzbek. The newspaper's creative team is composed of members of the Kelajak Ovozi YIC, journalism students and young correspondents. The newspaper covers interesting events in young people's lives and major projects of the Kelajak Ovozi YIC and addresses issues in education, careers and leisure activities. The young journalists are now working on the www.kelajakpress.uz portal in Russian, Uzbek and English.
- The Wings of the Future Theatrical Studio. This creative project of YIC members was launched on 1 November 2008. The Studio helps young talents to gain experience in the actor's craft, in appearing before an audience and delivering their lines; helps them to overcome stage fright; and provides an opportunity to participate actively in the Centre's activities.

165. The Forum has also set up Children's Cultural Centres, which educate the younger generation in the cultural riches of Uzbekistan, preserve ancient traditions, promote Uzbek applied arts and identify and support young talents.

166. The international non-governmental charitable foundation *Soglom Avlod Uchun* (For a Healthy Generation) was set up in 1993 with broad public support. Its primary objective is to foster the development of a well integrated personality in children. To this end, it formulates and carries out humanitarian, medical and educational programmes and projects to support gifted children and encourage a healthy lifestyle, as well as programmes targeting vulnerable population groups, children and young people.

167. The foundation operates in 14 districts of the country, and every district has a focal point. More than 180 local offices and 250 individuals (physicians, teachers, economists) are working nationwide on existing programmes and designing new ones. Most of the work is funded by financial support from sponsors, both local and international, as well as through the statutory activities of subsidiary enterprises set up under the foundation's auspices.

168. The foundation has helped to launch a number of publications, including the periodical *Soglom Avlod Uchun* and the newspapers *Soglom Avlod* (Healthy Generation), *Oila Va Zhamiyart* (Family and Society), *Tong Yulduzi* (Morning Star) and *Klass!* (Class!).

169. One of the largest NGOs involved in young people's rights is the Kamolot Youth Movement of Uzbekistan. Its chief priority is to unite the country's progressive youth, to develop physically healthy and spiritually mature citizens of an independent Uzbekistan, to educate them in a spirit of dedication to the national idea and an ideology based on national

and universal values and democratic principles, to represent and defend the interests of young people and to turn Kamolot into an authentic support mechanism for them.

170. Kamolot has a decentralized structure, with 14 provincial and 199 district branches and 1,200 staff members. It consists of 15,800 units in the vanguard of work with young people that are incorporated in all the educational establishments, military units and government departments in the country and in a number of industrial and agricultural enterprises as well.

171. The Movement currently has more than 4.5 million members aged 14 to 30 and, together with the *Kamalak* (Rainbow) Children's Movement (4 million members aged 10 to 14), it constitutes one of the largest civil society organizations working to develop various forms of local self-government and helping to form "lead" institutions of civil society.

172. Kamolot receives active support from the State. In 2006, for example, the President of the Republic issued a decree on support for the Kamolot civil society movement and enhancing its effectiveness under which a foundation was established to raise funds from small businesses, the first of its kind to operate as a partnership. In addition, under an agreement with the Ministry of Finance, the Taxation Committee and the Central Bank, Kamolot does not have to undergo audit and it pays a reduced rate for banking services.

173. The national children's fund *Sen Yolg'iz Emassan* (You are not alone) started operations in 2002. Its main mission is to provide every form of assistance so that children may lead decent lives and develop fully, to prioritize the family and to uphold the best interests of children in dire need of social support (orphans, children lacking parental support, neglected children, children with disabilities and children from needy families). The fund operates on the basis of long-term charitable programmes for assistance to children. Its work is financed by individual and corporate charitable donations from Uzbek residents and non-residents.

174. Uzbekistan is a multi-ethnic country where more than 140 ethnic cultural centres carry out activities. The Uzbekistan Inter-Ethnic Cultural Centre was established by Decision No. 10 of the Cabinet of Ministers dated 10 January 1992. It coordinates the activities of the ethnic cultural centres and provides them with practical and methodological assistance, thus helping to satisfy the needs of members of the country's various nations and ethnic groups. It has a staff of 33 and is funded by the Ministry of Finance.

175. The Uzbek Association for Persons with Disabilities was founded in 1991. It has 114 branches in all regions of the country, with a total membership of 120,000 (nationwide there are 850,000 persons with disabilities). It works with about 100 subsidiary enterprises that employ persons with disabilities. The Association focuses on social rehabilitation, educational assistance and equal opportunities to exercise their rights for persons with disabilities.

176. The Nuronni foundation for the social support of veterans was established by a presidential decree dated 4 December 1996 to enhance the effectiveness of the State's policies for the social protection of veterans and give them a greater role in consolidating the country's independence and sovereignty. According to the presidential decree and the foundation's statutes, it is a self-governing, self-financing, independent non-governmental non-profit organization.

177. Its main purpose is to vigorously promote the implementation of a strong social policy, especially in terms of respect for veterans, persons with disabilities and the elderly, to establish a favourable social environment for them and to provide them with material, medical and moral support.

7. Recognition of the jurisdiction of regional human rights courts

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

C. Framework for promoting human rights at the national level

1. Dissemination of information about human rights treaties

179. More than 100 of the core international legal instruments on human rights have been translated into Uzbek and published in Uzbekistan in large runs, in close collaboration with international partners such as the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the Organization for Security and Cooperation in Europe (OSCE) and the International Committee of the Red Cross (ICRC). The following compilations of international treaties have been published in Uzbek over the past eight years:

- The Declaration on the Principles of Tolerance (Tashkent, 2000)
- International instruments on the rights of minors (Tashkent, 2002)
- The Republic of Uzbekistan and International Human Rights Treaties (Tashkent, *Adolat*, 2002)
- International Humanitarian Law: A Compilation of the Geneva Conventions (Tashkent, 2002)
- The Organization for Security and Cooperation in Europe, *The Human Dimension*, Helsinki, 1975–1999 (Tashkent, 2002)
- Documents on UNESCO international standards (Tashkent, *Adolat*, 2004)
- International instruments on the work of law enforcement agencies (Tashkent, *Adolat*, 2004)
- International human rights instruments: a compilation (Tashkent, *Adolat*, 2004)
- International human rights instruments (Tashkent, 2004)
- The Convention on the Rights of the Child (Tashkent, 2004)
- Child Protection: A Handbook for Parliamentarians (Tashkent, UNICEF, 2006)
- Human Rights: A Handbook for Parliamentarians (Tashkent, 2007)
- Parliament and Democracy in the Twenty-First Century: A Handbook for Parliamentarians (Tashkent, 2007)
- Compilation of the core conventions and recommendations of the International Labour Organization (Tashkent, 2008)
- Handbook for Parliamentarians No. 3/2002: Eliminating the worst forms of child labour – a practical guide to ILO Convention No. 182 (Tashkent, 2008)
- Anniversary edition, Universal Declaration of Human Rights (Tashkent, 2008)
- The Convention on the Rights of the Child and the Rights of the Child (Safeguards) Act, (Tashkent, 2008)
- The Convention on the Rights of the Child and its Optional Protocol (Tashkent, 2009)

- The Rights of the Child: A Compilation of International Agreements (e-book, Tashkent, 2009)
- Commentary to the Rights of the Child (Safeguards) Act (Tashkent, 2009)

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

180. Uzbekistan has a network of educational establishments for the training and continuing education of lawyers and members of law enforcement agencies. This network includes the university law faculties, the Tashkent State Institute of Law, the Academy of the Ministry of Internal Affairs, the Institute of the National Security Service, the Centre for the Continuing Professional Development of Lawyers and the advanced training courses offered by the Office of the Procurator-General.

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

182. The Academy of the Ministry of Internal Affairs offers the following courses on the application of international law to the work of law enforcement agencies: “General human rights theory” (40 hours), “Criminal procedure” (180 hours), “Criminal law” (270 hours), “International law” (50 hours) and “Preliminary investigations by law enforcement agencies” (234 hours).

183. Students taking advanced courses in the administration of law enforcement agencies are offered a course on international cooperation in the fight against crime (24 hours). Students taking advanced courses are also offered a course on human rights and the work of law enforcement agencies (30 hours).

184. In the advanced courses for future sergeants that are part of the legal training for law enforcement officers, instruction is given in the subsidiary subject of human rights and the work of law enforcement agencies (16 hours).

185. Special attention is given in these courses to international legal standards on human rights and freedoms, in particular international legal safeguards of the rights of persons who have been indicted, are standing trial or have been convicted, the Standard Minimum Rules for the Treatment of Prisoners and protection against torture and other cruel, inhuman or degrading treatment or punishment.

186. The department for the advanced training of law enforcement officers at the Academy of the Ministry of Internal Affairs regularly holds sessions (176 hours) on international human rights standards in criminal proceedings and the application of the rules of criminal procedure to the admissibility of evidence under Order No. 12, adopted by the Supreme Court in plenary session on 24 September 2004.

187. Law enforcement officials directly involved in criminal investigations — investigators, detectives, counter-terrorism agents, local police officers and prison officials — are given training on operational safeguards for human rights on the basis of international human rights standards.

188. The Centre for the Continuing Professional Development of Lawyers is a State educational institution that provides advanced training and refresher courses for staff of the judicial system, court officers and members of the Bar, law professors and legal services staff.

189. The Centre devotes particular attention to raising awareness about the international legal system for the protection of human rights and freedoms. The curriculum includes courses on Uzbek domestic law and international standards of justice, the foundations of international humanitarian law, the legal basis for the fight against international organized

crime, the place and role of international human rights standards in the work of law enforcement agencies, Uzbek domestic law and international human rights law, the legal status of the public in international law and international and national mechanisms for the defence of human rights.

190. The course of studies covers the theory and practice of incorporating the following international standards into Uzbekistan's domestic legislation: the right to life; the right to liberty and security of person; the right to protection of honour and dignity; the right to privacy; the rights of due process and presumption of innocence; the right to protection against torture; and the freedoms of thought, speech, opinion, conscience and religious belief.

191. A presidential order dated 7 November 2007 on the introduction of advanced training courses under the Office of the Procurator-General inaugurated such courses based on the work of the Centre for consolidating the rule of law and upgrading the qualifications of prosecutors and investigators, which was disbanded by the same order.

192. The refresher courses for senior managers entail six months of instruction, while the programme on upgrading qualifications lasts for up to one month. Courses are held on such subjects as international standards for the administration of juvenile justice, the institution of habeas corpus proceedings during preliminary investigations, cooperation between the Procurator-General and the Ombudsman in safeguarding civil rights and freedoms, international legal instruments on the human dimension and United Nations standards relating to officials conducting initial inquiries and criminal investigations.

193. The curriculum of the Institute of the National Security Service includes the study of human rights as a separate academic discipline (24 hours). The Institute has a centre on the law of armed conflict in which human rights is also studied.

194. The teaching is interdisciplinary and covers both general aspects of human rights and the specific practical implications with which future members of the National Security Service will have to deal in their law enforcement work.

195. Some aspects of human rights, in addition to being covered as a separate discipline, are also reflected in other academic disciplines such as the theory of government and the law, criminal law, administrative law, civil law and the law of civil procedure.

196. International human rights law and national human rights institutions are included in the course of study at the undergraduate level as part of the human rights and international humanitarian law curricula in the international law and international relations departments of the foreign ministry's University of International Economics and Diplomacy. Additional courses are given at the graduate level on international human rights law and national human rights institutions.

197. The study of international human rights standards is part not only of the curriculum for investigators and judges but also of that for the defence ministry's military colleges. Since the 2005 academic year, such studies have been elective subjects, but from the 2006 academic year, the course on basics of military law will include components on humanitarian law and the law of armed conflicts in which human rights topics will be covered (10–12 hours).

198. The Ministry of Health devotes special attention to the study of human rights as part of the training and refresher courses for physicians. In the courses on forensic medicine at the undergraduate level in all medical schools, the rights of specialists, consultants and junior consultants are explicated. A course is taught on the legal foundations of medical practice in which special attention is paid to the rights and freedoms of the individual, including the rights to life, liberty and security of person, the right to protection against invasion of privacy and the inadmissibility of the use of torture or violence. Another topic

covered is the inadmissibility of conducting medical or scientific experiments on a person without his or her consent. These issues are considered from the standpoints of both the patient and of medical personnel.

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

199. In accordance with decisions of the Oliy Majlis on a national programme to develop the public's legal literacy and on a national personnel training programme and with the Education Act, Uzbekistan has established a five-stage system of continuing legal education and training:

- Stage I:** Legal training in the family;
- Stage II:** Elementary legal instruction and training in preschool institutions;
- Stage III:** Legal education in secondary schools;
- Stage IV:** Legal education and training in lycées (academic secondary schools) and colleges (vocational secondary schools);
- Stage V:** Legal education and training in higher educational institutions.

200. Legal education and training begins in the family. Since the family is the nucleus of society, it is regarded as the foundation for the formation of the child's personality and his or her transformation into a well-rounded person. In the light of these goals and challenges, the family occupies a special place at every stage of the design and development of legal education and training courses.

201. Elementary instruction and training in the law is incorporated into the daily games and exercises in preschool institutions. These activities are organized for children in the middle, older and primary school preparatory groups. Children in the middle and older groups are given 16 hours a year of instruction on the Constitution in the form of games, including 7 morning sessions and 2 recreation periods; 16 hours of instruction a year, including 8 morning sessions and 2 recreation periods, are scheduled for children in the primary school preparatory groups.

202. Instruction in concepts such as law, duty and obligation, tailored to the pupil's age, is introduced in grades 1 to 4. Forty hours a year are devoted to the study of the constitutional "ABCs".

203. The subject matter grows more complex in grades 5 to 7, with the addition of actual examples of the relationship between the State and the individual and the introduction of the topics of personal autonomy, equality of rights, freedom of speech, freedom of information and juvenile criminal liability. Fifty-one hours a year are devoted to a course entitled "Journey into the World of the Constitution" in these grades.

204. The chief aims of legal education and civics classes in grades 8 and 9 are to:

- (a) Teach students about the social, economic, political, legal, scientific and cultural development of the State;
- (b) Produce young people capable of creative thinking and communicating their views on vital human problems.

205. Thirty-four hours a year are devoted to the study of the principles of constitutional law in these grades.

206. In grades 10 and 11, 68 hours over a two-year period are devoted to acquiring a knowledge of the branches of the law.

207. Every November, the Ministry of National Education and the regional branches of the Children's Foundation organize a study week on the Convention on the Rights of the Child in all schools, extramural institutions and *Mekhrisonlik* children's homes, with competitions on such subjects as "Do you know your rights?" and "What is law?"

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

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

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

(b) For students in the second year of a graduate degree: human rights (40 hours); and the Constitution (27 hours);

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

4. Use of the media to enhance awareness of human rights issues

210. The National Television and Radio Corporation furnishes the means for television and radio coverage of major issues of relevance to Uzbekistan's political, social and economic development and the protection of human rights and freedoms. The Corporation develops and broadcasts radio and television programmes to ensure that the population is supplied with full, comprehensive information about human rights issues. Recent years have seen a steady improvement not only in the number, but also in the quality of programmes that deal with ways of protecting economic, social, cultural, personal and political rights. Attention is constantly given to increasing the effectiveness, content and accessibility of the many programmes aimed at stimulating a broad debate on how to raise the level of education and the political and legal awareness of the public.

211. Radio and television programmes on human rights issues are produced and broadcast primarily by the O'zbekiston radio and television network. From 2005 to 2007, for example, a total of 1,837 programmes on human rights issues was broadcast. A total of 752 radio and television series on the exercise of economic, social, cultural, personal and political rights was aired, together with 414 programmes covering the issues addressed in the international human rights treaties and 2,820 news items on human rights. Items and reports on this topic are regularly broadcast in such news programmes as *Akhborot*, *Takhlilnoma*, *Assalom Uzbekiston!* and *Okshom tulkinlarida*.

212. Programmes on human rights are also broadcast regularly on the television channels *Yoshlar*, *Sport* and *Toshkent*. In 2009, a total of 410 news items and reports on human rights issues was aired on news programmes such as *Davr*, *Davr hafta ichida*, *Poitaht*, *Mashal* and *Yoshlar*, 84 on *Sport* and 34 on *Toshkent*.

213. Much attention is given to the production of television spots and publicity material on human rights. Many of the television spots have been devoted to nine basic topics: protection of consumer rights; environment and health; support for talented students; education grants; promotion of entrepreneurship; the rights of orphans and children with disabilities; culture and the arts; support for teachers; and women's rights.

214. More than 30 law journals and reviews containing material on the protection of rights are published in Uzbekistan.

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

5. The role of civil society in promoting and protecting human rights

216. Over 5,000 civil society organizations, many of them with regional and local branches, have been set up in Uzbekistan; they have an array of rights and duties enabling them to take an active part in social reform.

217. In the context of Uzbekistan's administrative reforms, practical steps are being taken to make governmental consultations more democratic. Joint working groups are being set up as an effective means of fostering consultations and cooperation between agencies of the Executive and civil society organizations; representatives of the latter are being included in consultative bodies for the former; public commissions are being established to monitor the implementation of specialized programmes; and ways of involving non-profit organizations in certain aspects of the budget allocation process are being explored.

218. Under the organizational and legal arrangements for the participation of civil society in governance, increasing importance is being attached to public scrutiny of the decisions of the executive branch. For example, environmental associations are entitled to nominate representatives to participate in State environmental impact assessments, to produce their own assessments (which become legally binding once the findings are approved by State expert bodies) and to call on the State to conduct such assessments.

219. The practice of inviting autonomous organizations to help conduct independent expert analysis of draft legislation has been gaining ground in the Oliy Majlis in recent years.

220. National human rights institutions such as the Office of the Ombudsman and the National Centre for Human Rights are developing and extending their cooperation both with non-profit NGOs and with other civil society organizations.

221. These institutions are helping to improve the work of NGOs and supporting their efforts to improve their skills in handling human rights issues by:

- Holding special seminars and training sessions for NGOs
- Involving them in efforts to inform law enforcement officers about human rights
- Monitoring human rights legislation
- Recruiting them to help carry out national plans of action to implement the recommendations of United Nations treaty bodies on Uzbekistan's fulfilment of its international human rights obligations
- Obtaining from them information about the observance of human rights for inclusion in Uzbekistan's periodic reports on human rights
- Carrying out joint campaigns to improve public awareness of human rights issues

222. In Uzbekistan, human rights protection is done mostly by members of numerous NGOs who not only defend the rights of the membership but have also realized the importance of establishing a system of community surveillance of the activities of State agencies. The organizations concerned are chiefly children's, women's and environmental non-profit NGOs, associations of the disabled and the elderly, gender focal points, as well as professional organizations, foundations, associations, unions and committees that bring together citizens based on common interests.

223. In 2009, for example, 20 non-profit NGOs took part in the preparation of the third and fourth periodic report of Uzbekistan on its implementation of the Convention on the

Rights of the Child. They included the Women's Committee of Uzbekistan; the Forum of Culture and Arts of Uzbekistan Foundation; the National Association of Non-Governmental Non-Profit Organizations; the Trade Union Federation Council; the Inter-ethnic Cultural Centre; the Foundation for the Support and Development of Independent Print Media and News Agencies of Uzbekistan; the National Electronic Media Association; the Chamber of Lawyers; the Izhtimoi fikr Centre for Public Opinion Studies; the Kamolot youth movement; the Children's Foundation; the Sen elgiz emassan Foundation; the Soglom Avlod Uchun Foundation; the Makhalla Foundation; the Oila Centre for Applied Research; the Ekosan International Foundation; the Environmental Movement of Uzbekistan; the Society for the Disabled; the Centre for Legal Studies; and the Centre for Support of Civic Initiatives.

224. The following NGOs took part in the preparation and discussion of the national plan of action to implement the recommendations of the Human Rights Council based on the outcome of the universal periodic review of the report of Uzbekistan: the Women's Committee of Uzbekistan; the Izhtimoi fikr Centre for Public Opinion Studies; the National Association of Non-Governmental Non-Profit Organizations; the Chamber of Lawyers; the Oila Centre for Applied Research; the Centre for Support of Civic Initiatives; the Centre for Legal Studies; the Society for the Disabled; the Kamolot youth movement; the Centre for the Study of Civil Society; and others.

225. It is noteworthy that the Chamber of Lawyers, the Association of Judges, the Centre for Legal Studies, the Children's Foundation, the Izhtimoi fikr Centre for Public Opinion Studies, the National Association of Non-Governmental Non-Profit Organizations, the Ministry of Justice, the Makhalla Foundation, the Society for the Disabled and other civil society institutions are involved in implementing the national plan of action.

226. A major contribution to sociological research into various aspects of human rights is being made by the Izhtimoi fikr Centre for Public Opinion Studies. Its findings are used in studying the causes and conditions that work against the realization of certain categories of human rights. Some of the studies have had a particularly large impact, including those on the family and society (spirituality and morality), carried out in 12 provinces in February 2009; public opinion on offences related to human trafficking, in March–April 2009; and women on the illegal labour market, carried out in September 2009 among women seeking work on Tashkent's illegal labour market.

227. NGOs are also involved in raising public awareness of human rights issues. From 26 to 30 May 2009, the National Association of Non-Governmental Non-Profit Organizations, in conjunction with the OSCE project coordinator in Uzbekistan, held training sessions on how to write reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The sessions covered the following subjects: the international human rights mechanisms – key features and basic principles of the Convention; mechanisms and procedures under the Convention; preparing NGO reports: ways and means of collecting the necessary information; and the use of follow-up reports and the preparation thereof as a means of effecting change.

228. On 15 December 2009, as the third stage of a project designed to raise the profile of the National Association of Non-Governmental Non-Profit Organizations, that body, in conjunction with the OSCE project coordinator in Uzbekistan, held a round table discussion on women and society. Contributors to the round table included representatives of the Oliy Majlis, the Institute for the Study of Civil Society, the Olima association, the Kengashi association, the media and other organizations working to promote the participation of women in public life.

229. On 19 June 2009, the Centre for Support of Civic Initiatives held a round table on the objectives and challenges of a project supported by the European Commission under the

IBPP programme and entitled “Raising the legal literacy of women in Uzbekistan”. From 22 to 23 September 2009, in cooperation with the Latvian Resource Centre for Women Marta, the Centre held a training seminar on awareness raising for members of State and civil society institutions that deal with the economic well-being of women.

230. In 2009, the Women’s Committee of Uzbekistan, together with the National Centre for Human Rights and UNDP, published a book entitled “Questions and answers on women’s rights” in the Uzbek, Russian and Karakalpak languages.

231. An international scientific conference on social partnership between the Government and non-governmental non-profit organizations as a means of developing civil society in Uzbekistan, held from 25 to 26 September 2009, served as a catalyst for the joining of efforts by governmental bodies and NGOs in furthering the defence of human rights. The conference was organized by the National Centre for Human Rights in conjunction with the Committee on Democratic Institutions, Non-Profit Organizations and Civil Society Organizations of the Legislative Chamber in the Oliy Majlis and the non-governmental Centre for the Study of Legal Problems.

232. NGOs take an active part in formulating and revising draft legislation regulating the legal status of NGOs and their relationship with the State. NGOs were directly involved in the discussion of the following laws: the Voluntary Associations Act; the Non-Governmental Non-Profit Associations Act; the Local Authorities Act; the Voluntary Foundations Act; the Non-Governmental Non-Profit Organization (Safeguards) Act; and the Charitable Activities Act.

D. Reporting process at the national level

233. Pursuant to a governmental decision, the National Centre for Human Rights is the body responsible for gathering information and preparing periodic reports on the application of the international human rights treaties. The Centre is a coordinating body whose duties include the preparation of periodic reports on Uzbekistan’s fulfilment of its international human rights obligations.

234. In the 15 years since its establishment, the Centre has developed a satisfactory system for collecting and analyzing information to be included in the periodic reports on human rights that has facilitated the preparation and timely submission of reports on human rights to United Nations treaty bodies.

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

- The guidelines on the form and content of reports to be submitted to international human rights treaty bodies
- The general comments of treaty bodies
- The concluding observations of treaty bodies on the outcome of their consideration of Uzbekistan’s periodic reports
- International human rights treaties
- New domestic legislation on human rights
- The most recent practice in law enforcement and human rights protection

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

- Creation of a working group to prepare a draft periodic report

- Issuance of requests for the analytical, statistical and expert information needed to draft various parts of the report and receipt of this information from the relevant State agencies and NGOs
- Analysis of the legislative instruments in force and their application in practice, assessment of the implementation of concluding observations by the United Nations treaty bodies
- On the basis of the material received, preparation of a draft report in accordance with United Nations reporting requirements
- Submission of the draft report for expert examination by the relevant State agencies and NGOs
- Further work on the draft report in the light of the comments and proposals received from these bodies
- Issuance of the final version of the report and its transmission to the Ministry of Foreign Affairs for submission to the treaty body in question in accordance with the established procedure
- Receipt of notification from the treaty body of the date of its consideration of the report and additional questions from its rapporteur
- Transmission of the rapporteur's questions to the relevant State agencies and NGOs and receipt of their replies
- Preparation of replies to the rapporteur's questions and their transmission to the Ministry for submission to the treaty body in question
- Consideration of the report by the treaty body and responses to the questions put by its members
- Receipt of the treaty body's concluding observations and recommendations based on its consideration of the report
- Preparation of comments on the observations and recommendations and their transmission to the Ministry
- Formulation of a national plan of action to give effect to the treaty body's recommendations
- Continuous monitoring of the implementation of this plan of action

237. As is clear from this list, the preparation of periodic reports on Uzbekistan's fulfilment of its international obligations forms the core of the work of the National Centre for Human Rights and reflects its coordination and analysis functions. The preparation of such an important document as a periodic report is a fairly lengthy process and calls for the concerted efforts of a large number of State agencies, NGOs, academic research institutes, specialists and experts in various fields.

238. This comprehensive approach to the preparation of periodic reports must be accompanied by an insistence on the reliability and objectivity of the sources of information and the combination in a balanced manner of inputs from both governmental and non-governmental sources. This is precisely how the National Centre handles the compilation of information for the preparation of these reports. It attaches particular importance to the material obtained as a result of serious academic and sociological research.

239. Once it has studied all the opinions and views on various human rights issues and the differing interpretations of the related definitions and categories, the National Centre incorporates in the report the latest social, political and legal thinking in Uzbekistan on

these human rights issues, furthering the understanding by the treaty bodies of the current situation in terms of the promotion, observance and protection of human rights in Uzbekistan.

240. Special care is taken when drafting the reports to explain the legislative and organizational arrangements for the realization of human rights in Uzbekistan. The reports give a full description of the human rights legislation in force, specify the goals and mandates of the institutions that are to apply that legislation in practice and furnish information on the ways and means in which the actions of State agencies responsible for safeguarding human rights are coordinated. This information provides a clear picture of the national human rights machinery and of how the international standards in this field are actually applied.

241. The national plans of action to give effect to the concluding observations of United Nations treaty bodies are confirmed by an interdepartmental working group set up by governmental order No. 12-R of 24 February 2004 in order to monitor the observance of human rights by law enforcement agencies.

242. The working group has discussed and approved:

- The National Plan of Action for the implementation of the recommendations made by the Human Rights Committee following its consideration of the second and third periodic reports of Uzbekistan
- The National Plan of Action for the implementation of the recommendations made by the Committee on Economic, Social and Cultural Rights following its consideration of the first and second periodic reports of Uzbekistan
- The National Plan of Action for the implementation of the recommendations made by the Committee on the Elimination of Racial Discrimination following its consideration of the third to fifth periodic reports of Uzbekistan
- The National Plan of Action for the implementation of the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women following its consideration of the fourth periodic report of Uzbekistan
- The National Plan of Action for the implementation of the recommendations made by the Committee on the Rights of the Child following its consideration of the second periodic report of Uzbekistan

243. In August 2009, a National Plan of Action for the implementation of the recommendations made by the Human Rights Council following its consideration of the report of Uzbekistan under the universal periodic review for the period 2009–2011 was adopted.

244. The progress made in carrying out national plans of action for the implementation of the recommendations made by United Nations treaty bodies is regularly discussed at meetings of the working group.

245. With a view to enhancing the involvement of the National Centre and of other State agencies in preparing Uzbekistan's periodic reports on the fulfilment of its international human rights obligations, regular round tables and seminars are held with the participation of representatives of State agencies and NGOs to discuss existing problems with the application of the recommendations of United Nations treaty bodies.

IV. Information on non-discrimination and equality and effective legal remedies

246. The Constitution of the Republic establishes the principle whereby all persons are equal before the law, are entitled to equal protection under the law and cannot be subjected to discrimination. Article 18 reads:

“All citizens of the Republic of Uzbekistan have equal rights and freedoms and are equal before the law, irrespective of their sex, race, ethnic origin, language, religion, social origin, opinions or personal or social status.”

The equality of rights of men and women is enshrined in a separate article (art. 46).

247. All the fundamental principles of equality before the law and the prohibition of discrimination derived from the international instruments to which Uzbekistan has acceded are embodied in the Constitution. Uzbekistan is currently a party to and implements the following international instruments on the prohibition of discrimination: the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Discrimination in Education; the Discrimination (Employment and Occupation) Convention; the Convention on the Political Rights of Women; and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. As a member of OSCE, Uzbekistan has assumed obligations towards national minorities (section VII of the Helsinki Final Act, 1975) as well as other obligations under OSCE documents on the human dimension.

248. The prohibition of discrimination, as it is construed in Uzbekistan’s legal system, entails protection not only of the rights of individuals but also of entire groups of citizens. Article 18 and chapter X of the Constitution, on safeguards of the rights and freedoms of citizens, are designed to create a legal framework for the protection of individual and of collective rights alike, the latter term being understood to include the rights of such groups as minors, the elderly and persons with disabilities.

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

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

251. Under Uzbekistan’s legal system, there are serious penalties for offences against the equality of citizens. The Code of Administrative Responsibility prescribes fines for violating the right to free choice of language in upbringing and education, obstructing or limiting the use of a language and showing disrespect towards the State language or other languages of the ethnic groups and nationalities of Uzbekistan.

252. Article 141 of the Criminal Code prescribes criminal sentences for the violation of equality of rights. This category of offences is addressed in chapter VII of the Code, which lists offences against the constitutional rights and freedoms of citizens.

253. It should be noted that the definition of discrimination in article 141 of the Criminal Code is virtually identical to that given in article 1 of the Convention on the Elimination of All Forms of Racial Discrimination. The difference between the two wordings lies in the fact that the Convention defines discrimination as having the purpose of "... nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". The omission in article 141 of the Criminal Code of any reference to the purpose of discrimination does not affect the definition of the act itself.

254. According to article 156 of the Criminal Code, incitement to ethnic, racial or religious hatred, i.e. deliberate acts injurious to national honour and dignity perpetrated with a view to arousing hatred, intolerance or grievances with respect to any population group on grounds of national origin, race or ethnic affiliation, as well as the imposition of direct or indirect restrictions or the granting of direct or indirect privileges on grounds of national origin, race or ethnic affiliation, are criminal offences.

255. Under article 153 of the Criminal Code, genocide, namely the deliberate fostering of living conditions designed to bring about total or partial physical extermination, forcible prevention of childbirth or the transfer of children from one population group to another, as well as ordering that such actions be performed, are punishable by prison sentences of 10 to 20 years.

256. The following public policies are carried out in order to prevent discrimination in all its forms and manifestations:

- First, the creation of political parties organized on racial or national principles (art. 57 of the Constitution) and of public associations seeking to propagate racial or religious division (art. 3 of the Voluntary Associations Act) is banned
- Second, the use of religion to foment enmity, hatred or ethnic division (art. 5 of the Freedom of Conscience and Religious Organizations Act) is prohibited
- Third, there is a ban on the use of the media for the purpose of propagating national, racial or religious hatred (art. 6 of the Mass Media Act)
- Fourth, the Information (Guarantees and Freedom of Access) Act regulates the media's handling of the exercise of the constitutional right freely and without hindrance to seek, obtain, study, transmit and disseminate information
- Fifth, acts that prevent citizens from exercising their right to free choice of language in communication and in the education and training of children (art. 24 of the State Language Act) are prohibited
- Sixth, equality between men and women in political and social life is encouraged: for example, the Oliy Majlis (Elections) Act establishes quotas (at least 30 per cent for each sex) in every party's list of candidates

257. For the past several years, each year has been dedicated to the solution of a major social problem and to the protection of a vulnerable population group. For example, 1999 was declared Women's Year; 2000 – Healthy Generation Year; 2002 – Year of the Elderly; 2006 – Year of Charitable Works and Health Workers; 2007 – Year of Social Protection; and 2008 – Year of Youth. In keeping with each year's purpose and symbol, the Government adopts a special nationwide programme comprising a series of measures and events aimed at supporting the targeted vulnerable group, designating funds for these measures and preparing legislation and regulations.

258. Under the governmental programme for the Year of Social Protection, for example, 35,000 veterans were treated in sanatoriums, 50,000 poor families were given large horned cattle, 3,000 jobs were created for persons with disabilities but able to work and charitable

assistance was furnished to 3 million very old persons living alone, persons with disabilities, retirees and poor families.

259. Forty per cent of all State expenditure under this programme was allocated to education. The programme included building renovation and the provision of furniture, special equipment and transport to every home for orphans and children with disabilities in Uzbekistan.

260. Over 2,612,000,000 sum were spent on the governmental programme for the Year of Development and Renewal of Rural Areas with a view to better meeting the needs of rural residents.

261. For the purpose of protecting the rights of vulnerable population groups, on 7 December 1999 the Cabinet of Ministers adopted Decision No. 520 concerning a programme of measures for 2000–2005 to increase targeted social protection for very old persons, retirees and persons with disabilities living alone; on 7 September 2006, the President of the Republic issued Decision No. 459 on a programme of measures for 2007–2010 to further strengthen targeted social protection and social services for such persons; on 19 March 2007, the President issued Decree No. 3864 on measures to further strengthen the social welfare system; on 18 May 2007, the President issued Decree No. 3878 on supplementary measures of material and moral support for young families; on 26 January 2009, the President issued Decision No. 1047 on supplementary measures to expand the output of consumer goods and meet domestic market needs; and on 13 April 2009, the President issued Decree No. 1096 on supplementary measures for maternal and child protection and for fostering a healthy generation.

262. For the purpose of promoting equality, the Uzbek Parliament is currently considering, with a view to adoption, draft legislation on equal opportunities for men and women; on social partnership; on social security; and on the Children's Ombudsman.

Annexes
