



**International covenant  
on civil and  
political rights**

Distr.  
GENERAL

CCPR/C/UZB/2004/2  
3 August 2004

Original: ENGLISH

---

HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 40 OF THE COVENANT**

**Second periodic report**

**UZBEKISTAN\***

---

\* This report is issued unedited, in compliance with the wish expressed by the Human Rights Committee at its sixty-sixth session in July 1999.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 12	4
Right of self-determination (art. 1) .....	13 - 15	5
Observance and respect by Uzbekistan of the rights recognized in the International Covenant on Civil and Political Rights (art. 2) .....	16 - 52	6
Ensuring the equality of the civil and political rights of men and women (art. 3) .....	53 - 60	11
Conditions in which citizens' rights and freedoms may be restricted (art. 4) .....	61 - 62	13
Prohibition of any unwarranted restriction of citizens' rights (art. 5) .....	63 - 66	13
Ensuring the right to life as an inalienable human right (art. 6) .....	67 - 82	15
Prohibition of torture and cruel treatment or punishment (art. 7) .....	83 - 114	18
Prohibition of slavery and the slave trade (art. 8) .....	115 - 119	22
Ensuring the right to liberty and security of the person (art. 9) .....	120 - 137	23
Humane treatment of persons deprived of their liberty (art. 10) .....	138 - 146	26
Prohibition of arbitrary imprisonment for failing to fulfil a contractual obligation (art. 11) .....	147 - 148	28
The right to liberty of movement and freedom to choose one's residence (art. 12) .....	149 - 158	28
Grounds for expelling aliens (art. 13) .....	159 - 174	30
Equality of citizens before the courts (art. 14) .....	175 - 198	32
Determining the criminality and punishability of unlawful acts (art. 15) .....	199 - 200	36
Legal personality of citizens (art. 16) .....	201 - 213	37
Inviolability of the person (art. 17) .....	214 - 218	38
Ensuring freedom of conscience (art. 18) .....	219 - 235	39

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
Exercise of freedom of thought and opinion (art. 19) .....	236 - 245	42
Prohibition of propaganda for war (art. 20) .....	246 - 249	43
Freedom of peaceful assembly and grounds for restricting it (art. 21) ....	250 - 252	44
Freedom of association (art. 22) .....	253 - 263	44
Social and legal support and protection of the family (art. 23) .....	264 - 269	46
Protection of children's rights and freedoms (art. 24) .....	270 - 281	47
Prohibition of discrimination in the exercise of civil and political rights (art. 25) .....	282 - 304	49
Equality before the law (art. 26) .....	305 - 306	51
Rights of minorities (art. 27) .....	307 - 309	52

## Introduction

1. Having acquired national sovereignty, Uzbekistan has achieved considerable success in the observance and protection of human rights and freedoms. Since independence, Uzbekistan has established a system of human rights legislation, which includes more than 100 laws and regulations. The core of Uzbek human rights legislation is the Constitution and the international standards contained in the Universal Declaration of Human Rights and other international legal instruments in this field.
2. By a decision adopted by the Oliy Majlis (Parliament) on 31 August 1995, Uzbekistan acceded to the International Covenant on Civil and Political Rights of 19 December 1966, and began forthwith to implement the provisions of the Covenant that were not reflected in domestic law.
3. Under article 40 of the Covenant, and on the basis of general comment No. 1 adopted by the Human Rights Committee at its thirteenth session in 1981 (Reporting obligation) and general comment No. 2 adopted at the same session (Reporting guidelines), Uzbekistan submitted its initial report on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/UZB/99/1). The report was considered by the Human Rights Committee at its 1908th, 1910th and 1911th meetings, held on 26 and 27 March 2001.
4. On 26 April 2001, at its seventy-first session, the Committee presented its concluding observations on the report of Uzbekistan (CCPR/CO/71/UZB). The Committee appreciated “the frankness with which the report acknowledged problems and shortcomings encountered in the implementation of Covenant rights, and the State party’s willingness to provide further information and statistics in writing” (para. 2). In addition, further to paragraph 30 of the concluding observations, Uzbekistan forwarded information to the Committee on the implementation of the Committee’s recommendations contained in paragraphs 7 to 10, 13, 15 and 17 of the concluding observations.
5. In addition to its report on the implementation of the International Covenant on Civil and Political Rights, Uzbekistan has also submitted reports to the relevant United Nations treaty bodies on the implementation of the following instruments:
6. **Convention on the Rights of the Child.** The initial report of Uzbekistan was considered in October 2001 (CRC/C/41/Add.8).
7. **Convention on the Elimination of All Forms of Discrimination against Women.** The initial report was considered in January 2001 (CEDAW/C/UZB/1).
8. **International Convention on the Elimination of All Forms of Racial Discrimination.** The initial and second periodic reports were considered in August 2000 (CERD/C/327/Add.1).
9. **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.** The initial report was considered in 1999 (CAT/C/32/Add.3) and the second periodic report was considered in May 2002 at Geneva (CAT/C/53/Add.1).
10. **International Covenant on Economic, Social and Cultural Rights.** The initial and second periodic reports were submitted in March 2004.

11. In drafting its second periodic report on the implementation of the International Covenant on Civil and Political Rights, Uzbekistan took into account all the comments made by United Nations treaty bodies on all its country reports.

12. The principal guidelines for the drafting of this report were article 40 of the Covenant, the general comments adopted by the Human Rights Committee (HRI/GEN/1/Rev.5), and the concluding observations of the Human Rights Committee (CCPR/CO/71/UZB). In particular, Uzbekistan has fully taken into account the desire expressed in paragraph 30 of the concluding observations that information about implementation of the Committee's recommendations should be incorporated into the second periodic report.

### **Right of self-determination (art. 1)**

#### **Recognition of the right of self-determination**

13. In accordance with the principles and norms of international law, Uzbekistan recognizes that "the realization of and respect for the right of self-determination of peoples contributes to the establishment of friendly relations and cooperation between States and to strengthening international peace and understanding".<sup>1</sup> Uzbekistan opposes any acts that violate or undermine, in whole or in part, the territorial integrity or political unity of independent sovereign States that observe the principles of the equality and self-determination of peoples and accordingly have governments that represent the interests of the entire nation within their territory without distinctions of any kind. Uzbekistan recognizes the right of self-determination of all peoples.

#### **Freedom to dispose of natural wealth and resources**

14. The sovereign Republic of Karakalpakstan is a constituent part of the Republic of Uzbekistan with its own constitution that establishes its administrative and territorial structure and system of State administrative bodies. Relations between the Republic of Uzbekistan and the Republic of Karakalpakstan are governed by bilateral treaties and agreements. The sovereignty of the Republic of Karakalpakstan is protected by the Republic of Uzbekistan (art. 70). The Uzbek Constitution reaffirms the right of the Republic of Karakalpakstan to withdraw from Uzbekistan on the basis of a nationwide referendum of the people of Karakalpakstan (art. 74). Uzbekistan is a unified legal area; Uzbek laws have equal force in the territory of the Republic of Karakalpakstan, and the laws of the Republic of Karakalpakstan do not contradict Uzbek legislation. Through its plenipotentiary representatives, the sovereign Republic of Karakalpakstan adopts a constitution (adopted on 9 April 1993, the Constitution was amended and updated with a view to further democratizing the political structure of society, initially on 26 February 1994 at the fifteenth session of the twelfth convocation of the Supreme Council of the Republic of Karakalpakstan, and subsequently at the fourth and thirteenth sessions of the first convocation of the Jokargy Kenes (Parliament) of the Republic of Karakalpakstan on 31 October 1995 and 15 December 1997), autonomously settles questions concerning its administrative and territorial structure and establishes the system of State authorities and administrative bodies in accordance with the principle of the separation of powers. Both States' Constitutions provide that relations between the Republic of Uzbekistan

and the Republic of Karakalpakstan should be regulated on the basis of treaties and agreements. Disputes between the two Republics are settled through conciliation procedures. As a subject of State relations, Karakalpakstan has all the attributes of statehood: it has its own higher State and administrative bodies and courts established in accordance with its own legislation. Citizens of Karakalpakstan are also citizens of Uzbekistan and have the same rights and obligations as Uzbek citizens. Citizens of Karakalpakstan have the right to dispose of the natural wealth and resources of the Republic of Karakalpakstan and of the Republic of Uzbekistan as a whole.

### **Promoting realization of the right of self-determination**

15. Since Uzbekistan is both a unitary and a multi-ethnic State, the concept of “self-determination” is interpreted as “cultural self-determination”, and is expressed in the State’s support for the efforts of ethnic minorities to preserve their identity while simultaneously integrating them into multi-ethnic Uzbek society (for more details, see article 27 below).

### **Observance and respect by Uzbekistan of the rights recognized in the International Covenant on Civil and Political Rights (art. 2)**

#### **Ensuring respect for the rights recognized in the Covenant, without discrimination of any kind**

16. The core civil and political rights recognized in the International Covenant on Civil and Political Rights are reflected in the Constitution and other laws of Uzbekistan.

17. Article 44 of the Constitution guarantees that every citizen is entitled to judicial protection of his or her rights and freedoms and has the right to appeal to a court against unlawful actions by State bodies, officials or voluntary associations. The Court Appeals (Acts and Decisions Violating Citizens’ Rights and Freedoms) Act of 30 August 1995 establishes the right of citizens to appeal to a court if they believe that their rights and freedoms have been violated by unlawful acts or decisions of State bodies, enterprises, institutions, organizations, voluntary associations, self-governing bodies of citizens, or officials. Foreigners are restricted only as regards their political rights, namely the right to vote and be elected, and the right to hold executive positions in State administrative bodies. Foreigners have the right to appeal to a court in accordance with the procedure established by the Act unless international treaties or agreements to which Uzbekistan is a party stipulate otherwise. Stateless persons have the same rights as Uzbek citizens to appeal to a court. All citizens of Uzbekistan are equal before the law and the courts without distinction as to sex, race, ethnic origin, language, religion, social origin, beliefs, or personal or social status. Enterprises, institutions and organizations are likewise equal before the law and the courts.

18. Uzbek citizens, foreign citizens and stateless persons have the right to judicial protection against any unlawful acts or decisions by State or other bodies or officials, attacks on their life and health or honour and dignity, encroachments on personal liberty and property, or restrictions on other rights and freedoms.

### **Adoption of legislative measures**

19. To uphold the rights recognized in the Covenant without discrimination of any kind, the Constitutional Court of Uzbekistan handed down the following decisions in the period 2000-2003:

(a) Ruling of 12 April 2000 referring a bill introducing amendments to certain legislative acts of the Republic of Uzbekistan to the Oliy Majlis for consideration;

(b) Ruling of 5 July 2000 concerning the interpretation of article 6, paragraph 1 (5), of the Bar Act;

(c) Decision of 12 June 2001 referring to the Oliy Majlis a proposal to eliminate the contradictions between articles 53, 54 and 257 of the Code of Administrative Liability;

(d) Decision of 10 April 2002 concerning the interpretation of article 62, paragraph 4, of the Courts Act.

20. Uzbekistan wholly agrees with the observation of the Human Rights Committee that “implementation does not depend solely on constitutional or legislative enactments, which in themselves are often not per se sufficient”,<sup>2</sup> and in future will endeavour to give practical effect to these constitutional and legislative provisions, as recognized in the International Covenant on Civil and Political Rights.

### **Obligations of the State party**

#### **Provision of effective remedies**

21. Under article 26 of the Uzbek Constitution, any person accused of a crime is deemed to be innocent until his guilt is lawfully proved in open court proceedings that afford the accused every opportunity for defence. Article 116 of the Constitution states that “an accused person shall have the right of defence. The right to professional legal assistance shall be guaranteed at any stage of the proceedings. Legal assistance to citizens, enterprises, institutions and organizations shall be provided by the Bar. The organization and procedures of the Bar shall be determined by law”.

22. In addition to the Bar, the following organizations provide legal protection to persons who require it: the Human Rights Commissioner (Ombudsman) of the Oliy Majlis and his representatives in the regions; the Public Liaison Office of the National Centre for Human Rights; the Office for the Protection of Human Rights of the Ministry of Justice; and non-governmental human rights organizations and legal clinics.

23. In June 2003, by order of the Minister of Internal Affairs, the Central Commission for the Protection of Human Rights was established; the Commission comprises the directors of the principal services of the Ministry of Internal Affairs and is chaired by the Deputy Minister of Internal Affairs. In addition, a package of measures was approved to reinforce the legality of the work of internal affairs agencies and to uphold the human rights and freedoms proclaimed in the Constitution.

24. On 20 and 21 October 2003, a round table devoted to the reform of Uzbekistan's legislation on criminal procedure was held in Tashkent. The aim of the round table was to help define the most important objectives of criminal procedure reform, and in particular to introduce the institution of habeas corpus into the Code of Criminal Procedure, and to set out a realistic time frame for the accomplishment of these objectives. The organizers were the American Bar Association/Central European and Eurasian Law Initiative, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), and the United Nations Development Programme (UNDP), under its assistance for development programme.

#### **Development of the judicial system**

25. On 30 August 2000, the second convocation of the Oliy Majlis adopted at its third session a new version of the Courts Act, which strengthens the role of the judiciary, ensures that it is genuinely independent and opens the way for the establishment of a court system based on the principle of specialization.

26. Pursuant to the Courts Act adopted in 2000, Uzbek courts must uphold the civil rights and freedoms proclaimed in the Constitution and other laws of Uzbekistan and in international human rights instruments, and the rights and legally protected interests of enterprises, institutions and organizations.

27. Unfortunately, it is still true that the courts do not demonstrate the necessary firmness in assessing unlawful acts brought to their attention, nor do they always react with scepticism to a confession of guilt made by a suspect in the absence of a lawyer, despite the Supreme Court's instruction that evidence obtained in breach of the law has no legal force and should consequently be rejected by the court. In practice, the courts continue to violate the principle of equal rights of the parties to judicial proceedings, notwithstanding equal opportunities to submit evidence, participate in the study of the evidence, file motions, and so on.

28. The Presidential Decree of 14 August 2000 on further developing the national judicial system was adopted with a view to reforming and deepening the democratic underpinnings of the judicial system, ensuring the fair and expeditious processing of cases by the courts, and further strengthening safeguards for the protection of citizens' personal, political, economic and social rights and freedoms.

29. Based on the existing structure of the courts of ordinary jurisdiction, the following courts came into being on 1 January 2001: the Supreme Civil Court of the Republic of Karakalpakstan, oblast civil courts, Tashkent Civil Court, interdistrict civil courts, the Supreme Criminal Court of the Republic of Karakalpakstan, oblast criminal courts, Tashkent Criminal Court and district (city) criminal courts.

30. The new Courts Act has provided a platform for amending procedural legislation, streamlining the workings of the courts, introducing appeals and reforming the cassational and supervisory courts. The appeals procedure for reviewing cases has made it possible to correct judicial errors expeditiously and without bureaucratic delays, and to right wrongs outlined in complaints lodged by convicted offenders, victims, and their lawyers and legal representatives.



31. The Act of August 2001 amending and updating the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Liability in connection with the liberalization of criminal penalties radically transformed investigative and judicial practice regarding choice of preventive measures and sentencing. Thus, there is now greater scope for non-recourse to prosecution and punishment of first-time offenders who have committed crimes that present no serious danger to society, or less serious crimes.

32. With the adoption of this statute, the number of *corpus delicti* presenting no serious danger to society has increased from 86 to 196, the number of less serious offences has fallen from 232 to 139, the number of serious offences from 81 to 69, and the number of particularly serious offences from 61 to 54. The maximum penalty for 73.1 per cent of all types of crime stipulated in the Criminal Code is five years' deprivation of liberty. These changes mean that preventive measures such as remand in custody are resorted to more rarely and non-custodial punishments are more widely used.

33. Significant changes can be observed in judicial practice regarding sentencing. For example, whereas in 2000 47.2 per cent of all convicted persons were given custodial sentences, only 34.7 per cent received such sentences in the period January-June 2003, with 65.3 per cent receiving non-custodial sentences. This means that the majority of convicted persons are not separated from their families and society. It should be noted that persons who serve their sentence without separation from their families and society reoffend less often than persons sentenced to deprivation of liberty.

34. Another aspect of legal reform, namely the institutionalization of reconciliation between the parties in dispute, has enabled more than 11,000 people to be dealt with without applying measures of criminal coercion in the period 2001-2003 alone. These individuals have been reinstated as full-fledged members of society, while at the same time the rights of the victims have been respected through voluntary reparation of the damage occasioned to them.

35. Given that, pursuant to the law on liberalizing criminal penalties, certain acts are no longer recognized as crimes, criminal cases were dropped against 130 persons with previous convictions. Under the new law, lighter penalties were imposed on 5,619 persons. Following the reclassification of a number of *corpus delicti*, 2,040 inmates serving custodial sentences were transferred to less severe regime colonies.

36. The new law has instituted punishment in the form of a fine for 187 *corpus delicti*. Consequently, whereas in 2000 only 2.1 per cent of convicted persons were fined, in the period January-June 2003 that proportion went up to 12.8 per cent.

37. Since the reforms began, more than 1,500 people have been released from remand centres because it was inappropriate to detain them any longer. In places of deprivation of liberty, statistics provided by the Central Penal Correction Department show that the number of convicted prisoners has decreased from 76,000 to 47,000.

38. Many legislative instruments have been reviewed with a view to strengthening public scrutiny of the work of the procuratorial system and curtailing certain procuratorial powers by transferring them to the courts.

39. The steps that have been taken in the context of legal reform - the adoption of laws on the courts, the procurator's office, the enforcement of judicial acts, and specialization of the courts according to criminal and civil cases - should raise the quality and efficiency of the administration of justice. These measures pave the way for genuine equality and adversary procedure between the parties at all stages of criminal and civil court proceedings, without exception, and substantially lighten the penalties for offences.

40. The application of the new laws has helped to reduce the proportion of custodial punishments from 40 to 28 per cent. This has enabled the courts to make extensive use of non-custodial penalties. In 2002, 40 per cent of persons found guilty of an offence were given custodial sentences, while 60 per cent received non-custodial sentences.

#### **Enforcement of remedies**

41. The Act of 29 August 2001 amending and updating the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Liability in connection with the liberalization of criminal penalties has fundamentally changed criminal law policy in Uzbekistan.

42. The amendments and additions to the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Liability demonstrate that the trend in national legislative reform is to humanize the law.

43. Thus, the criteria for classifying offences have been changed in the Criminal Code. Previously, for example, only offences for which the penalty was less onerous than deprivation of liberty were considered to be crimes presenting no serious danger to society. Intentional offences for which the penalty was deprivation of liberty for a maximum of five years, and negligent offences for which the legally prescribed punishment was deprivation of liberty, were classified as less serious offences.

44. The category of crimes presenting no serious danger to society now also includes intentional offences for which the penalty is a maximum of three years' deprivation of liberty, and negligent offences for which the penalty is a maximum of five years' deprivation of liberty. The category of less serious offences now includes intentional offences for which the penalty is deprivation of liberty for at least three but no more than five years, and negligent offences for which the penalty is more than five years' deprivation of liberty.

45. With a view to liberalizing criminal law by increasing the proportion of offences in the less serious category, the penalties for 87 corpus delicti have been lightened, and in 26 cases the penalty of short-term rigorous imprisonment or deprivation of liberty has been abolished.

46. Moreover, most articles of the Criminal Code provide for an alternative to deprivation of liberty. In each individual case, the court now has the freedom to choose the nature of the criminal penalty and, more importantly, to choose a non-custodial punishment.

47. As a result of these changes, the number of *corpus delicti* not involving a serious danger to society has increased from 86 (18.7 per cent) to 196 (42.8 per cent). The number of less serious crimes has fallen from 232 (50.4 per cent) to 139 (30.3 per cent); the number of serious crimes has gone down from 81 (17.6 per cent) to 69 (15.1 per cent); and the number of particularly serious crimes has come down from 61 (13.3 per cent) to 54 (11.8 per cent). In other words, for 73.1 per cent of all types of offences specified in the Criminal Code, the maximum penalty is now five years' deprivation of liberty.

48. These changes have wrought a revolution in criminal law policy.

49. First of all, they have led to a sharp reduction in the use during the pre-trial investigation of preventive measures such as remand in custody, because the sole justification for recourse to this preventive measure is the danger represented by the offence.

50. Secondly, it is now possible to extend the application of such non-custodial penalties as fines or punitive deduction of earnings.

51. Thirdly, when sentenced to deprivation of liberty for a crime that does not pose a serious risk to society, offenders serve their sentence at open prisons, where the conditions enable offenders to maintain their links with society, avoid degradation of their personality and benefit from more effective re-education.

52. In addition, there is now greater scope for recourse to parole or commutation of sentence for offenders in this category.

### **Ensuring the equality of the civil and political rights of men and women (art. 3)<sup>3</sup>**

53. Under the law, men and women enjoy equal rights. Discrimination on grounds of sex, or on any other grounds, is prohibited (Constitution, art. 46).

54. Article 63 of the Constitution sets out the principles of equality of men and women, freedom to marry, equality of partners in a marriage, protection of mother and child, and the social and legal protection of the family:

“The family is the primary unit of society and shall have the right to protection by society and the State. Marriage shall be based on the willing consent and equality of both parties.”

55. Women's labour rights are protected by labour legislation, which prohibits employment of women for work involving heavy physical labour and the lifting of heavy objects.

56. Women in Uzbekistan participate in all areas of political, economic and social life, work in ministries and political and State organizations and are employed in the private sector and in business.

**Table 1****Number of women in positions of authority and in Parliament as compared with the number of men (as at 1 September 2003)**

	Per cent of total		Distribution by sex (%)	
	Women	Men	Women	Men
All government bodies	100.0	100.0	13.7	86.3
Legislative and representative bodies	64.1	72.6	12.3	87.7
Members of Parliament	1.9	2.8	9.9	99.1
Oliy Majlis of the Republic of Uzbekistan	0.6	1.1	8.0	92.0
Jokary Kenges of the Republic of Karakalpakstan	4.7	8.0	8.5	91.5
Councils of people's deputies at the oblast level and in the city of Tashkent	46.7	51.0	12.7	87.3
Councils of people's deputies at the district level	10.2	9.7	14.3	85.7
Councils of people's deputies in towns	20.0	17.5	15.3	84.7
Government bodies (highest managerial positions)	0.2	0.1	16.7	83.3
Cabinet of Ministers of the Republic of Uzbekistan	0.1	0.1	12.5	87.5
Council of Ministers of the Republic of Karakalpakstan	1.1	1.3	11.9	88.1
Chief administrators (khokims) and deputy administrators at the oblast level and in the city of Tashkent	16.0	13.9	15.4	84.6
Chief administrators (khokims) and deputy administrators at the district level	2.6	2.1	16.3	83.7
Chief administrators (khokims) and deputy administrators in towns	15.9	9.9	20.3	79.7
In judicial bodies (judges)	0.1	0.1	20.0	80.0
Constitutional Court	0.5	0.5	14.6	85.4
Supreme Council of the Republic of Uzbekistan	4.7	2.9	20.4	79.6
Supreme Court of the Republic of Karakalpakstan, oblast courts, Tashkent city court	8.1	5.0	20.4	79.6
District and city courts	0.2	0.2	15.8	84.2
Higher Arbitration Court of the Republic of Uzbekistan, arbitration courts of the Republic of Karakalpakstan and oblast arbitration courts	2.3	1.2	22.6	77.4

57. Recognizing that “inequality in the enjoyment of rights by women throughout the world is deeply embedded in tradition, history and culture, including religious attitudes”, Uzbekistan is striving to “ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women’s right to equality before the law and to equal enjoyment of all Covenant rights”.<sup>4</sup>

58. Violence against women, trafficking in women and sexual harassment are criminal offences in Uzbekistan (Criminal Code, arts. 118, 119 and 121 on offences against sexual freedom; arts. 128, 129 and 131 on offences against the family, young people and morality, and arts. 135 and 136 on offences against freedom, honour and dignity).

59. At present, considerable efforts are being made in Uzbekistan to raise women’s awareness of their legal rights. Special social centres are being set up where women can receive advice on any matter of interest to them. Work is under way to disseminate information on women’s rights.

60. On 4 and 5 November 2003, an international conference on the theme “Gender Education: Theory and Practice” was held in Bukhara. The aim of the conference was to create new opportunities for the future development of gender education programmes, to promote the development of gender studies and national research centres, to exchange experience and information on the introduction of gender education programmes in the curricula of higher and secondary educational establishments in the participating countries and to develop and strengthen cooperation among participants from different countries. The conference was organized with the assistance of the OSCE Centre in Tashkent, the project to improve the system of publishing textbooks and educational literature for general-education schools, the Asian Development Bank, organizational support from the Bukhara oblast *Khokimiat* (chief administrator’s office), the Tashkent Information and Resource Centre for Positive Education and the Bukhara Children’s Association.

#### **Conditions in which citizens’ rights and freedoms may be restricted (art. 4)**

61. In accordance with the general principles of State policy, wrongful restriction of human rights and freedoms is prohibited in Uzbekistan. Such restrictions may not be applied on grounds of sex, race, faith, social origin and so on. In the event of a state of emergency, Uzbekistan has the obligation to apply the measures specified in the international humanitarian instruments that it has ratified.

62. Other restrictions on citizens’ rights and freedoms that are not motivated by reasons of State security are also prohibited.

#### **Prohibition of any unwarranted restriction of citizens’ rights (art. 5)**

63. Article 19 of the Constitution states that: “citizens’ rights and freedoms established by the Constitution and laws are inviolable, and no one shall be entitled to deny or restrict them without a court decision”.

64. Uzbek laws establish specific requirements for the State's lawful imposition of restrictions on human rights and freedoms. Such restrictions must, first, be based exclusively on the law and, secondly, they must be introduced with a view to respecting the rights and freedoms of others, in keeping with the moral standards, public order and general well-being of a democratic society.

65. Restrictions on rights and freedoms are permitted in exceptional circumstances.

66. As can be seen from the statistics on communications to the Human Rights Commissioner (Ombudsman) of the Oliy Majlis and the Public Liaison Office of the National Centre for Human Rights, there are still certain problems involving the unjustified restriction of citizens' rights in the practical implementation of legislation in force.

**Table 2**  
**Communications to the Human Rights Commissioner (Ombudsman)**  
**of the Oliy Majlis (2000-2003)**

Communications concerning	2000	2001	2002	2003
Disagreement with court sentences	1 520	1 151	1 114	2 294
Unwarranted arrest and indictment	989	298	220	-
Unlawful conduct of law enforcement officers	369	386	566	1 203
Disagreement with court decisions concerning apartments	330	-	-	-
Housing and public utilities	289	294	337	357
Residence registration	220	153	218	236
Social security	214	155	171	-
Labour issues	209	252	382	-
Requests for a change of the preventive measure and request for medical assistance	190	36	59	-
Education	54	45	58	61
Violation of entrepreneurs' rights	45	42	54	84
Indexation of contributions	16	-	-	16
Non-enforcement of judicial decisions	38	-	77	-
Violation of women's rights	-	11	33	51
Unlawful conduct by members of the regional administrators' offices	-	52	90	208
Violation of children's rights	-	52	40	19
Other matters	738	1 033	1 096	305

**Table 3**  
**Communications to the Public Liaison Office of the National Centre  
for Human Rights (2001-2003)**

Communications concerning	2001	2002	2003
Disagreement with a court sentence	134	78	180
Disagreement with a court decision	76	58	144
Unlawful conduct of internal affairs officers	106	65	125
Unlawful conduct of government officials	31	26	36
Unlawful conduct of members of the procurator's office	30	12	48
Social issues	19	70	
Residence registration and passport	34	30	
Housing	44	24	
Labour issues	21	23	
Education	19	9	
Violation of entrepreneurs' rights	10	13	
Non-enforcement of court decisions	11	9	
Other matters	45	43	
<b>Total</b>	<b>587</b>	<b>460</b>	

**Ensuring the right to life as an inalienable human right (art. 6)**

**Legal protection of the right to life**

67. According to article 24 of the Constitution, "the right to life is the inalienable right of every human being. Any infringement thereof constitutes the most serious crime". This provision is reflected in the Criminal Code, 26 per cent of whose provisions establish criminal liability for endangering the life of a citizen.

**Imposition of the death sentence only for the most serious crimes**

68. The Republic of Uzbekistan is reducing the number of articles in the Criminal Code that provide for the death penalty.

69. Until 29 August 1998, 13 articles of the Criminal Code provided for the death sentence as the supreme penalty for crimes. As a result of the active role played by the extrajudicial protection bodies (National Centre for Human Rights, the Ombudsman and a number of non-governmental organizations (NGOs)), the Oliy Majlis adopted the Act of 29 August 1998 amending and updating selected statutes, whereby the death penalty was abolished for the following five types of offences: article 119, paragraph 4 (gratification of unnatural sexual

desires by force); article 152 (violation of the laws and customs of war); article 158, paragraph 1 (attempt on the life of the President); article 242, paragraph 1 (organization of criminal association); and article 246, paragraph 2 (smuggling).

70. In 2001, the number of crimes carrying the death penalty was further reduced. Under Act No. 254-II of 29 August 2001, the death penalty by firing squad is stipulated for only four offences: aggravated homicide (art. 97, para. 2); aggression (art. 151, para. 2); genocide (art. 153) and terrorism (art. 155, para. 3).

71. Following the entry into force of the Act of 29 August 2001, there has been a marked reduction in the number of sentences carrying the death penalty:

- (a) In 2000, there were 22.7 per cent fewer death sentences than in 1999;
- (b) In 2001, 21.8 per cent fewer as compared with 2000;
- (c) In 2002, 44.8 per cent fewer as compared with 2001.

72. On 13 December 2003, at its thirteenth session the Oliy Majlis removed the death penalty from two more articles of the Criminal Code: article 151 (aggression) and article 153 (genocide). Thus, the Criminal Code now contains only two articles that provide for the death penalty: article 97, paragraph 2 (aggravated homicide) and article 155, paragraph 3 (terrorism causing a person's death or other serious consequences).

73. Criminal jurisprudence shows that, by and large, the death penalty is handed down by Uzbek courts for aggravated homicide as specified in article 97, paragraph 2, of the Criminal Code.

74. Moreover, in practice there have been a number of cases where the death sentence has been commuted to a prison sentence following an appeal. For example, in 2002, death sentences handed down to more than 20 individuals were commuted to prison sentences. At present, 13 convicted criminals whose death sentence was commuted to a prison sentence following pardon are being held in penal institutions; the death sentence of 197 persons has been commuted to a prison sentence by the Supreme Court.

#### **Prohibition of the deprivation of life by acts of genocide**

75. Uzbekistan fully endorses the Human Rights Committee's comment that "States have the supreme duty to prevent wars, acts of genocide and other acts of mass violence causing arbitrary loss of life".<sup>5</sup>

76. According to article 153 of the Criminal Code (as published in paragraph 65 of Act No. 254-II of 29 August 2001) genocide is "the premeditated creation of living conditions in order to achieve the total or partial physical extermination of any group of persons on national, ethnic, racial or religious grounds. Such total or partial physical extermination, forcible sterilization or transfer of children from one such group to another, or issuing orders to carry out these acts are punishable by deprivation of liberty for a period ranging from 10 to 20 years".



**The right to seek pardon or commutation of sentence. Amnesty**

77. In Uzbekistan, as in many other States, the institution of pardon exists. Any person who has been sentenced to death has the right to appeal to the head of State through the Presidential Pardon Commission. If the appeal is successful, the death sentence is commuted to deprivation of liberty for a period of 25 years.

78. Every year, the President issues amnesty and pardon decrees in accordance with article 76 of the Criminal Code, entitled "Release from punishment through amnesty or pardon".

**Table 4**

**Release from punishment through amnesty or pardon (2000-2002)**

	Title of decree	Total number of sentences reviewed	Prisoners released	Sentences reduced	Appeals to the Pardon Commission	Appeals rejected
1	Amnesty of 28 August 2000 to mark the ninth anniversary of the proclamation of Uzbekistan's independence	47 035	12 200	29 184	3 445	2 206
2	Amnesty of 22 August 2001 to mark the tenth anniversary of the proclamation of Uzbekistan's independence	51 392	35 603	14 443	0	1 348
3	Amnesty of 3 December 2002 to mark the tenth anniversary of the adoption of Uzbekistan's Constitution	24 590	4 203	19 593	0	794
4	Amnesty of 1 January 2003 to mark the eleventh anniversary of the adoption of Uzbekistan's Constitution	3 853	3 381	468	-	-

79. The annual amnesties give tens of thousands of citizens the opportunity to return to a normal existence. Since 1997, as a result of the amnesty acts more than 199,000 prisoners have been released.

80. In accordance with the Presidential Decree of 1 December 2003 on amnesty to mark the eleventh anniversary of the adoption of Uzbekistan's Constitution, action is being taken to release prisoners affected by the Decree. Thus far, 3,381 prisoners have been released.

81. However, it should be noted that, pursuant to the Presidential Decree of 6 September 2000 on the release from criminal responsibility of citizens who joined terrorist groups under a misapprehension, 213 persons who have confessed their guilt have been released from criminal responsibility.

**Non-imposition of the death sentence for crimes committed by persons under 18 and its non-applicability to pregnant women**

82. In accordance with article 51 of the Criminal Code, the death penalty is not applicable to women, offenders under the age of 18 or men over the age of 60.

**Prohibition of torture and cruel treatment or punishment (art. 7)<sup>6</sup>**

83. Any act related to the use of torture, violence or other cruel or degrading treatment is regarded as a serious offence under criminal legislation. Uzbek criminal law stipulates that law enforcement officers shall be liable for acts of torture or cruel or inhuman treatment or punishment.

84. The basic principles of the Uzbek Criminal Code prohibit torture and cruel treatment of suspects. This is exemplified by the principles set out in articles 1 to 10 of the Criminal Code, which stipulate that the criminality, punishability and other legal consequences of acts shall be defined by the Criminal Code alone, and that punishment and other legal sanctions are not intended to cause physical suffering or to degrade human dignity.

85. In addition to being prohibited by the general principles of justice, torture and cruel treatment are also proscribed by a special section of the Criminal Code, namely chapter XVI, articles 230 to 241, entitled "Offences against justice". In order to address the problem of criminal prosecutions of persons known to be innocent, articles 230 to 236 of the Code make it a criminal offence for judicial officers to prosecute a person known to be innocent for a socially dangerous act, to bring in an unjust verdict, to fail to enforce a judicial decision or unlawfully to detain a person or remand him in custody.

86. Articles 234 and 235 prescribe criminal liability for knowingly unlawful detention (short-term restriction of a person's liberty), and for coercion to testify, that is, the exertion of mental or physical pressure on a suspect, accused person, witness, victim or expert by means of threats, blows, beatings, cruel treatment, tormenting, the infliction of actual or moderate bodily harm, or other unlawful acts. In both cases, criminal liability ranging from a fine to eight years' deprivation of liberty is prescribed for special categories of persons, namely law enforcement officers (persons carrying out an initial inquiry or pre-trial investigation, and procurators). The Code of Criminal Procedure also contains safeguards against the torture and cruel treatment of suspects. These are to be found in the rules and principles of the criminal justice system, specifically articles 11 to 27 of the Code of Criminal Procedure.

87. The special rule contained in article 17 states that "judges, procurators, and persons carrying out initial inquiries or pre-trial investigations are under an obligation to respect the honour and dignity of persons involved in a case". Paragraphs 2 and 3 of the same article state that "no one shall be subjected to torture, violence or other cruel, humiliating or degrading treatment. It is prohibited to perform acts or hand down judgements that humiliate or demean a person, lead to the dissemination of details of his or her private life, thereby endangering the person's health, or cause unjustified physical or mental suffering".

88. Coercion to testify, namely the exertion of mental or physical pressure on a suspect, accused person, witness, victim or expert by a person carrying out an initial inquiry or pre-trial investigation or by a prosecutor, by means of threats, blows, beatings, cruel treatment, tormenting or the infliction of actual or moderate bodily harm, or other unlawful acts with a view to extorting evidence, is punishable by rigorous imprisonment for up to six months or by deprivation of liberty of up to five years. When such action entails serious consequences, it is punishable by deprivation of liberty for between five and eight years (Criminal Code, art. 235).

89. Since most violations of the law are committed by the internal affairs agencies and are often the consequence of the insufficient legal knowledge, low level of general culture, and poor theoretical training of individual supervisors, the authorities are purging the ranks of the internal affairs agencies of unqualified staff, who have been found to have committed unlawful acts against persons involved in a criminal process. Moreover, the judicial authorities are making considerable efforts to draw up rules, instructions, methods and practices for conducting investigations (in particular concerning interrogations, detention conditions and so on).

90. Although progress has been made, certain shortcomings persist. In 2002, organs of the Procurator's Office received 90 complaints and allegations concerning the use of threats, cruel treatment or other coercive methods, 98 concerning illegal detention, 143 concerning illegal preventive measures, 57 concerning illegal searches and confiscations, and 765 complaints and allegations concerning the lack of impartiality in the conduct of initial inquiries and pre-trial investigations.

91. Of that number, 690 complaints and allegations concerned illegal acts on the part of officials of internal affairs agencies, 121 concerned officials of organs of the Procurator's Office and 37 concerned illegal acts on the part of officers of the National Security Service; 73 complaints and allegations were admitted, 100 were partly admitted and the rest were dismissed and reasons for dismissal were given.

92. The verification of complaints and allegations led to the institution of 73 criminal proceedings, while criminal proceedings were refused in 406 cases; 265 law enforcement officers were subjected to disciplinary measures.

93. Together with other law enforcement agencies, procuratorial bodies are studying the circumstances and reasons that tend to encourage the unlawful criminal prosecution of citizens and are taking the necessary steps to prevent and prohibit such action.

94. In November 2002, at the invitation of the Government of Uzbekistan, the Special Rapporteur on the question of torture of the United Nations Commission on Human Rights, Mr. Theo van Boven, visited Uzbekistan.

95. During his visit, the Special Rapporteur held a series of meetings with high-ranking government officials, representatives of civil society, international organizations and foreign consulates. In particular, the Special Rapporteur met the Prime Minister of Uzbekistan, Mr. Sultanov; the Minister for Foreign Affairs, Mr. Kamilov; the Minister of Internal Affairs, Mr. Almatov; the Minister of Defence, Mr. Gulyamov; the Minister of Justice, Mr. Polvon-Zoda; the Procurator General, Mr. Kodirov; the Acting Chairman of the Supreme Court, Mr. Ishmetov; the Deputy Chairman of the National Security Service, Mr. Mustafaev; the State Secretary on

law enforcement agencies at the Presidential Office, Mr. Azizov; the Deputy Minister of Internal Affairs in charge of the execution of sentences (GUIN), General Kadirov; the Ombudsman, Ms. Rashidova; and the Director of the National Centre for Human Rights, Mr. Saidov.

96. Mr. Theo van Boven visited the following places where persons deprived of their liberty are held: the holding facility (IVS)/remand centre (SIZO) of the Ministry of Internal Affairs in Tashkent, Andijan prison, the district IVS/SIZO of the National Security Service of Ferghana oblast in Ferghana, the Jaslyk colony, the main psychiatric hospital in Tashkent and the Zangiata colony.

97. The Special Rapporteur met persons who themselves or whose relatives had allegedly been victims of torture and other forms of ill-treatment. He also received verbal and/or written information from NGOs and members of civil society, including Mothers against the Death Penalty and Torture, the Legal Aid Society, the Human Rights Society for Uzbekistan, the Independent Human Rights Organization of Uzbekistan, Freedom House, Mazlum, Ezgulik Human Rights Organization, the Committee for Legal Assistance to Prisoners, the Initiative Group for Human Rights, the Centre for Democratic Initiatives and the Tashkent Group for the Defence of Human Rights. Finally, he also met with representatives of the UNDP in Uzbekistan and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe.

98. In February 2003, Mr. van Boven presented to the Government of Uzbekistan a draft report in which he summed up the results of his visit and submitted it to the leaders of Uzbekistan for consideration so that their views could be reflected in the draft document.

99. After a careful study of Mr. van Boven's report, the Government commented on points that it did not agree with. However, not all the Government's comments were taken into account and, in April 2003, the report of the Special Rapporteur on the question of torture was officially disseminated, including on the Internet.

100. In March 2003, Mr. A. Kamilov, the State adviser to the President, announced during a meeting with representatives of the diplomatic corps and accredited foreign journalists in Tashkent that the Government intended to conduct a broad campaign against torture and other forms of cruel treatment. In the ministries and departments concerned, Mr. van Boven's report was carefully studied. In order to take further measures against and prohibit such disgraceful conduct by the Uzbek law enforcement agencies, a national plan to combat torture will be drawn up.

101. In April 2003, during a joint meeting of high-ranking officials from major Western European embassies, the diplomatic mission of the United States of America, UNDP, OSCE and officials from the Ministry of Foreign Affairs, the Ministry of Internal Affairs and the Ministry of Justice, the National Security Service and National Centre for Human Rights, Mr. V. Norov, First Deputy Minister for Foreign Affairs, confirmed the Government's resolve to draw up a national plan to combat torture. It was also announced that a coordinating body would be established to cooperate with the international community on the matter, and the department responsible for coordinating all work on drafting the plan was designated.

102. In May 2003, the Ministry of Foreign Affairs confirmed that the coordinating body responsible for drafting a national plan to combat torture would be the National Centre for Human Rights. In June, a memorandum of understanding was signed between the UNDP country office in Uzbekistan and the National Centre for Human Rights; according to the memorandum, an expert group from the National Centre for Human Rights is to draft a national plan to combat torture.

103. The national plan has the following goals: to identify those sectors where torture is practised in Uzbekistan and to plan measures to strengthen international standards in this area; to pursue the judicial reform currently under way in Uzbekistan, taking account of the recommendations of the United Nations Committee against Torture and the report of the Special Rapporteur on the question of torture; and to promote the establishment of a more just and transparent process of complying with international standards to prevent torture.

104. In the process of drafting the national plan, the recommendations of the United Nations bodies dealing with torture were examined and reviewed, and consultations were held with State bodies concerning their participation in implementing the programme. In September 2003, the first draft of the national plan to implement the recommendations of the Special Rapporteur on the question of torture was submitted for discussion among State institutions, international organizations, embassies and NGOs. In October 2003, a second draft was prepared, taking into account the comments and suggestions made by the aforementioned bodies; a discussion on the second draft was held the same month. On the basis of the results of the second round table, and with due regard for participants' comments and suggestions, the final draft of the national plan was submitted to the Cabinet of Ministers for consideration.

105. Cabinet of Ministers Order No. 112-f of 24 February 2004 established an interdepartmental working group to monitor implementation of the national plan, which was approved by the Prime Minister on 9 March 2004.

106. The plan will be implemented in 2004 and 2005. There are plans to hold a training programme during that period for lawyers, judges, law enforcement officers and NGO representatives. In addition, amendments to current domestic legislation, including the Criminal Code, the Code of Criminal Procedure and the Penal Enforcement Code, will be drafted and introduced in accordance with the provisions of the Convention against Torture.

107. Article 235 of the Criminal Code provided for criminal liability for coercion to testify through the exertion of mental or physical pressure on a suspect, accused person, witness, victim or expert. However, as practice has shown, this provision does not always ensure the protection of human rights in the cases specified in the Convention against Torture. Pursuant to the Committee's recommendations,<sup>7</sup> in August 2003 Parliament adopted an act introducing amendments and additions to the Criminal Code, containing a new version of article 235, entitled "Use of torture and other cruel, inhuman or degrading treatment or punishment". Accordingly, the term "torture" in Uzbek criminal legislation now conforms to the definition contained in article 1 of the Convention against Torture; the new definition of "torture" has also been confirmed in the Decision of 19 December 2003 of the Plenum of the Supreme Court. The new provisions broaden the spectrum of persons against whom the use of torture is prohibited, namely all persons involved in the criminal process and serving sentences in penal institutions.

108. Cabinet of Ministers Decision of 27 August 2003 on improving the system of the Ministry of Justice established a department for the protection of human rights in that ministry and similar departments in the Ministry of Justice of the Republic of Karakalpakstan and in judicial administrations at the oblast level.

109. In order to implement the recommendations of the Special Rapporteur on the question of torture and to bring criminal legislation into line with international norms, the Ministry of Internal Affairs prepared a draft law on the introduction of amendments and additions to the Criminal Code, which establishes criminal liability for the use of torture, violence or any other cruel or degrading treatment during preliminary inquiries, the initial inquiry or pre-trial investigation (specifically the amendments and additions to article 253 of the Criminal Code).

110. The Ministry of Internal Affairs has devised a series of measures to eliminate such violations. The Central Commission for the Protection of Citizens' Rights, headed by the Deputy Minister of Internal Affairs, has been established. The Commission is responsible for drafting a framework of regulations for internal affairs agencies that would lead to the establishment of a mechanism to prevent all violations. The Commission is also developing measures to improve the work of such agencies.

111. Torture and the use of unlawful methods in conducting investigations are closely monitored by officials of law enforcement agencies. The State, taking advantage of all available means and opportunities, is waging and will continue to wage a relentless battle against all human rights violations, especially torture. In 2003, disciplinary measures were taken against 192 procuratorial and investigative officials for failing to comply with the requirements of legislation on criminal procedure and for allowing violations of citizens' constitutional rights. Twenty-two officials were dismissed, and 408 investigators from internal affairs agencies were subjected to disciplinary measures, including dismissal (38 investigators were dismissed). More than 15 law enforcement officers were found guilty of the death of prisoners and were sentenced accordingly.

112. In March 2003, the Main Investigation Department of the Ministry of Internal Affairs in cooperation with the Presidency of the Tashkent Bar Association drafted and approved regulations on measures to safeguard the right of defence of detainees, suspects and accused persons.

113. These regulations clearly set out the procedure for the engagement and participation of lawyers in criminal cases, the mechanism for guaranteeing legal defence at the expense of the State and the procedure for refusing the services of counsel, the system for appealing against violations of the right of defence of detainees, suspects and accused persons.

114. The regulations also establish a rota system for defence lawyers, including provisions for weekends and public holidays. The rota system ensures that a lawyer will be available to uphold the rights and legitimate interests of persons held in detention at any hour of day.

#### **Prohibition of slavery and the slave trade (art. 8)**

115. Although not a party to the Slavery Convention, Uzbekistan complies with its fundamental provisions. Forced and involuntary labour are prohibited in Uzbekistan.

116. Labour relations are governed by the rules laid down in the Labour Code of 1994. Any terms in labour agreements or contracts that worsen the situation of workers in comparison with legislative and other normative instruments are null and void. Article 6 of the Labour Code prohibits discrimination in employment relations: “All citizens have equal opportunities to acquire and exercise labour rights. The imposition of any restrictions or advantages in labour relations on grounds of sex, age, race, nationality, language, social origin, property or official status, attitude to religion, beliefs, membership of public associations or other circumstances unrelated to a worker’s professional qualities or the results of his work is not permitted and constitutes discrimination. Differences in the labour sphere caused by the inherent requirements of the work concerned, or special care extended by the State to persons requiring a greater measure of social protection (women, minors, the disabled and others), do not constitute discrimination. Anyone who considers that he or she has been the subject of discrimination at work may request a court to remove the discrimination and compensate him or her for the material and moral harm suffered.”

117. All forms of forced labour are prohibited under Uzbek law. Forced labour, namely coercion to carry out work under threat of any kind of punishment (including as a means of maintaining discipline in the workplace) is prohibited. Work that must be performed on the basis of legislative instruments concerning military or alternative service, in emergencies, in pursuance of a court sentence that has entered into force, or in other circumstances provided for by law are not considered forced labour.

118. In recent years, owing to increased labour migration, the problem of trafficking in persons - the modern face of the slave trade - has become more acute. In order to tackle this problem from the legal point of view, a revised version of article 135 of the Criminal Code (Recruitment of persons for exploitation) was adopted on 29 August 2001. Article 135 now provides that “the deceitful recruitment of persons for sexual or other exploitation shall be punishable by a fine of between 100 to 200 times the minimum wage, or punitive deduction of earnings for up to three years, or short-term rigorous imprisonment for up to six months. Where the offence is repeated, or committed by a dangerous recidivist, or by prior conspiracy among a group of persons, in respect of a minor, the punishment shall be deprivation of liberty for up to five years. The same offence committed with the object of removing such persons from the territory of the Republic of Uzbekistan shall be punishable by deprivation of liberty for a period of between five and eight years”.

119. Given its importance, the issue was considered and discussed at the government level during the period 2001-2003, and has been the subject of numerous items in the mass media.

### **Ensuring the right to liberty and security of the person (art. 9)**

#### **Prohibition of arbitrary arrest and detention**

120. Freedom and inviolability of the person are proclaimed and guaranteed in the Constitution (art. 25).

121. According to article 324 of the Criminal Code, “knowingly unlawful short-term detention, that is, restriction of a person’s liberty by an officer conducting an initial inquiry or pre-trial investigation or by a procurator, is punishable by a fine of up to 50 times the minimum

wage or by rigorous imprisonment for up to six months. Knowingly unlawful remand in custody is punishable by a fine ranging from 50 to 100 times the minimum wage or by deprivation of liberty for up to three years”.

122. The law stipulates that persons carrying out initial inquiries or pre-trial investigations and procurators who knowingly cause an innocent person to be prosecuted for a socially dangerous act shall be punishable by deprivation of liberty for up to five years. If the prosecution is in connection with a serious or particularly serious socially dangerous act, the punishment shall be deprivation of liberty for between five and eight years (Criminal Code, art. 230).

123. The decision adopted on 19 December 2003 by the plenary session of the Supreme Court explains the various time limits for detaining suspects: “It must be borne in mind that, in cases where an individual is detained on the grounds set out in article 221 of the Code of Criminal Procedure, he or she becomes a suspect from the moment of actual arrest, although the police report is drawn up after the detainee is brought to a police station or other law enforcement agency. From that moment on, the detainee has all the rights of a suspect, including the right to counsel. A person who surrenders to the appropriate State authority has the same legal status” (Code of Criminal Procedure, art. 113).

124. A suspect or accused person must be interrogated immediately or, at the latest, within 24 hours following his or her detention, appearance pursuant to a summons for interrogation, remand in custody or arrest on a warrant in default of appearance, in accordance with the provisions of article 111 of the Code of Criminal Procedure concerning the initial interrogation of a suspect or accused person.

125. In general, investigations may be conducted only between 6 a.m. and 10 p.m., except in the circumstances set out in article 88, paragraph 2 (3), of the Code of Criminal Procedure.

126. At the time of writing, a number of specific proposals have been made to improve existing legislation. They include proposals to reduce the length of time that a suspect may be held in custody from 72 to 48 hours. In addition, the Ministry of Internal Affairs has prepared and coordinated with other national departments draft guidelines for further improving and developing the penal correction system. Among other things, the draft explores the possibility of removing the penal correction system from the structure of the Ministry.

#### **Informing detainees of the reason for their arrest**

127. No one shall be detained or remanded in custody other than on the basis of a judicial decision or with the sanction of a procurator (Code of Criminal Procedure, art. 18).

128. This preventive measure is applied only when it is necessary to prevent the accused or defendant from evading the initial inquiry, pre-trial investigation or court proceedings; to prevent him or her from committing further offences; to thwart his or her attempts to prevent others from ascertaining the truth; or to ensure that a sentence is carried out.



129. The right to authorize that a person be held in detention may be exercised by the Procurator-General of Uzbekistan and the Procurator of the Republic of Karakalpakstan, their respective deputies, the procurators of oblasts and the city of Tashkent, and procurators of equal rank in districts (towns) and other procurators at equivalent level.

130. The grounds for detention must be stated without delay.

131. Teenagers deprived of their liberty have the right of immediate access to legal assistance, in the sense that counsel shall be present from the moment of their initial interrogation as suspects or accused persons. The incorporation into the Criminal Code of rules of law compelling legal representatives or parents to attend all interrogations of minors is one of the ways in which the rights and legitimate interests of minors are afforded a higher level of protection.

### **Bringing detainees charged with a criminal offence before a judge**

132. Uzbekistan has initiated a study of the institution of habeas corpus. Specifically, on 20 and 21 October 2003, the National Human Rights Centre, together with the American Bar Association, the OSCE Office for Democratic Institutions and Human Rights and UNDP, with the participation of the central investigation department of the Ministry of Internal Affairs and the Tashkent Bar Association, held a round table entitled "Criminal Procedure Code Reform: Judicial Supervision and Protecting of the Rights of the Accused in the Investigative Process". The round table examined the practicability of introducing habeas corpus procedure and drew up appropriate recommendations.

### **Right to take proceedings before a court**

133. A detainee shall be released by the officer in charge of the place of detention pursuant to a decision by a person conducting an initial inquiry, an investigator, a procurator, or by order of a court. The decision or order to release a detainee shall be carried out as soon as it is received at the place of detention.

### **Right of the victim of unlawful arrest or detention to compensation**

134. Article 555 of the Uzbek Code of Criminal Procedure provides for the following preventive measures, among others: pledge of good conduct, recognizance, recognizance of a voluntary organization or collective body, bail and release subject to a supervision order. Minors may also be released subject to supervision by their parents, tutors or guardians, or the director of a children's institution, if the minor has been referred to one.

135. Pursuant to article 558 of the Code of Criminal Procedure, remand in custody may be applied as a preventive measure only in exceptional circumstances, when a minor has been charged with committing an offence for which the punishment could exceed three years' deprivation of liberty, and when other preventive measures cannot guarantee that the accused will conduct himself or herself in an appropriate manner.

136. The Act of 29 August 2001 amending and updating the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Liability in connection with the liberalization of criminal penalties led to a reduction in the number of detainees and

convicted prisoners in places of deprivation of liberty. For example, in 1999 there were 14,113 (in 2000 - 13,126; in 2001 - 7,422) detainees and convicted prisoners in the remand centres of the Central Penal Correction Department of the Ministry of Internal Affairs; by 2002, that number had fallen to 6,716. The corresponding figures for penal colonies were: 51,479 in 1999, 63,857 in 2000, 63,172 in 2001 and 38,717 in 2002.

137. On 29 and 30 July 2003, a conference on the theme of "The right of torture victims to compensation: National and international standards" was held at the Tashkent State Legal Institute. The conference was jointly organized by the National Centre for Human Rights, OSCE and the Tashkent State Legal Institute.

### **Humane treatment of persons deprived of their liberty (art. 10)**

#### **Right to humane treatment**

138. The legal status of convicted persons, the rights and obligations of administrations of penal institutions and all related issues are regulated by the 1997 Penal Enforcement Code. The Code established the following rights for convicted persons: to be informed of the procedure and conditions for serving their sentence, and of their rights and their obligations; to submit suggestions, statements and complaints, in their native language or in another language, to the administration of the institution or body enforcing the sentence, other State authorities and voluntary associations; to receive answers to their suggestions, statements and complaints, in the same language; to provide explanatory material and engage in correspondence, using the services of a translator where necessary; to have the use of educational, artistic and other information materials; to receive health care, including medical care, as an outpatient and an inpatient, depending on medical findings; to receive social welfare, including a pension in accordance with statutory provisions.

139. Effective 2001, the Uzbek Government authorized the International Committee of the Red Cross (ICRC) to monitor prisons. Pursuant to the existing agreement between the Government of Uzbekistan and ICRC on humanitarian visits to detainees and prisoners, ICRC officials carried out more than 32 visits to places of detention in 2003.

140. A series of initiatives has been launched in cooperation with the British charity Save the Children and the United Nations Children's Fund (UNICEF) to teach human rights standards in correctional colonies for minors.

141. The Human Rights Commissioner (Ombudsman) of the Oliy Majlis (Parliament) is lending full support to the reforms of the judicial system and law enforcement bodies. In 2002, the Ombudsman received 5,130 communications from citizens. More than 51 per cent of all communications relate to the work of the judicial and law enforcement bodies.

142. An analysis of the communications regarding violations of rights in the sphere of justice reveals that the majority have to do with unconscionable delays in hearing cases, red tape, bias in the work of investigative and judicial officers, contradictory judicial decisions or failure to act on such decisions, unlawful investigative methods, and violations of the right of defence of persons under investigation. The monitoring exercise has yielded specific recommendations.

143. On 26 September 2003, with a view to deepening judicial and legal reform and liberalizing the conditions in which first-time offenders serve their prison sentences, and to improve methods of re-educational work with prisoners and broaden the involvement of society and individual citizens in such efforts, the President of Uzbekistan, guided by humanist principles and in pursuance of article 93, paragraph 20, of the Uzbek Constitution, promulgated a Decree on liberalizing the conditions in which first-time offenders serve their prison sentences. The Decree stipulates that, for the balance of their sentence, first-time offenders sentenced to deprivation of liberty for less serious offences shall be transferred from ordinary-regime colonies to open prisons, and in the case of particularly serious offences, from strict-regime to ordinary-regime colonies. Thus, first-time offenders sentenced to deprivation of liberty for less serious offences will basically serve their sentences without being separated from their families; not only will they have the opportunity to support their families financially, but they will also be involved in bringing up their children. At the time of writing, the necessary arrangements are being made under this Decree, which affect almost 15,000 people.

144. In August 2003, the second convocation of the Oliy Majlis adopted at its twelfth session an act amending and updating 30 articles of the Uzbek Penal Enforcement Code. The act introduces distinctions between categories of open prisons for offenders deprived of their liberty for offences presenting no great danger to the public, for less serious offences, and for offences committed through negligence. The act also aims to liberalize the procedure and conditions under which offenders serve their prison sentences: for example, it classifies how long offenders must serve before they become eligible for improved conditions, depending on the gravity of their offence; it reduces the length of time that offenders must serve before becoming eligible for transfer to open prisons; it increases the sum allowed for expenditure on food and other basic necessities; and it extends the rights of offenders and other persons in custody. In particular, the act increases the number of visits and telephone conversations that offenders can have with their relatives and other persons; the number of parcels that they are entitled to receive has also been increased. The duration of outdoor exercise periods has been increased for inmates detained in special punishment cells, as has the upper spending limit on food and basic necessities.

145. One result of the democratic transformations and liberalization of the penal correction system has been that the number of people serving a sentence for a criminal offence today stands at less than 191 per 100,000 head of population. The reduction in the number of convicted prisoners and persons in custody pending investigation has yielded significant improvements in living conditions and medical services in places of detention and remand centres.

### **Segregation of prisoners**

146. Persons in police custody are detained separately from persons remanded in custody as a preventive measure and convicted prisoners serving their sentence. Persons detained on suspicion of having committed an offence are held in police cells that meet the following requirements for detention: men are segregated from women and minors from adults; adults may be held in the same cell as minors only in exceptional circumstances with the sanction of the procurator; and particularly dangerous repeat offenders are held separately from other offenders. Persons detained on suspicion of having committed the same offence are held separately on the written instructions of the official conducting the initial inquiry, investigator or procurator. On the written instructions of the official conducting the initial inquiry, investigator or procurator,

detainees may also be held separately for other reasons. Persons detained on suspicion of having committed an offence are entitled to wear their own clothing and footwear and to use other essential items appearing on a statutorily defined list.

**Prohibition of arbitrary imprisonment for failing to fulfil a contractual obligation (art. 11)**

147. The law stipulates that failure to fulfil contractual obligations does not constitute grounds for detaining a person or depriving that person of his or her liberty, provided that the non-fulfilment of contractual obligations is not fraudulent. No cases of detention or deprivation of liberty for failing to fulfil a contractual obligation have been recorded.

148. Although Uzbek criminal law offers a number of effective safeguards against arbitrary deprivation of liberty, certain problems have arisen in applying this principle. In most cases, for example, economic crimes are investigated by the law enforcement authorities, and the rules of contract (business) law are almost never applied. The vast majority of business contracts are enforced through the coercive mechanisms of administrative and criminal law.

**The right to liberty of movement and freedom to choose one's residence (art. 12)**

149. Article 28 of the Constitution states that "a citizen of the Republic of Uzbekistan shall have the right to liberty of movement in the territory of the Republic, and may freely enter and leave the country, subject only to those restrictions established by law".

150. Issues relating to liberty of movement and citizenship are regulated to a greater or lesser extent by a series of laws and regulations. Among these are the Presidential Decree of 23 September 1994 introducing the Regulations on the passport system in the Republic of Uzbekistan, the Regulations on residence permits for foreigners and stateless persons, and certification of stateless persons (Annex to the Decree of 23 September 1994), and Decision No. 143 of the Cabinet of Ministers of 14 March 1997, under which citizens of the Commonwealth of Independent States (CIS) have the right to enter and travel throughout Uzbekistan without a visa, provided that they have documents to prove their identity or citizenship. With a view to ensuring public order and security, the presence of foreign citizens without visas is now subject to registration.

151. Matters relating to internal migration are governed by the following laws and regulations: the Public Employment Act of 13 January 1992 (as amended and updated by the Acts of 7 May 1993, 6 May 1994 and 6 May 1995); Cabinet of Ministers Ordinance No. 81-f of 24 March 1995 on the establishment of an interdepartmental commission to select Uzbek citizens applying to work abroad; the Regulations on the procedure for recruiting and using foreign labour in the Republic of Uzbekistan (Annex No. 2 to Cabinet of Ministers Decision No. 408 of 19 October 1995); the Regulations on the procedure for Uzbek citizens working abroad (Annex No. 1 to Cabinet of Ministers Decision No. 408 of 19 October 1995); Cabinet of Ministers Decision No. 408 of 19 October 1995 on Uzbek citizens working abroad and foreign citizens working in the Republic of Uzbekistan; the Regulations on the National Agency for Migrant Workers' Affairs reporting to the Uzbek Ministry of Labour; Annex No. 1 to Cabinet of Ministers Decision No. 353 of 14 July 1993; and Cabinet of Ministers Decision No. 353 of 14 July 1993 on issues relating to the import and export of labour.

152. The Uzbek Government has decided to undertake a planned resettlement programme for people living in inaccessible communities in border regions. It is envisaged that the programme will be completed by 2005. New accommodation has been built for resettled persons, and construction work is still going on. The television news carries regular reports about resettled persons. Residents are resettled in superior housing and given requisite financial assistance, which they never received before. In order to ensure the security of people and property and to maintain public order and avoid chaos, the resettlement programme is being overseen by the law enforcement agencies and representatives of the local authorities. Soldiers have been called in to move the property and personal belongings of resettled persons. Units of the highway safety authority are on hand to ensure the safety of the vehicles used to move persons being resettled and their property. Units of the fire brigade ensure that the property and former housing of resettled persons are safe and protected against the risk of fire, and officers charged with crime prevention and maintaining public order carry out community liaison duties and ensure there are no disturbances at the time of resettlement, in addition to making arrangements to protect any property being moved.

153. The Uzbek Government is making efforts to improve the living conditions of resettled persons. For example, in the settlement of Zarbdor, the Istiklol *Shirkat* (agricultural enterprise in Sherabad district of Surkhan-Darya oblast is home to 367 families (1,725 people) who were resettled from highland areas in Sariansi and Uzun districts in 2000.

154. The settlement now has a clinic, which was recently stocked with free medicines and disposable syringes. The clinic has the use of an ambulance. A rota system has been established for accidents and emergencies.

155. All applications for financial assistance and pensions filed by persons resettled from highland areas in the period 2001-2003 were dealt with satisfactorily. As at 1 August 2003, out of the settlement's total population of 1,725, 245 were receiving pensions; 19 of these were registered as recipients of loss-of-breadwinner pensions. This group receives pensions on an expedited basis.

156. In 2001, a total of 167 people requested assistance with job placement. Employment was found for 125 job-seekers, while 41 people were deemed eligible to receive unemployment benefits in the amount of 244,434 sum. It should be noted that similar measures were taken in the next two years, 2002 and 2003.

157. In September and October 2002, the roofs of 34 houses were replaced free of charge. This year, 60 workmen have been recruited from construction enterprises in Surkhan-Darya oblast to carry out major repairs on 364 houses.

158. The reforms currently under way in Uzbekistan are intended to protect the rights of all Uzbek citizens. At the same time, as in many other countries, there are in Uzbekistan "manifold legal and bureaucratic barriers unnecessarily affecting the full enjoyment of the rights of the individuals to move freely, to leave a country, including their own, and to take up residence".<sup>8</sup>

**Grounds for expelling aliens (art. 13)**

159. The rules governing expulsion, return and extradition, especially of Uzbek citizens, are to be found in a number of laws and regulations, primarily the Citizenship Act, the Criminal Code and the provisions of various bilateral and multilateral agreements to which Uzbekistan is a party.

160. Article 8 of the Citizenship Act states that “the Republic of Uzbekistan shall afford assistance and protection to Uzbek citizens outside the territory of Uzbekistan”.

161. An Uzbek citizen may not be extradited to another State unless an international treaty to which Uzbekistan is a party stipulates otherwise.

162. Articles 11 and 12 of the Criminal Code define the territorial scope of the criminal law, stipulating that “anyone who has committed an offence in the territory of Uzbekistan is liable under the Criminal Code of the Republic of Uzbekistan”.

163. The liability of aliens who are not subject to the jurisdiction of the Uzbek courts for crimes committed in Uzbekistan, in accordance with current legislation or international treaties or agreements, is determined with reference to the rules of international law.

164. Generally speaking, the extradition, expulsion or return of persons in respect of whom there is compelling evidence to suggest that they might be tortured is regulated by bilateral agreements (primarily treaties on legal assistance and legal relations in civil, family and criminal matters). Uzbekistan has concluded such agreements with a number of States, including all the CIS countries.

165. The above relations are usually governed by model rules under the heading “Extraditable offences”, on the following pattern:

(a) The contracting parties undertake, in accordance with the provisions of the treaty (on legal assistance and legal relations in civil, family and criminal matters), reciprocally to extradite upon request, for the purposes of criminal prosecution or enforcement of a court judgement, persons present in their respective territories;

(b) Extradition is possible for acts that are offences under the law of both contracting parties, and for which the prescribed penalty is deprivation of liberty for more than one year or another more serious punishment.

166. Extradition for the purpose of enforcing a court judgement is possible when the person in question has been sentenced to more than six months’ deprivation of liberty or to another more serious punishment.

167. Extradition may be refused if:

(a) The person whose extradition has been requested is a citizen of the contracting party receiving the request, or has been granted the right of asylum in that State;

(b) The law of the contracting parties provides that criminal proceedings may be initiated only if the victim lodges a private complaint;

(c) At the time the request is received, criminal prosecution under the law of the contracting party receiving the request or enforcement of a court judgement is time-barred or precluded for some other legitimate reason;

(d) A legally enforceable ruling or decision to halt proceedings against the person whose extradition has been requested has been handed down in the territory of the contracting party receiving the request in respect of the same offence.

168. An extradition request may also be refused if the offence to which it refers was committed in the territory of the contracting party receiving the request.

169. Upon refusal of an extradition request, the requested contracting party must notify the requesting contracting party of the grounds for refusal.

170. There are no special rules in Uzbek law prohibiting expulsion, return or extradition to another State where there is compelling evidence to suggest that a person might be tortured; there are only referential rules to the effect that the principle of the primacy of international law applies in such cases.

171. Although the Republic of Uzbekistan has not signed the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, Uzbek domestic law provides for arrangements for political asylum (Criminal Code, art. 223).

172. Moreover, in August 1999 the Uzbek Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Tashkent reached a verbal agreement that refugees covered by the mandate of UNHCR would not be detained, deported or expelled.

**Table 5**

**Refugees covered by the mandate of the UNHCR office  
in Uzbekistan as at 1 January 2003**

	Men	Women	Total
Number of refugees	1 405	1 224	2 629

173. The positive steps taken by the Government of Uzbekistan in this area were recently noted by the United Nations: “The Government has recently taken a positive step by providing, with effect from November 2003, free access to basic education for the children of refugees accorded this status by the UNHCR Office in Tashkent. UNHCR has also been cooperating with the Government in supporting the logistics and humanitarian operations in northern Afghanistan.”<sup>9</sup>

174. Nevertheless, refugees continue to face a number of problems, primarily owing to the shortage of resources to accommodate, in accordance with international standards, people who have fled Afghanistan and Tajikistan during armed conflicts. However, voluntary repatriation of this category of refugees is becoming possible as peace returns to these countries.

**Equality of citizens before the courts (art. 14)**

175. The judiciary in Uzbekistan functions independently of the legislative and executive branches, political parties and other voluntary associations.

176. Judges' independence is ensured by the statutorily prescribed system for their selection, appointment and dismissal; the inviolability of judges; the strict procedure for the administration of justice; the secrecy of judges' deliberations when handing down judgements and the ban on requests for disclosure of such deliberations; liability for contempt of court, interference in individual cases and infringements of judicial inviolability; and State-backed material and social benefits for judges, as befits their high status.

177. Citizens have the right to challenge a court judgement if they disagree with it, through cassation or supervisory proceedings. If they disagree with the judgement, citizens have 10 days to lodge a cassational appeal with a higher court. After the time limit for lodging a cassational appeal has lapsed, complaints may be submitted with a request that the case be reviewed by way of supervision.

178. Uzbekistan has a bar system comprising all lawyers' firms, law offices and associations at the national, oblast, district and city levels. Lawyers carry out their professional activities under the Bar Act of 27 December 1996, which states that: "The Bar is a legal institution consisting of independent and voluntary professional associations of persons working as lawyers and persons in private legal practice. In accordance with the Constitution of the Republic of Uzbekistan, lawyers provide legal assistance to citizens of Uzbekistan, foreign citizens, stateless persons, enterprises, institutions and organizations." The Safeguards for Lawyers (Legal Practice and Social Protection) Act was adopted on 25 December 1998 to uphold lawyers' rights and enhance their legal status.

179. The non-governmental organization Association of Lawyers of Uzbekistan has been set up and is now operating.

180. A network of public advice centres is being developed to ensure that justice is administered reliably and independently in Uzbekistan. They receive financial and technical assistance from the Government and international organizations. UNDP provides considerable assistance in organizing advice centres. Services of this nature are provided by the Adolat centre attached to the Ministry of Justice, the Human Rights Commissioner of the Oliy Majlis, the National Centre for Human Rights and a network of legal advice bureaux. A number of NGOs also offer advice on legal matters.



**Table 6**

**Number of acquittals handed down by the Supreme Court of Uzbekistan;  
number of convictions of minors, 2002-2003**

2002				January-June 2003			
Acquittals		Convicted minors sentenced to deprivation of liberty		Acquittals		Convicted minors sentenced to deprivation of liberty	
Article	Total	Article	Total	Article	Total	Article	Total
188	3	97	35	21	1	97	15
207	1	102	1	24	1	104	4
		104	18	27	1	118	1
		105	1			119	4
		109	1			164	27
		118	15			165	1
		119	16			166	14
		137	1			169	116
		159	2			248	1
		164	43			267	3
		165	1			273	2
		166	43			277	6
		167	1				
		168	1				
		169	312				
		227	1				
		248	1				
		266	1				
		267	1				
		273	9				
		276	4				
		277	13				
	4		521		3		194

181. When considering complaints from citizens, procuratorial bodies are guided by the Office of the Procurator Act, the Communications from Citizens Act and Order No. 17 of the Procurator-General of the Republic of Uzbekistan on reinforcing procuratorial supervision of compliance with the Communications from Citizens Act.

182. In the period 1999-2003, procuratorial bodies received 258,236 complaints and applications (64,209 in 1999; 64,744 in 2000; 64,768 in 2001 and 64,515 in 2002).

183. A total of 133,772 complaints and applications were handled directly by the procuratorial bodies (35,397 in 1999; 33,810 in 2000; 32,330 in 2001; and 32,235 in 2002), of which 18,675 (4,352 in 1999; 4,434 in 2000; 4,759 in 2001; and 5,130 in 2002) were upheld. The rest were referred to other agencies for consideration.

184. In the same period, 23,453 complaints were received in connection with criminal investigations (3,611 in 1999; 3,577 in 2000; 8,368 in 2001; and 7,897 in 2002) and 19,584 complaints were received in connection with criminal cases heard by the courts (6,224 in 1999; 4,887 in 2000; 4,369 in 2001 and 3,994 in 2002). Of these, 1,862 complaints in connection with criminal investigations (241 in 1999; 194 in 2000; 719 in 2001 and 708 in 2002) and 587 complaints in connection with criminal cases tried by the courts (183 in 1999; 163 in 2000; 220 in 2001; and 21 in 2002) were upheld.

185. The increase in the number of complaints and communications indicates the public's growing trust in procuratorial bodies.

186. In accordance with Order No. 25 of the Procurator-General of 20 September 1996 on strengthening procuratorial supervision of the observance of citizens' constitutional rights during detention, criminal prosecution and remand in custody, each specific case involving the illegal criminal prosecution of citizens is examined and a decision is taken on the liability of the investigating officers who committed such violations of the law.

187. In 2001, procuratorial bodies received 74 complaints and communications concerning the use of threats, cruel treatment or other coercive methods, 111 concerning illegal detention, 136 concerning illegal preventive measures, 47 concerning unlawful searches and confiscations, and 883 complaints and communications concerning lack of impartiality in the conduct of initial inquiries and pre-trial investigations.

188. Of that number, 628 complaints and communications concerned illegal acts committed by officials of internal affairs bodies, 140 concerned officials of procuratorial bodies and 10 concerned illegal acts committed by officers of the National Security Service; 81 complaints and communications were upheld, 111 were partially upheld and the rest were dismissed with an explanation of the reason.

189. The verification of complaints and communications led to the institution of 68 criminal proceedings, while criminal proceedings were discontinued in 382 cases; 222 law enforcement officers were subjected to disciplinary measures.

190. In 2002, procuratorial bodies received 90 complaints and communications concerning the use of threats, cruel treatment or other coercive methods, 98 concerning illegal detention, 143 concerning illegal preventive measures, 57 concerning unlawful searches and confiscations, and 765 complaints and communications concerning lack of impartiality in the conduct of initial inquiries and pre-trial investigations.

191. Of that number, 690 complaints and communications concerned illegal acts committed by officials of internal affairs bodies, 121 concerned officials of procuratorial bodies and 37 concerned illegal acts committed by officers of the National Security Service; 73 complaints and communications were upheld, 100 were partially upheld and the rest were dismissed with an explanation of the reason.

192. The verification of complaints and communications led to the institution of 73 criminal proceedings, while criminal proceedings were discontinued in 406 cases; 265 law enforcement officers were subjected to disciplinary measures.

193. Together with other law enforcement agencies, procuratorial bodies are studying the circumstances and reasons that tend to encourage the unlawful criminal prosecution of citizens and are taking the necessary steps to prevent and prohibit such action.

#### **Human Rights Commissioner (Ombudsman) of the Oliy Majlis**

194. In 2000, the Ombudsman's regional representatives first began to work in earnest. With the assistance of the local authorities, regional representatives of the Ombudsman have been appointed in a number of regions, including the Republic of Karakalpakstan and Andijan, Tashkent, Syr-Darya, Djizak, Navoi and Khorezm oblasts.

195. Special emphasis is placed on face-to-face meetings and on ensuring that communications from citizens are dealt with expeditiously. During the reporting period, regional representatives examined 239 written communications and heard 288 oral statements from citizens. In most cases, the citizens' violated rights were restored, their rights were explained to them, or advice was given on how best to restore their rights. With a view to studying citizens' complaints at local level, the Ombudsman issued 68 instructions for his regional representatives to follow up.

196. An important development in 2001 in terms of gathering information about the human rights situation at local level was the holding of a series of "in situ consultations". The Ombudsman and his staff visited a number of regions, including Fergana, Bukhara and Syr-Darya oblasts, during which time they accepted communications.

197. A total of 830 communications disclosing violations of citizens' rights and freedoms were followed up, and 200 of these were resolved positively. During the reporting period, eight communications were investigated, and five officials were cautioned in connection with violations of human rights legislation.

198. Fifty-four per cent of all communications relate to the work of the judicial and law enforcement bodies. They concern unconscionable delays in hearing cases, red tape, bias in the work of investigative and judicial officers, contradictory judicial decisions or failure to act upon such decisions, unlawful investigative methods, and violations of the right of defence of persons under investigation.

**Table 7****Communications to the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, by region of the Republic of Uzbekistan (2000-2002)**

	2000	2001	2002	2003
Tashkent	1 598	1 408	1 492	1 847
Tashkent oblast	465	476	527	580
Samarkand oblast	349	445	439	497
Fergana oblast	278	254	271	370
Surkhan-Darya oblast	277	406	545	512
Andijan oblast	228	243	237	299
Kashkadar oblast	218	295	354	450
Djizak oblast	191	142	192	243
Namangan oblast	142	174	200	209
Navoi oblast	136	150	185	255
Bukhara oblast	134	175	258	171
Khorezm oblast	112	135	184	153
Syr-Darya oblast	102	79	155	120
Republic of Karakalpakstan	93	90	91	131

**Determining the criminality and punishability of unlawful acts (art. 15)**

199. In Uzbekistan, the criminality and punishability of an act is based on the generally accepted principles of criminal law.

200. Article 13, paragraph 1, of the Criminal Code stipulates that the criminality and punishability of an act are determined according to the law in force at the time of its commission. Paragraph 2 contains a provision listing exceptions to this general rule and stipulating that, where a person has committed a criminal act prior to the entry into force of a new law, or is serving or has served a sentence but has a criminal record, the new law shall be applied if it abolishes the criminality of the act, lightens the punishment or otherwise ameliorates the situation of such persons. Conversely, paragraph 3 stipulates that a law that criminalizes a particular act, increases the punishment or worsens the situation of the person concerned shall not have retroactive force, that is it shall not be applicable to acts committed before its entry into force or to the persons who committed them. A law abolishing the criminality of an act is considered to be a law that removes the act from the list of offences. As soon as such a law enters into force, criminal cases against persons who have committed that act that are being dealt with by the investigative bodies and the courts must be discontinued, persons convicted of such an act must be acquitted and persons who have served their sentence but still have a criminal record shall have their record expunged. A law is regarded as lightening punishment if it: (a) reduces the maximum principal or additional punishment; (b) reduces the minimum principal or additional punishment; (c) abolishes the harsher punishment provided for in a choice of punishments; (d) institutes a lighter punishment as the principal one in a choice of punishments; (e) establishes an administrative pre-trial procedure; (f) where the principal punishments are equal, abolishes

the additional punishment; (g) where the principal punishments are equal, abolishes the mandatory application of the additional punishment; and (h) where the principal punishments are equal, provides for a lighter additional punishment.

**Legal personality of citizens (art. 16)**

201. In accordance with general legislative principles, legal personality cannot be dependent on sex, race, social origin or religion.

202. Under Uzbek law, a person's legal capacity arises from the moment of birth and ceases at death. Under the Criminal Code, physical persons of sound mind over 16 years of age at the time they committed an offence have responsibility.

203. A person is of sound mind if, at the time the crime was committed, that person was aware of the social danger of his or her act and committed it knowingly.

204. A person who, at the time a socially dangerous crime was committed, was not of sound mind, that is, was incapable of realizing the significance of his or her actions or was not in control of them because of chronic mental illness, temporary mental derangement, mild mental retardation or any other morbid psychiatric disorder, is not liable.

205. Persons who have reached the age of 13 before the commission of a crime are liable only for aggravated homicide (art. 97, para. 2).

206. Persons who have reached the age of 14 before the commission of a crime are liable for offences contrary to articles 97 (para. 1), 98, 104 to 106, 118, 119, 137, 164 to 166, 169, 173 (paras. 2 and 3), 220, 222, 247, 252, 263, 267, 271 and 277 (paras. 2 and 3) of the Criminal Code.

207. Persons who have reached the age of 18 before the commission of a crime are liable for offences contrary to articles 122, 123, 127, 144, 146, 193 to 195, 205 to 210, 225, 226, 230 to 232, 234, 235 and 279 to 302 of the Criminal Code.

208. The liability of persons who have committed crimes before the age of 18 arises in accordance with the general provisions of the Code and the special conditions set out in section 6 of its General Part.

209. The legal capacity of all citizens is recognized in equal measure in civil law. A citizen's legal capacity arises at birth and ceases with death. A person's dispositive capacity arises in full measure with the attainment of the age of majority at 18. A citizen who lawfully marries before attaining the age of majority acquires full dispositive capacity upon entering into marriage. This dispositive capacity is fully retained in the event that the marriage is dissolved before a person reaches the age of 18.

210. In annulling a marriage, the court may decide that a minor spouse should lose full dispositive capacity from a time to be determined by the court.

211. No one's legal or dispositive capacity shall be restricted except in the circumstances and under the procedure established by law.

212. Failure to comply with the legally established conditions and procedure for restricting a citizen's dispositive capacity nullifies the act of the State body imposing the restriction.

213. Full or partial refusal by a citizen to exercise his or her legal or dispositive capacity and other arrangements aimed at restricting legal or dispositive capacity are invalid unless such arrangements are permitted by law.

#### **Inviolability of the person (art. 17)**

214. Article 27 of the Constitution states that "everyone in Uzbekistan has the right to protection against encroachments on his honour and dignity, interference in his private life and inviolability of his home. No one may enter a home, carry out a search or inspection, or violate the privacy of correspondence and telephone conversations except in the circumstances and under the procedure established by law". This article of the Constitution is intended to safeguard and protect personal non-property rights, the honour and dignity of the individual, private life and inviolability of the home. Article 100 of the Civil Code (Protection of honour, dignity and business reputation) stipulates that a citizen is entitled to ask a court to refute information that brings into disrepute his honour, dignity or business reputation, unless the person who disseminated the information can show that it corresponds to reality.

215. The Code of Administrative Liability contains a general rule on liability for disclosing information that may occasion material and moral harm to a citizen. Article 46 states that "violation of medical or commercial secrets, or secrecy of correspondence or other communications, notarial documents, banking operations and savings, or disclosure of any other information that may occasion moral or material harm to citizens and their rights and freedoms, and the laws, shall incur liability under established procedure".

216. Criminal procedure legislation contains legal rules setting out the grounds, procedure and requisite paperwork relating to the seizure, inspection and confiscation of postal and telegraphic communications, and also the grounds and procedure for eavesdropping on telephone conversations and other intercommunication systems. Under article 166 of the Code of Criminal Procedure, a person carrying out an inquiry or pre-trial investigation or the court may order the seizure of all postal and telegraphic communications sent by or on behalf of a suspect, accused person or defendant to other persons, if there are sufficient grounds for assuming that they contain information about a crime that has been committed or documents or items of significance in the case. In such cases, the person carrying out the inquiry or pre-trial investigation shall issue a decision authorized by a procurator, or the court shall issue a ruling. Under criminal procedure law, postal and telegraphic communications include letters of all kinds, telegrams, radio telegrams, printed matter, parcels and packages. Under article 167 of the Code of Criminal Procedure, inspection or confiscation of postal and telegraphic communications is conducted at post offices in the presence of official witnesses, assisted where necessary by the appropriate expert, and also the person conducting the inquiry or investigation. Justification for eavesdropping on telephone conversations and other intercommunication systems is provided by the weight of evidence in a given case (Code of Penal Procedure, art. 169). When time is of the essence, the person carrying out the inquiry or investigation may decide to order wiretapping without procuratorial authorization, but must immediately notify the procurator of this decision in writing (Code of Criminal Procedure, art. 170).

217. The right to inviolability of the home means that no one has the right, except on lawful grounds, to enter premises used for permanent or temporary residence against the will of the occupants. This right extends to all homes, houses and buildings. All citizens occupying separate houses and apartments have this right, irrespective of the form of ownership.

218. Intrusion into a home is permitted only in the circumstances and in accordance with the procedure strictly prescribed by law.

### **Ensuring freedom of conscience (art. 18)**

#### **Right to freedom of thought, conscience and religion**

219. Article 31 of the Constitution states that “freedom of conscience is guaranteed to all. Everyone shall have the right to profess any religion or not to profess any religion. The compulsory imposition of religious views shall not be permitted”.

220. On 1 May 1998, the Oliy Majlis adopted a new version of the Freedom of Conscience and Religious Organizations Act, which incorporated the developments in legal theory and practice in the area of citizens’ personal rights that had taken place during the period 1991-1998.

221. Close links have been established between the Government and religious organizations. The work of the Islamic Theological Board of Maverannahr is a good example. The Uzbek Government arranged for the return of the most sacred book of Maverannahr Muslims - Caliph Osman’s Koran - to the Theological Board. For the first time in the history of the Uzbek State, the Koran has been translated into Uzbek. The Theological Board publishes a number of periodicals, among which special mention should be made of the newspaper *Islom Nuri* and the magazine *Musulmane Maverannahra*. The Government is funding the restoration and reconstruction of Muslim holy places in the region, including the Bahautdin Nakshbandi mosque and the Mir Arab in Bukhara, the Imam al-Bukhari mosque in Samarkand, the al-Fergani shrine in Fergana, the Imam at-Termezi mosque in Termez, and others.

222. One of the largest religious faiths in Uzbekistan is the Russian Orthodox Church. Founded more than 125 years ago, the Orthodox Church in Uzbekistan now comprises more than 30 religious associations and 3 monasteries. More than 20 seminarians are being trained at the seminary in the diocese.

223. The Orthodox Church has a number of publications, of which the newspaper *Slovo zhizni* has the widest circulation. To mark the 125th anniversary of the establishment of the Church in Uzbekistan, church buildings in Tashkent, Samarkand and Chirchik were restored and a new building was constructed for the diocesan administration.

224. According to the findings of a study on religious feeling among the public carried out in 2003 by the Izhtimoy Fikr Centre for the Study of Public Opinion, the absolute majority of those questioned (84.6 per cent) were of the opinion that there are no infringements of the rights of believers in Uzbekistan. On the whole, the absolute majority of respondents believed that Uzbekistan today provides people with every opportunity to satisfy their religious needs.

**Table 8****Number of registered religious organizations in Uzbekistan**

Registered religious organizations	As at 1 September 1999	As at 1 September 2003
Muslim	1 582	1 948
Christian	140	170
Orthodox	32	36
Catholic	3	5
Lutheran	3	4
Baptist	19	24
Evangelical	20	20
Adventist	9	11
Gregorian	1	1
Korean Protestant	45	62
New Apostolic	4	4
Jehovah's Witnesses	2	2
Bible Society	1	1
Glas Bozhy	0	1
Church of Christ	1	0
Jewish	8	7
Buddhist	0	1
Baha'I	5	6
Krishna Consciousness	2	2
Total	1 737	2 305

**Prohibition of coercion to adopt a religion**

225. In addition to the Constitution and the Freedom of Conscience and Religious Organizations Act, the rules of international law governing freedom of conscience are given effect in a number of other Uzbek legislative instruments, specifically in the rules contained in the Criminal Code. Article 145 of the Code (Violation of freedom of conscience) states that "obstructing the lawful activity of religious organizations or the performance of religious rites is punishable by a fine of up to 50 times the minimum wage, or forfeiture of a specified right for up to five years, or punitive deduction of earnings for up to two years. Recruitment of minors to religious organizations, and instructing them in religion against their will or against the will of their parents or persons in loco parentis, is punishable by a fine of between 50 and 75 times the minimum wage, or punitive deduction of earnings for two to three years, or deprivation of liberty for up to three years. Religious activities that prevent citizens from exercising their civil rights or fulfilling their civil-law obligations, compulsory imposition of dues or taxes on believers, application of measures injurious to personal honour and dignity, forcing a person to receive religious instruction or to define his or her attitude to religion, to profess or not to profess a religion, or to participate or not to participate in acts of worship, religious rites and ceremonies,



or the organization of religious rites that cause minor or moderate bodily injury, are punishable by a fine of between 75 and 100 times the minimum wage or rigorous imprisonment for up to six months, or deprivation of liberty from three to five years” (wording of Act No. 621-I of 1 May 1998).

226. Article 156 of the Criminal Code, which also protects the rights and freedoms of believers, states that “acts calculated to wound national honour and dignity or insult the feelings of believers or non-believers, committed with a view to inciting hatred, intolerance or discord with regard to certain communities on national, racial, ethnic or religious grounds, and the direct or indirect restriction of rights or the establishment of direct or indirect privileges in connection with the nationality, race, ethnicity or attitude to religion of such communities, are punishable by deprivation of liberty for up to five years”.

227. An additional provision, article 202-1, was inserted in the Criminal Code pursuant to the Act of 1 May 1998 amending and updating certain legislative instruments of the Republic of Uzbekistan.

228. Inducement to participate in the activities of voluntary associations and religious organizations, movements or sects that are banned in Uzbekistan incurs a fine of between 5 and 10 times the minimum wage, or administrative detention for up to 15 days.

229. The wording of articles 240 and 241 of the Criminal Code has been amended. Article 240 now reads as follows:

“Article 240 (Breach of laws on religious organizations). The conduct of unlawful religious activity; avoidance of registration of statutes by the leaders of religious organizations; the organization and conduct by ministers of religion and members of religious organizations of special meetings for children and young people, or the founding of work-related, literary or other clubs and groups not connected with acts of worship shall incur a fine of between 5 and 10 times the minimum wage or administrative detention for up to 15 days.”

230. The conversion of believers from one religion to another (proselytism) and other missionary work shall incur a fine of between 5 and 10 times the minimum wage or administrative detention for up to 15 days.

231. The new version of article 241 reads:

“Violation of the procedure governing religious instruction, the provision of religious instruction by persons without special religious training or without the authorization of the chief administration of a religious organization, or the provision of private religious instruction, shall incur a fine of between 5 and 10 times the minimum wage or administrative detention for up to 15 days.”

232. A number of other laws and regulations contain similar rules.

233. A new article 12 (Ensuring the freedom of conscience of convicted persons) has been added to the Penal Enforcement Code. It stipulates that convicted persons are guaranteed freedom of conscience and have the right to profess any religion or none at all.

234. In order to raise awareness of issues relating to freedom of conscience among law enforcement officers, 26 deputy governors of re-education institutions and 67 staff members received training at Tashkent Islamic University in 2003.

235. On 12 June 2003, an interdisciplinary round table discussion on the role of religion in society was held in the context of a seminar entitled “Interfaith dialogue - a basis for stability” and the Civic Forum project. This event was organized by the National Centre for Human Rights of Uzbekistan, the Committee for Religious Affairs reporting to the Cabinet of Ministers, the Izhtimoy Fikr Centre for the Study of Public Opinion and the Friedrich Ebert Foundation. Representatives of different religions and public and voluntary organizations, academics, religious experts, sociologists, legal scholars and political analysts took part in the forum.

### **Exercise of freedom of thought and opinion (art. 19)**

236. Article 29 of the Constitution states that “everyone has the right to freedom of thought, speech and opinion. Everyone shall have the right to seek, receive and impart any information, except information directed against the existing constitutional order and other restrictions specified by law. Freedom of opinion and the freedom to express one’s opinion may be restricted by law only in connection with a State or other secret”.

237. Article 29 of the Constitution upholds the human right to freedom of speech and guarantees this right to every citizen. It states that freedom of speech may be restricted by law only in connection with a State or other secret.

238. The Freedom of Information (Principles and Guarantees) Act and the Mass Media Act were adopted on 12 December 2002 and 26 December 1997, respectively. Article 30 of the Constitution obliges State bodies, voluntary associations and officials to grant individuals access to documents, decisions and other materials affecting their rights and interests. The Guarantees and Freedom of Access to Information Act governs the relations that arise in the exercise of the constitutional right of all citizens to seek, receive, study, transmit and impart information, freely and without hindrance. The Act guarantees that everyone shall have the right of access to information. This right is protected by the State.

239. The Foundation for the Support of Democratization of the Mass Media has been set up to protect freedom of speech and the mass media and uphold the interests and rights of journalists, and the Centre for Retraining Journalists has been established with support from the Konrad Adenauer Foundation in Uzbekistan.

240. Problems arising in the work of the mass media are discussed at seminars and round tables. For example, on 25 September 2003 the Academy of Sciences of Uzbekistan held a seminar on topical issues concerning the study and shaping of public opinion; the seminar was organized by the Academy of Sciences, the Izhtimoy Fikr Centre for the Study of Public Opinion and the Institute for Strategic and Inter-regional Research reporting to the President of Uzbekistan.

241. According to the results of the sociological study entitled “The mass media in the public eye” conducted in Uzbekistan in 2003, the vast majority of those questioned said that national State-run television was their main source of information about life in Uzbekistan and world

events, with 93 per cent stating that they tune in regularly. Other mass media are much less popular. Thus, State radio stations were an important source of information for 22.4 per cent of those questioned, and 35.9 per cent relied on the national press.

242. There are about 900 mass media outlets in Uzbekistan, including 560 newspapers, 165 magazines, 4 news agencies, 70 television and radio stations and more than 100 electronic media outlets. In 1991 and 2001, there were 351 and 784 media outlets, respectively.

243. The printed media in Uzbekistan publish in Uzbek, Russian, English, Kazakh, Tajik, Karakalpak and Korean.

244. There are some 30 private television stations in Uzbekistan. In addition, there are 10 private FM radio stations broadcasting in Uzbek, Russian and English.

245. The number of Internet users in Uzbekistan grows every year. The Internet is becoming increasingly accessible to the Uzbek public. There are currently about 500,000 users, as compared with 137,000 in 2001.

### **Prohibition of propaganda for war (art. 20)**

#### **Laws banning propaganda for war**

246. The priority of the universally recognized norms of international law is recognized in the preamble to the Constitution, article 17 of which states that Uzbekistan's foreign policy is based on the principles of equality, non-use of force or the threat of force, the inviolability of frontiers, the peaceful settlement of disputes, non-interference in the internal affairs of States and other universally recognized principles and norms of international law. These principles are developed in article 57, which prohibits the formation and activities of political parties and other voluntary associations that disseminate propaganda for war.

247. Uzbekistan has put forward an initiative to declare Central Asia a nuclear-free zone. It intends to remain a nuclear-free zone and to refrain from joining aggressive blocs or alliances. Uzbekistan recognizes and intends to comply strictly with international instruments on human rights, non-aggression and the non-use of force or the threat of force in the settlement of disputes.

248. Investigative and court practice in Uzbekistan has thus far recorded no cases of anyone being prosecuted for, or convicted of, propaganda for war.

#### **Prohibition of advocacy of national, racial or religious hatred**

249. According to article 156 of the Criminal Code (Incitement to national, racial or religious hatred), "acts calculated to wound national honour and dignity or insult the feelings of believers or non-believers, committed with a view to inciting hatred, intolerance or discord with regard to certain communities on national, racial, ethnic or religious grounds, and the direct or indirect restriction of rights or the establishment of direct or indirect privileges in connection with the nationality, race, ethnicity or attitude to religion of such communities, are punishable by deprivation of liberty for up to five years. The same actions (a) committed in a way that

endangers the lives of others; (b) committed in a way that causes serious bodily injury; (c) accompanied by the eviction of citizens from their homes; (d) committed by a senior official; (e) committed by prior agreement or by a group of persons, shall be punishable by deprivation of liberty for a period of 5 to 10 years”.

**Table 9**

**Number of convictions for propaganda for war and incitement to national, racial or religious hatred (2000-2003)**

	2000	2001	2002	January-June 2003
Number of convictions	59	44	9	1

**Freedom of peaceful assembly and grounds for restricting it (art. 21)**

250. Under article 33 of the Constitution, “citizens have the right to engage in public life by holding rallies, meetings and demonstrations in accordance with the laws of Uzbekistan. Government bodies shall have the right to suspend or ban such events solely on justified security considerations”. Citizens of Uzbekistan also have the right to form trade unions and political parties and to take part in authorized mass movements, and no one has the right to infringe their rights or the rights of the opposition minority. In accordance with the law of Uzbekistan, reasons must be adduced if the holding of meetings is banned.

251. The Constitution and other legislative acts of Uzbekistan do not refer to the right to strike as a means of settling collective labour disputes. Labour legislation sets out the procedure for settling labour disputes. Individual labour disputes are settled in accordance with legislation in enterprises’ labour dispute commissions or in the courts.

252. A worker has the right to choose the body that will consider his dispute with his employer. In accordance with the provisions of labour law, when they take their disputes to court, workers are exempted from payment of court fees.

**Freedom of association (art. 22)**

253. Article 34 of the Constitution provides for the right to form trade unions, political parties and other voluntary associations, and to take part in mass movements. These rights are given specific form in the Voluntary Associations Act of 15 February 1991 and the Act on Trade Unions, Their Rights and Guarantees of Their Activities of 2 July 1992.

254. Voluntary associations are a very important component of civil society. The Constitution contains a special chapter - Chapter XIII - on voluntary associations. According to article 56 of the Constitution, “trade unions, political parties, scientific associations, women’s, veterans’ and youth organizations, unions of creative artists, mass movements and other citizens’ associations, which have been registered in accordance with the established procedure, are recognized as voluntary associations in the Republic of Uzbekistan”.

255. The principal legislative acts governing the organization and activities of voluntary organizations are the Constitution of the Republic of Uzbekistan (arts. 56-62); the Act on

Voluntary Associations in the Republic of Uzbekistan of 15 February 1991 (as amended on 3 July 1992 and 25 April 1997); the Act on Trade Unions, Their Rights and Guarantees of Their Activities of 2 June 1992; and the Political Parties Act of 26 December 1996.

256. In December 1996, the Oliy Majlis adopted the Political Parties Act, which regulates the procedure for the establishment and activities of political parties. Although the term “voluntary association” is used in Uzbek legislation, increasing use has also been made recently of the term “non-governmental organization”. It should be noted that these terms are identical in meaning. While “voluntary association” has traditionally been used in Uzbekistan, “non-governmental organization” is used in developed countries abroad and in international instruments.

257. Article 34 of the Constitution provides for the right to form trade unions, political parties and other voluntary associations, and to participate in mass movements, and these rights are stipulated in the Voluntary Associations Act of 15 February 1991 and the Act on Trade Unions, Their Rights and Guarantees of Their Activities of 2 July 1992.

258. There are currently 14 trade unions in Uzbekistan, which comprise 180 oblast, 559 district and 42,808 primary trade union organizations. The number of members in these trade unions is indicated in the following table.

**Table 10**

**Main trade union organizations and their membership**

Name of trade union	Number of members
Air transport workers' union	20 415
Road transport and road maintenance workers' union	107 986
Agro-industrial workers' union	2 856 812
Union of workers in State institutions and public services	263 949
Railway and transport construction workers' union	70 684
Health workers' union	640 207
Cultural workers' union	95 702
Union of workers in light industry, the furniture industry and public utilities	361 881
Union of workers in small and medium-sized businesses, consumer cooperatives, trade and private entrepreneurs	417 921
Union of metallurgical and engineering workers	121 021
Union of workers in education and science	1 367 200
Communication workers' union	52 460
Union of construction workers and workers in the building materials industry	110 041
Union of workers in the fuel and energy, geological and chemical industries	215 054
<b>Total</b>	<b>6 701 333</b>

259. The Government of Uzbekistan provides assistance in the establishment of the national offices of international NGOs. Various international NGOs and foundations, such as the Mercy Corps, USAID, the Konrad Adenauer Foundation, the Eurasia Foundation and a number of others, have offices in Uzbekistan.

260. More than 300 national and international NGOs and over 4,000 local voluntary organizations have been registered in Uzbekistan. The largest of them are Soglom Avlod Uchun, Kamolot, Makhallya, Ekosan and Nuroni. Recently, non-governmental human rights organizations have started to develop. The most prestigious and active of such organizations are the Centre for the Study of Public Opinion, The Legal Aid Society, the Independent Candidates' Support Centre, the Centre for the Study of Human Rights and Humanitarian Law, the Committee for the Protection of the Rights of the Individual, the Association of Businesswomen, the Association of Lawyers and the Association of Judges.

261. The desire and will of Uzbekistan's political leaders have contributed to the establishment of a dialogue between government bodies and NGOs. One outstanding example of this is the series of seminars and training that has been held on legislative issues, human rights monitoring and the writing of alternative accounts of and reports on current developments. Since 2000, the number of NGOs registered in Uzbekistan has increased by 66 per cent.

**Table 11**

**Annual growth of NGOs registered in Uzbekistan**

Year	1999	2000	2001	2002	January-June 2003
Number of new NGOs	162	240	340	349	199

262. The legal framework for NGOs is being improved. In 2003 the Voluntary Funds Act was adopted. A new version of the Voluntary Associations Act has been prepared and an act on charitable organizations has been drafted.

263. In spite of the progress that has been made in the field of NGO activities, there are still certain shortcomings: NGOs do not have enough autonomy and depend on foreign grants, there is poor coordination of activities among NGOs and with government organizations, and so forth.

**Social and legal support and protection of the family (art. 23)**

264. The family is protected by the State. Social protection is provided through the provision of both material and moral assistance by various foundations and voluntary organizations. Among these foundations, special mention may be made of the work of the Makhallya, Navruz, Ekosan and Aral foundations, the Sharaf Rashidov Foundation and the Red Cross and Red Crescent Society.

265. The Soglom Avlod Uchun Foundation, an international non-governmental charitable organization, was founded in 1993. The principal tasks of the Foundation are to promote good health among the rising generation, to protect mothers and children, to carry out a series of measures for the spiritual development and cultural and physical improvement of the individual,

and to bring up a healthy and harmoniously developed generation of Uzbek citizens. The Foundation carries out its multifaceted work through its 14 regional offices and more than 100 support stations operating in most of the country's districts.

266. Following research carried out and proposals prepared by the Foundation, the Government of Uzbekistan approved a national mother-and-child health monitoring programme for the period 1997-2001, which was aimed at the early detection and prevention of the birth of children with congenital anomalies.

267. In order to increase State support and the systematic protection of the legal, social, economic, spiritual and moral interests of families, and to improve families' well-being, a State programme of measures to promote families' interests, comprising a range of State guarantees and family social protection measures, has been prepared and approved.

268. In accordance with Cabinet of Ministers Decision No. 33 of 25 January 2002 on measures to implement the programme for the provision of targeted support for socially vulnerable segments of the population in 2002-2003, starting on 1 September 2002, in addition to primary school pupils from poor families, students from poor families who attend higher grades of general education schools are provided with a free set of winter clothing. For this purpose, 100 million sum, or all the resources allocated in the first quarter of 2003, have been disbursed from the budget. Every year, students from poor families who attend general education schools are provided with a set of textbooks from the library collection. Since 1 September 2002, no less than 75 per cent of students from poor families were provided with textbooks; since 1 September 2003, all such students have received textbooks. Foster parents who have assumed the responsibility of bringing up a child or children receive a monthly allowance equivalent to three times the minimum wage for each child in their care. In the first quarter of 2003, a total of 12,461.3 million sum was paid in allowances to non-working mothers for the care of children from poor families up to the age of two.

269. Direct payments in the form of material assistance to poor families and allowances to families with children provide needy families with additional income. Forty per cent of Uzbekistan's total budget expenditure is allocated to social and cultural activities and social protection.

#### **Protection of children's rights and freedoms (art. 24)**

270. One of the first international instruments to which Uzbekistan acceded was the Convention on the Rights of the Child. This was motivated not only by the profound ideological reform of Uzbek society but also to a considerable extent by cultural tradition.

271. The President's policy of supporting such foundations as Kamolot, Umid, Soglom Avlod Uchun and the Children's Foundation is in itself an important contribution to the creation of new opportunities for the development and social protection of children and young people.

272. Uzbekistan attaches due importance to parental responsibility, rights and duties and to members of extended families, that is, families with which the older generation resides.

273. The State ensures that children live with their parents, except in cases where the competent authorities decide, pursuant to a court ruling, that to separate a child from his or her family, in accordance with the procedures established by law, is necessary in the interests of the child, that is, in cases where the parents are cruel to or neglect the child, or when a decision must be taken concerning the child's residence when the parents live apart.

274. The present system of support for poor families is intended to a large extent to help families with children, primarily families with many children. Some 80 per cent of the families that receive allowances are families with children. Allowances range from between 1.5 and 3 times the minimum wage. More detailed information on this subject is contained in Uzbekistan's national report pursuant to the provisions of the 1966 International Covenant on Economic, Social and Cultural Rights.

275. The Uzbek Government's establishment of a national system of social support for families with children and a legislative framework for that system, and its measures to improve the situation regarding protection of children's rights, demonstrate that Uzbekistan adheres strictly to international principles and obligations in ensuring the implementation of the Convention on the Rights of the Child.

276. Local self-governing bodies (makhallyas) cooperate closely with local internal affairs agencies, the procurator's office and judicial bodies in order to prevent the spread of drug addiction and alcoholism among children, and carry out various joint measures. When antisocial behaviour is found among young people, their parents and teachers are summoned to a makhallya committee meeting, at which the rehabilitation of the young people in question is discussed.

277. On 6 December 1992, Uzbekistan ratified the Convention on the Rights of the Child and assumed the obligation to comply with all its provisions and to bear liability before the international community. Legislative, administrative and other measures are being taken to bring State policy on children into line with the provisions of the Convention. The legal status of children in Uzbekistan is governed by the standards laid down in the Family Code of 30 April 1998, the Code of Administrative Liability, the Civil Code of 29 August 1996, the Labour Code of 1 March 1994, the Civil Code of 1 July 1997, the Citizenship Act of 2 July 1992, the Voluntary Associations Act of 15 February 1991, the Education Act of 2 July 1997, the Protection of Citizens' Health Act of 29 August 1996 and the Social Protection of the Disabled Act of 23 September 1993.

278. The Human Rights Commissioner has carried out checks in Tashkent oblast concerning compliance with the provisions of the Convention. These revealed a number of problems, in particular the fact that State bodies are not sufficiently informed about the contents of the Convention and therefore do not always respect it. There is sometimes a lack of medicine, equipment and foodstuffs for children, no drinking water, and health and sanitary conditions in individual kindergartens, schools and hospitals that do not meet the necessary requirements.

279. The Kamolot Youth Foundation, which is a self-financing NGO, contributes to the all-round development of the new generation and participates in the social protection of young people, and provides young people with the necessary conditions for receiving an education.



280. The Social Insurance Fund has been established in Uzbekistan. The Fund finances pensions and allowances, including allowances for the birth of a child. There is a unified system of allowances for children up to the age of 16. Allowances are differentiated depending on the number of under-age children in a family. In accordance with Cabinet of Ministers Decision No. 319 of 24 June 1994, children with childhood disabilities up to the age of 16 and persons who have been disabled since childhood in groups 1 and 2 receive allowances equivalent to 100 per cent of the minimum pension based on age. The most important measure to increase social protection for children with disabilities was the adoption in 1995 of the State Programme for the Rehabilitation of Disabled Persons for the Period 1996-2000. More than 40 ministries, departments, foundations and other voluntary organizations took part in the implementation of the Programme. The Programme provided for the prevention of disabilities, the medical and social rehabilitation of disabled persons, instruction in various specialities and physical training, as well as the training of personnel to work with disabled persons, the production of prosthetic devices, and measures to solve other problems related to the rehabilitation of persons with disabilities.

281. In December 1999, Uzbekistan submitted its initial report under the Convention on the Rights of the Child (CRC/C/Add.8), which was considered at the twenty-eighth session of the Committee on the Rights of the Child in 2001.<sup>10</sup>

#### **Prohibition of discrimination in the exercise of civil and political rights (art. 25)**

282. Article 18 of the Constitution of Uzbekistan proclaims that “all citizens of the Republic of Uzbekistan shall have equal rights and freedoms and shall be equal before the law, without discrimination on grounds of sex, race, nationality, language, religion, social origin, beliefs or individual and social status”.

283. The five major political parties in Uzbekistan today are the People’s Democratic Party of Uzbekistan, Adolat, Milli Tiklanish, Fidokorlar and the Liberal Democratic Party of Uzbekistan (a new party that was established and registered in 2003).

284. Political parties operate in accordance with the Constitution, the Political Parties Act, other legislative acts and their own statutes. The aim of their establishment and activities is to secure citizens’ rights and freedoms based on the free expression of will, voluntary adherence to and withdrawal from party, equal rights of members of political parties, self-administration, legality and openness.

285. The law prohibits the establishment and activities of political parties that seek a violent change in the constitutional order; oppose the sovereignty, integrity and security of Uzbekistan or citizens’ constitutional rights and freedoms; advocate war or social, national, racial or religious hatred; infringe the people’s health or morality; or on national or religious grounds.

286. Any restrictions on citizens’ rights, and also any privileges or advantages on grounds of party affiliation, are prohibited. Judges, procurators and investigators in the procurator’s office, employees of internal affairs agencies or the national security service, military personnel, citizens of foreign States and stateless persons may not join political parties.

287. Government executive and administrative bodies, enterprises, institutions and organizations, and their officials, are prohibited from interfering in the internal affairs of political parties or hampering their activities in any way if such activities are carried out in accordance with the law and political parties' statutes.

288. Political parties carry out their activities mainly outside the working hours of their members and are funded by their own resources.

289. Private employers are prohibited from requiring their employees to engage in political activity on behalf of a party while performing their duties at work.

290. The formation of a political party requires at least 20,000 signatures by citizens who wish to join together in a party. Such citizens must reside in at least one of the eight territorial entities (oblasts), including the Republic of Karakalpakstan and the city of Tashkent.

291. The persons sponsoring the establishment of a political party (who should be not less than 50 in number) must form an organizing committee to draft the party's statutory documents, draw up its membership and convene a constituent assembly or conference.

292. The organizing committee is obliged, no later than seven days following its establishment, to inform the Ministry of Justice in writing of its initiative, membership, leader, place of work and the date on which the constituent assembly or conference was convened.

293. An application for registering a political party must be considered within two months following the date of its receipt. After the application has been considered, a decision is taken to register or refuse to register the political party. The decision is handed or sent by post to the party's governing body no later than three days after it is taken.

294. Political parties acquire the rights of a legal person and may become active from the day on which they are registered.

295. Any changes or additions to a party's statute must be registered in accordance with the procedure and within the time limit established for the registration of statutes.

296. Registration of a political party is published in the mass media.

297. A political party may not be registered if its statute, aims, purposes and working methods contravene the Constitution, the Political Parties Act or other legislative acts, or if a political party or public movement with a similar name has already been registered.

298. If a political party is refused registration, the Ministry of Justice must inform an authorized member of the party thereof in writing, indicating which legislative provision is contravened by the documents submitted.

299. Authorized members of a political party's governing body have the right to re-apply to the Ministry of Justice for registration within one month of a refusal to register the party, provided that the documents have been brought into full compliance with the Constitution and laws of Uzbekistan.

300. An appeal against a refusal to register a political party may be lodged with the Supreme Court in accordance with the established procedure.

301. If a political party contravenes the Constitution, the Political Parties Act, other legislative acts or its statute, the Ministry of Justice must inform its governing bodies thereof in writing, indicating which legislative act or regulation of its statute have been violated and establishing a time limit for the elimination of such violations. If the violations have not been eliminated within the established time limit, the Supreme Court may suspend the activities of the political party for a period of up to six months at the recommendation of the Ministry of Justice or the Procurator-General.

302. During such suspension, the political party may not make any use of the mass media, campaign or conduct propaganda, or take part in elections.

303. The Ministry of Justice is responsible for monitoring the compliance of political parties' activities with the Constitution and laws of Uzbekistan, and with their statutes.

304. The minimum age for Uzbek citizens to acquire active and passive electoral rights is 18 (the legal age or majority).

#### **Equality before the law (art. 26)**

305. The obligations assumed by Uzbekistan not to commit any acts or take any action involving discrimination, are reflected in the Constitution's reaffirmation of the equality of citizens, irrespective of race, nationality, language and other attributes (article 18 of the Constitution), to be respected unconditionally by the State, its bodies and officials (article 15 of the Constitution). The State thereby assumes the obligation not to allow discrimination on the basis of race or nationality. This provision is developed in other legislative acts of Uzbekistan; in particular, article 6 of the Labour Code prohibits discrimination in labour relations: "All citizens have equal opportunities with regard to the possession and exercise of labour rights. The imposition of any restrictions or the granting of privileges in the area of labour relations on the basis of ... race, nationality, language, religion, ... and other considerations not related to the qualifications of employees and the results of their work are unacceptable and shall be deemed discrimination."

306. Between 1999 and 2003, Uzbekistan adopted the following acts relating to civil and political rights:

- (a) Non-State Non-Profit Organizations Act of 14 April 1999;
- (b) Citizens' Self-Governing Bodies Act of 14 April 1999;
- (c) Courts Act of 14 December 2000;
- (d) Citizens' Appeals Act of 13 December 2002;
- (e) Act of 29 August 2001 amending and updating the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Liability in connection with the liberalization of criminal penalties.

**Rights of minorities (art. 27)<sup>11</sup>**

307. The Constitution of Uzbekistan guarantees equal rights for all citizens, irrespective of national or ethnic, religious or linguistic affiliation. All citizens are equal before the law. The population of Uzbekistan includes Koreans, Russians, Tatars, Meskhetin Turks, Jews, Bashkirs, Ukrainians, Germans, Poles and other nations and peoples. All nations and peoples are accorded equal rights for the development of their cultures, the study of their mother tongue, and their national attributes and traditions. Conditions are created for the development of national schools at which representatives of national minorities can receive education in their mother tongue. Recognizing that “positive measures by States may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practise their religion in community with the other members of the group”,<sup>12</sup> Uzbekistan has established schools that provide instruction in the Korean, Kazakh, Kyrgyz, Russian, German and other languages.

**Table 12****Principal ethnic minorities in Uzbekistan (in thousands)**

Nationality	1998	2002
Tajiks	1 145.9	1 219.9
Russians	1 244.3	1 092.7
Kazakhs	957.2	969.6
Tatars	924.2	986.0
Kyrgyz	212.8	287.4
Turkmens	141.4	224.6
Koreans	123.2	149.3
Ukrainians	113.4	100.3
Armenians	46.0	42.8
Azerbaijanis	41.0	41.0
Belarusians	24.5	22.7
Jews	15.6	11.8
Germans	10.3	6.9
Total	23 773.3	25 115.8

308. In accordance with the Constitution and the Freedom of Conscience and Religious Organizations Act of 1998, all religious organizations have equal rights. Article 5 (Separation of religion from the State) of the Freedom of Conscience and Religious Organizations Act states that “religions in the Republic of Uzbekistan are separate from the State. The establishment of any privileges for, or restrictions on, a particular religion or creed with respect to other religions is prohibited”.

309. In his statement at the final meeting of the one hundred and fifty-fifth session of the Governing Council of the United Nations Educational, Scientific and Cultural Organization, the President of Uzbekistan, Mr. Islam Karimov, stressed that Uzbekistan had been “for thousands of years a centre of mutual assistance and coexistence for the most diverse religions, cultures and structures. From ancient times, different civilizations not only existed side by side - Muslim, Christian, Jewish, Buddhist and more ancient ones - but complemented and enriched each other. It was on that land that, over many centuries, different world cultures were involved in a comprehensive process of mutual enrichment ... It was therefore no accident that various religious movements and confessions are widely represented in Uzbekistan. I can proudly say that, throughout the entire history of our people, we have never had, and we do not allow, religious quarrels or persecution on grounds of nationality or religion. There have never been any manifestations of anti-Semitism. Throughout its history, the Uzbek people have always shown tolerance and respect towards representatives of other peoples and religions”.

**WORKING GROUP FOR THE PREPARATION OF  
THE NATIONAL REPORT**

- |                    |  |
|--------------------|--|
| Saidov, A.Kh.      | Director, National Centre for Human Rights of the Republic of Uzbekistan               |
| Galiakbarov, Sh.A. | Deputy Director, National Centre for Human Rights of the Republic of Uzbekistan        |
| Abdullaev, E.V.    | Chief, Department of International Cooperation in the Field of Human Rights            |
| Saidova, E.B.      | Chief Consultant, Department of International Cooperation in the Field of Human Rights |

**STATE ORGANIZATIONS THAT PROVIDED MATERIALS**

1. Constitutional Court
2. Supreme Court
3. State Statistical Committee of the Republic of Uzbekistan
4. Ministry of Justice of the Republic of Uzbekistan
5. Ministry of Internal Affairs of the Republic of Uzbekistan
6. Office of the Procurator of the Republic of Uzbekistan
7. Committee on Religious Affairs reporting to the Cabinet of Ministers of the Republic of Uzbekistan
8. Ministry of Higher Education
9. Ministry of Public Education

**NON-GOVERNMENTAL ORGANIZATIONS THAT  
PROVIDED MATERIALS**

1. Women's Committee of the Republic of Uzbekistan
2. Association of Judges of the Republic of Uzbekistan
3. Association of Lawyers of the Republic of Uzbekistan
4. International Cultural Centre
5. Izhtimoy Fikr Centre for the Study of Public Opinion

### Notes

<sup>1</sup> Twenty-first session of the Human Rights Committee (1984). General comment No. 12. Article 1 (HRI/GEN/1/Rev.5).

<sup>2</sup> Thirteenth session of the Human Rights Committee (1981). General comment No. 3. Article 2 (Implementation at the national level) (HRI/GEN/1/Rev.5).

<sup>3</sup> This chapter has been prepared pursuant to general comment No. 4 adopted by the Human Rights Committee at its thirtieth session (1981) (HRI/GEN/1/Rev.5). In particular, Uzbekistan has endeavoured to provide “more information ... regarding the role of women in practice”. For more details about ensuring the civil and political rights of men and women, see Uzbekistan’s initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/UZB/1).

<sup>4</sup> Sixty-eighth session of the Human Rights Committee (2000). General comment No. 28. Article 3 (The equality of rights between men and women) (HRI/GEN/1/Rev.5).

<sup>5</sup> Sixtieth session of the Human Rights Committee (1982). General comment No. 6. Article 6.

<sup>6</sup> See Uzbekistan’s reports on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (31 August 1995, No. 130-1). Its initial report was considered in 1999 (CAT/C/32/Add.3), and its second periodic report was considered in May 2002 in Geneva (CAT/C/53/Add.1).

<sup>7</sup> Concluding observations of the Human Rights Committee, 26 April 2001. Seventy-first session (CCPR/CO/71/UZB).

<sup>8</sup> Sixty-seventh session of the Human Rights Committee (1999). General comment No. 27. Article 12 (Freedom of movement) (HRI/GEN/1/Rev.5).

<sup>9</sup> Uzbekistan. Common Country Assessment. United Nations, 2003. P.48.

<sup>10</sup> See CRC/C/SR.743 and 744.

<sup>11</sup> See initial report of Uzbekistan on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/327/Add.1).

<sup>12</sup> Fiftieth session of the Human Rights Committee (1994). General comment No. 23. Article 27 (HRI/GEN/1/Rev.6).

-----