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

Third periodic reports of States parties

UZBEKISTAN

[31 March 2008]

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ABBREVIATIONS

CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CIS	Commonwealth of Independent States
EAP	Economically active population
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
NGO	(Non-profit) non-governmental organization
OSCE	Organization for Security and Cooperation in Europe
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund

Introduction

1. The following persons comprised the working group for the preparation of the third periodic report of the Republic of Uzbekistan on application of the International Covenant on Civil and Political Rights: A. Saidov, Director of the National Centre for Human Rights; A. Ismailov, Deputy Director of the National Centre for Human Rights; F. Bakayeva, Head of the Analysis and Research Department; L. Kashiskaya, Head of the International Cooperation Department; G. Nazarova, Principal Consultant, Analysis and Research Department; D. Turayev, Principal Consultant, International Cooperation Department; R. Khusniyarova, Senior Specialist, Analysis and Research Department; K. Arslanova, Senior Specialist, Legal and Information Department; L. Begmatova, Senior Specialist, Information and Legal Department; and F. Khamdamova, Senior Specialist, Human Rights Education Department.

2. The following State bodies took part in the preparation of the report:

- Legislative Chamber of the Oliy Majlis
- Senate of the Oliy Majlis
- Commissioner for Human Rights (Ombudsman) of the Oliy Majlis
- Ministry of Foreign Affairs
- Ministry of Justice
- Ministry of Internal Affairs
- Ministry of National Education
- Ministry of Higher and Secondary Specialist Education
- Ministry of Labour and Social Protection
- Ministry of Health
- Ministry of Defence
- Ministry of Finance
- Office of the Procurator-General
- Constitutional Court
- Supreme Court
- Higher Economic Court
- National Security Service

- Central Penal Correction Department of the Ministry of Internal Affairs
- State Statistics Committee
- State Environmental Protection Committee
- Uzbek Press and News Service
- Central Electoral Commission
- Centre for Monitoring the Application of Legislation of the Ministry of Justice
- Religious Affairs Committee of the Cabinet of Ministers
- Uzbek Television and Radio Corporation
- National Centre for the Further Training of Legal Specialists
- Advanced Courses of the Office of the Procurator-General
- Tashkent State Institute of Law
- Academy for State and Social Construction (Office of the President)
- Institute of the National Security Service
- Academy of the Ministry of Internal Affairs
- Institute for the Monitoring of Legislation (Office of the President)

3. The following non-profit non-governmental organizations (NGOs) took part in the preparation of the third periodic report: Bar Association of Uzbekistan; Women's Committee of Uzbekistan; *Oila* Centre for Applied Science; National Association of Non-Profit Non-Governmental Organizations; Society for the Disabled of Uzbekistan; *Kamolot* youth movement of Uzbekistan; *Makhalla* foundation; International Cultural Centre of Uzbekistan; National Centre for the Social Adaptation of Children; Council of the Federation of Trade Unions of Uzbekistan; *Sen Yolg'iz Emassan* foundation; *Soglom Avlod Uchun* foundation; *Nuronni* foundation; Forum for Culture and the Arts of Uzbekistan; *Izhtimoy fikr* Centre for Public Opinion Studies; Centre for the Study of Humanitarian Law and Human Rights (attached to the Centre for Civic Initiatives); and the Centre for the Study of Legal Problems.

4. Over the years of independence Uzbekistan's development has taken place in two separate periods, each occupying its own place in the country's history.

5. The first period, from 1991 to 2000, was a transitional stage of priority reforms and changes, in which the foundations of Uzbekistan's statehood were laid. This period saw the establishment of the legal and organizational bases for the building of a democratic State governed by the rule of law, for a socially orientated market economy, and for the formulation

of a State policy of promoting, respecting and defending human rights and freedoms. It was in this period that Uzbekistan acceded to the six core international treaties of the United Nations on human rights, including the International Covenant on Civil and Political Rights.

6. The second period, from 2001 to 2007, played a no less important part in the country's development, for it was a time of active democratic renewal and modernization. The following were the characteristic features of this period: firstly, the increased role and influence of the Legislature resulting from the creation and funding of a two-chamber Parliament which takes the general interests of the State and the regions into account when adopting legislation; secondly, the increased role and influence of political parties and civil society institutions in the adoption of the most important decisions of the State, and the enhanced authority and significance of NGOs in the public monitoring of the activities of State agencies; thirdly, the introduction of vitally important reforms to liberalize the judicial system and make it more person-friendly, the removal of the death sentence from the list of available penalties, and the strengthening of the independence and effectiveness of the Judiciary; and, fourthly, the far-reaching efforts made in the field of human rights information and education.

7. The country has undergone significant changes in the years since the consideration of its second periodic report on the application of the Covenant,¹ including the extension of the practice of dedicating individual years to tackling the major social and economic aspects of human rights: 2005 – Year of Health; 2006 – Year of Voluntary Associations and Health Workers; 2007 – Year of Social Protection. All the measures carried out in these years were ultimately designed to enhance the people's well-being and the living standards of every family, to extend the rights and options of institutions of civil society, and to consolidate human rights and freedoms.

8. This period of Uzbekistan's development saw the adoption of legislation designed to secure the country's fundamental renewal and modernization and improvement of the inter-relationship between the State, society and individuals: the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis Act (new wording) of 27 August 2004; the Mass Media Act (new wording) of 15 January 2007; the Non-Profit Non-Governmental Organizations (Safeguards) Act of 3 January 2007; the Voluntary Associations Act of 2 May 2007; the Act of 11 April 2007 on strengthening the role of political parties in the renewal and further democratization of the governance and modernization of the State; the two Acts of 11 July, on changes and additions to legislation in connection with the abolition of the death penalty and on changes and additions to legislation in connection with the transfer to the courts of the authority to order remand in custody; the Rights of the Child (Safeguards) Act of 7 January 2008, etc.

9. The abolition of the death penalty by Uzbekistan had a big impact around the world. In its general comment No. 6 of 30 April 1982, on article 6 (Right to life), the Human Rights Committee stated quite clearly that measures to abolish the death penalty must be regarded as progress in the realization of the right to life. The European Union not only welcomed the abolition of the death penalty in Uzbekistan from 1 January 2008 but also expressed the hope that the decision would prompt other countries of the region to follow Uzbekistan's example. It

¹ CCPR/C/UZB/2004/2.

noted that the Uzbek Government has its support in the full application of the decision and in the introduction of further reforms in the judicial system.

10. It is perfectly understandable that Uzbekistan should have declared 2008 the Year of Youth, for it has 10,360,000 young people aged under 18 (about 40 per cent of the total population) and some 17,800,000 persons aged under 30 (64 per cent). The question of the solution of the problems of young people, who constitute the majority of the population, is a constant concern of the whole of society: it is and will remain a focus of the attention both of the State and of the public at large. The Presidential Decree on the State Programme for the Year of Youth, issued on 29 February 2008, approved this Programme and set out the basic policies for supporting young people in various areas of life by improving the legal foundations for addressing their rights and interests, enhancing the education process, improving the resource base and equipment of educational institutions, and tackling the whole range of issues connected with youth employment.

11. In the period 2005-2007 Uzbekistan continued to produce its periodic national reports on the application of the core international human rights instruments.

12. At its thirty-fifth session,² held from 11 to 14 November 2005, the Committee on Economic, Social and Cultural Rights considered the initial and second periodic reports of Uzbekistan on the application of the International Covenant on Economic, Social and Cultural Rights.³

13. On 19 May 2006, during its forty-second session,⁴ the Committee on the Rights of the Child considered the second periodic report of Uzbekistan on the application of the Convention on the Rights of the Child.⁵

14. On 10 August 2006, during its thirty-sixth session,⁶ the Committee on the Elimination of Discrimination against Women considered the second and third periodic reports of Uzbekistan on the application of the Convention on the Elimination of All Forms of Discrimination against Women.⁷

15. On 5 and 13 November 2007⁸ the Committee against Torture considered the third periodic report of Uzbekistan on the application of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.⁹

16. Uzbekistan has adopted and is implementing national plans of action in response to the concluding observations of all the committees mentioned above.

17. Uzbekistan gave close attention to the outcome of the consideration by the Human Rights Committee of its second periodic report on the application of the International Covenant on Civil

² E/C.12/2005/SR.38-40.

³ E/1990/5/Add.63.

⁴ CRC/C/SR.1133 and 1135.

⁵ CRC/C/104/Add.6.

⁶ CEDAW/C/SR.743-744.

⁷ CEDAW/C/UZB/2-3.

⁸ CAT/C/SR.789 and 792.

⁹ CAT/C/UZB/3.

and Political Rights. State agencies and NGOs prepared proposals in response to the Committee's observations which were reflected in a national plan of action for implementation of the Committee's recommendations, a plan formulated by the National Centre for Human Rights and approved by the Justice Ministry's Interdepartmental Working Group on the observance of human rights by law-enforcement agencies.

18. All the observations of the United Nations treaty bodies on all the periodic reports already submitted were taken into account in the preparation of the present third periodic report on the application of the Covenant.

19. In the preparation of this report under article 40 of the Covenant Uzbekistan used the new compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties, the observations and recommendations of the Human Rights Committee following its consideration of the second periodic report on the application of the Covenant, and the general comments of the Human Rights Committee on the matters covered by the Covenant.

20. The report indicates the progress made in the development of social, political and legal thinking in Uzbekistan with regard to various aspects of human rights; this will help the international bodies to understand Uzbekistan's current situation in terms of the promotion, observance and protection of human rights.

21. The report takes trouble to explain in detail the legislative, administrative and organizational arrangements for the realization of human rights in Uzbekistan. It gives a full description of the current human rights legislation, indicates the goals and mandates of the institutions which have to apply that legislation in practice, and furnishes information on the ways and the areas in which the activities of the State agencies responsible for delivering human rights are coordinated. This information provides a full picture of the national machinery of civil and political rights and the effectiveness of the application of the international standards in this field.

I. GENERAL INFORMATION ABOUT THE STATE PARTY

A. Demographic, economic, social and cultural characteristics

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

23. The country has a total area of 447,400 square kilometres and comprises the Republic of Karakalpakstan, 12 oblasts (provinces) and the City of Tashkent, 121 towns and cities and 163 rural districts. The population totals 26.6 million. The capital is Tashkent.

Historical survey

24. The first historical information about the settlement of Central Asia, including Uzbekistan, dates to the middle of the first millennium BC. In the sixth century BC the rule of Persia's Akhemenidov dynasty was established in Central Asia; in the fourth century BC that dynasty was conquered by Alexander the Great. The territory of Uzbekistan, in its entirety or in part, was subsequently ruled by the big States of antiquity, the descendants of Alexander the Great and Seleucus Nikator (fourth to third centuries BC); the Graeco-Baktrian Empire (third to second centuries BC); and the powerful central Indian State of Kushanov (end of the first to fourth century AD).
25. The formation of the Uzbek race, with its Turkic roots and as a titular nation, was influenced by various cultures and civilizations. The historical development of the Uzbeks took place in a context of close contacts and intermingling with the Iranian peoples and culture.
26. In the eighth century Central Asia, including the territory of Uzbekistan, was invaded by the Arabs and became part of the possessions of the Arab Caliphate. This invasion was accompanied by the introduction of Islam. The new religion spread quickly among the population, although with an admixture of Zoroastrianism and some other religions (Buddhism, Manichaeism, and Nestorian Christianity). The spread of Islam led to the absorption of the region into the area of Islamic civilization.
27. At the end of the ninth century Arab rule was replaced by that of local dynasties. From the ninth to the twelfth centuries the Samanidov, Karakhanid and Seldzhuk States held the territory of Uzbekistan.
28. At the beginning of the thirteenth century Central Asia (together with Azerbaijan and Persia) was briefly under the rule of the Khoramshahi State, which was brought down by the onslaught of the hordes of Genghis Khan. Power passed swiftly to the Timurid dynasty established by Tamerlane. This was the era of the highest economic development and cultural flowering (second half of the fourteenth to the fifteenth century). Samarkand was Emir Tamerlane's capital.. In the Middle Ages the Timurid State united a vast territory under its rule and created a single legal and economic space. That era and the absolute monarchy established at the time may be regarded as the foundation for the formation of the national State of Uzbekistan.
29. On the cusp of the fifteenth and sixteenth centuries the Timurid State was replaced by the Sheibanid State, which ruled throughout the sixteenth century. For about four centuries, from the sixteenth until the conquest of Central Asia by Russia in the second half of the nineteenth century, there were three Uzbek khanates in the territory of Uzbekistan: the Bukhara (an emirate from the middle of the eighteenth century), the Khivin, and the Kokand.
30. In the second half of the nineteenth century most of Central Asia, including contemporary Uzbekistan, became part of Russia. The Governorate-General of Turkistan was established.
31. Following the revolution in Russia, the Bukhara and Khorezm People's Soviet Republics were formed.

32. In 1924 Central Asia was divided up into ethnic States. The Uzbek Soviet Socialist Republic was established on 27 October 1924. Under this ethnic division, the territories populated chiefly by Uzbeks became part of the Uzbek SSR. The Republic had 82 per cent of all Uzbeks living in the USSR; they accounted for 76 per cent of the total population of the newly formed Republic. For about 70 years Uzbekistan was part of the USSR, and its demographic, social and economic development were under the influence of typically Soviet processes.

33. The turning point in the country's history occurred on 1 September 1991, when Uzbekistan proclaimed its independent statehood. On 31 August 1991 the Supreme Soviet of the Republic of Uzbekistan adopted a decision proclaiming the independent statehood of the Republic of Uzbekistan and a constitutional act on the legal foundations of the independent statehood of the Republic of Uzbekistan.

Population

34. The majority of the population (more than 21 million people) is Uzbek, a Turkic-speaking people with an ancient and distinctive culture. Uzbekistan is also home to significant numbers of other peoples: Kazakhs, Tajiks, Karakalpaks, Kyrgyz, Turkmen, Russians, Ukrainians, Tatars, Armenians, Koreans, Uigurs, and others.

35. In anthropological terms, the Uzbeks are a people of mixed descent, with both Europoid and Mongoloid elements. Anthropologists assign the Uzbeks to the southern European type of the Central Asian interfluvium. The Uzbek population of the towns and cultivated oases has a relatively small admixture of Mongoloid characteristics.

36. Uzbek is the official language of Uzbekistan. Literary Uzbek belongs to the Karluk group of the western branch of the Turkic languages. One of the characteristic features of the Uzbek language is its profound historical link with Tajik. The Karakalpak language belongs to the Kipchak group of the Turkic languages.

37. In terms of their religious affiliation the believers among the Uzbek and Karakalpak members of the population are Sunni Muslims belonging to the *Khanifit mazkhab* (orthodox school). In the case of Islam in Uzbekistan, and indeed throughout Central Asia, the orthodox form has typically merged with mystic elements such as Sufism and has retained some pre-Islamic beliefs.

Demographic indicators

Table 1
Permanent population, by sex and age¹⁰

	As at 1 January 2006			As at 1 January 2007		
	Both sexes	Male	Female	Both sexes	Male	Female
Total	26 312 688	13 145 068	13 167 620	26 663 823	13 325 604	13 338 219
0-4	2 570 482	1 322 666	1 247 816	2 616 164	1 346 962	1 269 202

5-9	2 759 615	1 414 934	1 344 681	2 643 618	1 354 913	1 288 705
10-14	3 244 610	1 654 319	1 590 291	3 176 436	1 623 806	1 552 630
15-19	3 144 151	1 596 309	1 547 842	3 185 310	1 617 582	1 567 728
20-24	2 682 242	1 348 775	1 333 467	2 804 461	1 411 284	1 393 177
25-29	2 194 791	1 103 322	1 091 469	2 244 445	1 129 013	1 115 432
30-34	1 950 620	979 580	971 040	1 985 467	998 649	986 818
35-39	1 671 734	818 507	853 227	1 718 778	845 095	873 683
40-44	1 621 998	790 523	831 475	1 615 401	783 707	831 694
45-49	1 380 960	677 596	703 364	1 454 743	713 514	741 229
50-54	945 077	459 719	485 358	1 007 832	490 700	517 132
55-59	606 677	292 139	314 538	668 440	321 710	346 730
60-64	355 794	176 605	179 189	343 031	169 198	173 833
65-69	468 036	219 050	248 986	457 345	214 133	243 212
70-74	302 904	134 719	168 185	317 749	143 597	174 152
75-79	224 965	96 413	128 552	223 559	94 432	129 127
80 and older	188 032	59 892	128 140	201 044	67 309	133 735

¹⁰ Data from the State Statistics Committee.

Table 2
Permanent population, by ethnic composition¹¹

	As at 1 January 2007			As at 1 January 2006		
	Total			Total		
Total	26 663 825	9 584 612	17 079 213	26 312 689	9 495 056	16 817 633
Uzbek	21 542 348	6 719 082	14 823 266	21 170 568	6 601 163	14 569 405
Karakalpak	583 790	332 813	250 977	574 671	326 736	247 935
Russian	931 590	876 183	55 407	952 243	895 835	56 408
Ukrainian	86 854	75 230	11 624	88 774	77 006	11 768
Belarusian	20 851	16 721	4 130	21 074	16 926	4 148
Kazakh	879 551	350 887	528 664	899 195	360 760	538 435
Georgian	3 654	2 870	784	3 690	2 903	787
Azerbaijani	40 432	32 051	8 381	40 459	32 117	8 342
Lithuanian	1 156	1 025	131	1 161	1 027	134

Moldovan	4 888	2 586	2 302	4 940	2 623	2 317
Latvian	215	103	112	225	111	114
Kyrgyz	238 322	29 699	208 623	235 395	29 370	206 025
Tajik	1 306 875	440 767	866 108	1 288 801	435 163	853 638
Armenian	39 101	37 944	1 157	39 638	38 469	1 169
Turkmen	160 712	31 060	129 652	158 641	30 623	128 018
Estonian	566	469	97	572	472	100
Tatar	236 223	217 155	19 068	242 332	222 569	19 763
Jewish	10 643	10 018	625	10 781	10 151	630
German	4 861	3 180	1 681	4 951	3 257	1 694
Korean	150 094	123 007	27 087	152 978	125 257	27 721
Others	421 099	281 762	139 337	421 600	282 518	139 082

¹¹ *Ibid.*

Table 3
Demographic indicators¹²

	2005	2006	2007*
Permanent population at year end	26 312.7	26 663.8	27 071.8
Growth rate	101.1	101.3	101.5
Urban population (%)	36.1	35.9	35.8
Rural population (%)	63.9	64.1	64.2
Population density (inhabitants/km ²) at year end	58.6	59.4	60.3
Birth rate (per 1,000 persons)	20.3	20.9	22.4
Death rate (per 1,000 persons)	5.4	5.3	5.2
Overall fertility rate or total births coefficient	2.36	2.39	
Life expectancy at birth:			
Both sexes	71.8	72.5	
Male	69.6	70.2	
Female	74.1	74.9	
Dependants (population aged under 15 and over 65 years (%))	36.3%	36.1%	

¹² *Ibid.*

* Estimate.

Table 4
Average household size (number of persons)¹³

	2005	2006	2007
	5.1	5.1	5.1

¹³ *Ibid.*

Table 5
Percentage distribution of households, by sex of household head, 2006¹⁴

Sex of household head	Weighted %
Male	82.2
Female	17.8

¹⁴ *Ibid.*

Social, economic and cultural indicators

Table 6
Infant and maternal death rates¹⁵

	2003	2004	2005	2006	2007
Infant death rate per 1,000 births	16.3	15.4	14.9	14.5	13.7
Maternal death rate per 100,000 live births ¹⁶	32.2	30.2	29.2	24.8	

¹⁵ *Ibid.*

¹⁶ *Ibid.*

Table 7
Contraceptive use and abortion on medical grounds

	2005	2006
Women of childbearing age using contraception (%)	60.4	59.1
Abortion on medical grounds (total as % of live births)	0.6	0.6
Women aged:		
Under 15	3.1	-
15-19	0.7	0.9
20-34	0.5	0.5
35-50	7.7	5.8
51 and older	-	-

Table 8
Morbidity rates for selected infectious and parasitic diseases¹⁷

	Per 1,000 persons			
	2005		2006	
	Total	Women	Total	Women
Intestinal infections				
Typhoid	0.4	0.2	0.3	0.2
Salmonellas	5.5	5.1	6.1	5.7
Acute intestinal infections	139.7	130.3	133.9	124.7
(including bacterial dysentery)	14.6	14.3	12.8	12.7
Viral hepatitis				
Total	115.8	110.3	112.9	108.9
including:		0.0		0.0
acute hepatitis-A	105.0	100.5	104.0	101.1
acute hepatitis-B	8.9	8.2	7.3	6.4
acute hepatitis-C	1.6	1.3	1.4	1.3
Airborne and droplet-borne infections				
Diphtheria	-	-	-	-
Whooping-cough	0.5	0.5	0.4	0.4
Measles	2.8	2.7	3.2	2.8
German measles	1.7	1.5	1.1	0.9
Scarlet fever	3.5	2.9	3.4	3.2
Epidemic psittacosis	6.8	5.8	6.6	5.4
Chicken pox	15.5	14.6	16.2	14.9
Meningitis	0.2	0.2	0.3	0.2
Acute infections of the upper respiratory tract	2 267.6	2 100.9	2 110.1	1 957.4
Influenza	5.6	4.7	4.7	4.0
Naturally breeding infections and zoonanthropotic infections				
Siberian ulcers	-	-	0.0	0.0
Tularaemia	-	-	-	-

First-diagnosis brucellosis	2.2	0.9	1.8	0.9
Haemorrhagic fever	-	0.0	0.0	0.0
Pediculosis	83.1	138.6	86.5	137.0
First-diagnosis malaria	0.4	0.3	0.3	0.2
Parasitic diseases				
Ascariasis	24.5	20.8	20.1	18.8
Trichomoniasis	1.7	1.3	1.6	1.5
Enterobiosis	842.7	992.4	800.6	753.0
HIV	7.0	3.2	9.3	6.3
AIDS	0.0	0.0	0.0	0.0

¹⁷ *Ibid.*

Table 9
Morbidity by main categories of disease¹⁸

	Per 100,000 persons			
	Total		Women	
	2005	2006	2005	2006
Total recorded ailments including:	46 797.9	47 360.4	53 360.5	53 221.2
Certain infectious and parasitic diseases	1 254.6	1 236.8	1 286.2	1 243.1
Neoplasms	185.3	176.4	221.4	199.4
Diseases of the endocrine system, dietary and digestive system disorders	2 825.7	2 644.7	3 570.3	3 236.6
Diseases of the blood and blood-producing organs and certain diseases of the immune system	8 253.5	8 555.9	11 627.4	12 008.3
Mental and behavioural problems	220.5	208.1	122.5	114.6
Diseases of the nervous system	1 877.6	1 807.2	1 864.7	1 824.7
Diseases of the eye and its appendages	1 342.5	1 376.4	1 378.5	1 422.4
Diseases of the ear and mammiform appendix	1 145.3	1 240.4	1 158.5	1 264.1
Diseases of the circulatory system	1 451.4	1 541.8	1 438.5	1 528.8
Diseases of the respiratory organs	12 000.2	11 990.2	12 820.1	12 371.5
Diseases of the digestive organs	5 944.9	5 759.8	6 304.4	6 168.5

Diseases of the genito-urinary system	2 554.0	2 662.2	3 352.0	3 525.6
Diseases of the skin and epidermis	2 115.6	2 219.6	2 117.1	2 188.2
Diseases of the skeleto-muscular system and connective tissue	833 .9	878.0	842.1	836.6
Congenital abnormalities (developmental defects), deformities and chromosome disorders	57.7	56.1	58.2	54.5
Symptoms, signs and deviations from the norm, unclassified under other headings and identified during clinical and laboratory tests	125.3	116.0	121.7	117.0
Trauma, poisoning and certain other effects of external causes	3 319.8	3 548.7	2 964.3	2 935.8

¹⁸ *Ibid.*

Table 10
Deaths, by main categories of cause
(per 100,000 persons)¹⁹

	2005	2006
Total deaths from all causes including deaths from:	535.3	525.2
Diseases of the circulatory system	301.3	304.1
Neoplasms	37.7	36.5
Accidents, poisoning, trauma	38.7	36.5
Diseases of the respiratory organs	43.7	40.6
Diseases of the digestive organs	33.5	33.4
Infectious and parasitic diseases	15	15.4
Diseases of the genito-urinary system	10.6	10.2
Diseases of the nervous system	10	10.1
Diseases of the endocrine system	13	13.8
Mental disorders	1.3	1.2
Diseases of the blood	1.2	1.0

¹⁹ *Ibid.*

Table 11
Teacher/pupil ratio in State educational institutions²⁰
(at the start of the academic year)

	2005/2006	2006/2007	2007/2008
Pupils per teacher:			
General education schools	12.5	12.3	11.7
Lycées (academic secondary schools)	8.4	9.4	10.6
Colleges (vocational secondary schools)	15.3	16.6	15.3
Higher-education institutions	10.5	10.8	10.7

²⁰ *Ibid.*

Table 12
Literacy rate²¹

	2005	2008
Adult literacy rate	0.994	0.995

²¹ *Ibid.*

Table 13
Employment and unemployment rates²²

Indicator	2005	2006	2007*
Official unemployment rate (%)	0.3	0.2	0.2
Numbers of employed persons, by economic branch (1,000s):	10 196.3	10 467.0	10 735.4
manufacturing	1 347.5	1 402.4	1 445.5
agriculture and forestry	2 967.4	2 935.9	2 930.1
transport and communications	488.1	506.9	527.7
construction	848.5	876.6	910.1
commerce, catering, sales, procurement	903.9	977.2	1 055.4
domestic, community and household services	316.4	331.2	346.4
health, physical education, sports, recreation	735.5	768.1	801.4

finance, credit, insurance	1 385.1	1 434.5	1 481.8
Others	54.2	54.9	58.4
Numbers employed in the formal sector (1,000s)	1 149.7	1 179.3	1 178.6
Numbers employed in the informal sector (1,000s)	4 642.8	4 562.8	4 587.7
Economically active population (1,000s)**	5 553.5	5 904.2	6 147.7

²² *Ibid.*

* Estimate.

** The EAP is calculated as the number of employed persons plus the number of persons officially recognized as unemployed.

Table 14
Trade union membership, by branch of industry and as a proportion of the total workforce, 2007²³

Trade union	Number of workers and students	Trade union members, as proportion of total workers and students
Air transport	23 153	23 122 (99.8%)
Road, river and electrical transport and road maintenance	102 853	102 853 (100%)
Agro-industry	2 230 150	2 229 993 (99.99%)
State institutions and social services	269 580	268 561 (99.6%)
Railway and transport engineers	73 229	73 229 (100%)
Health workers	709 457	709 457 (100%)
Cultural workers	98 745	97 505 (98.7%)
Light industry, furniture industry and public utilities	212 909	212 909 (100%)
Metallurgy and mechanical engineering	120 371	116 820 (97%)
Education and science	1 882 051	1 882 051 (100%)
Communications	60 896	60 879 (99.9%)
Construction and building materials	75 206	73 064 (97.1%)
Fuel and energy, chemicals and	242 284	241 659 (99.7%)

geology		
Trade, consumers' cooperatives and private entrepreneurs	302 689	302 567 (99.9%)

²³ "Data from the Federation of Trade Unions of Uzbekistan".

Trade union members account for 43.2 per cent of the total workforce of 14,791,900 persons.

Table 15
Per capita monetary income²⁴
(according to balance of monetary incomes and expenditure)

	2005	2006	2007
Average per capita monetary income (x1,000 sum)	371.8	489.1	628.0

²⁴ Data from the State Statistics Committee.

Table 16
GDP for 2003-2007²⁵

	Unit of measurement	2003	2004	2005	2006	2007
GDP	Billions of sum	9 837.8	122 661.0	15 923.4	20 759.3	28 186.2
GDP growth rate	%	104.4	107.7	107.0	107.3	109.5

²⁵ Data from the Ministry of the Economy.

Table 17
Consumer price index (%)²⁶

2003	2004	2005	2006	2007
3.8	3.7	7.8	6.8	6.8

²⁶ *Ibid.*

B. Constitutional, political and legal structure

38. The Republic of Uzbekistan was constituted on 31 August 1991 in the territory of the former Uzbek Soviet Socialist Republic, which had been part of the USSR. Uzbekistan is a unitary State with a presidential form of government. The acquisition of State sovereignty marked the beginning of fundamental reforms and political changes.

39. The Constitution of the Republic of Uzbekistan, adopted on 8 December 1992, reflects the people's will, spirit, social awareness and culture. The first thing to stress is the Constitution's adherence to the universal values and generally accepted principles and standards of

international law. There is no mention of a single political ideology, class conflicts or party dictatorship; or of the crushing dominance of the State over the people.

40. The Constitution establishes the principle of the separation of powers between the Legislature, the Executive and the Judiciary.

41. **(a) The Legislature.** Legislative power is exercised by the Oliy Majlis (Parliament), the highest representative organ of the State. Following the conduct of a referendum, a two-chamber Parliament was established, consisting of an upper chamber (the Senate) and a lower chamber (the Legislative Chamber) of the Oliy Majlis. The establishment of this two-chamber Parliament significantly strengthened the stability of the State of Uzbekistan. Firstly, it extended the constitutional powers of Parliament and improved markedly the checks and balances between the legislative, executive and judicial branches. Secondly, it extended the democratic representation of the regions, Thirdly, it enhanced considerably the quality of the legislative process. Fourthly, it marked a transition to a professional Parliament.

42. The procedure for the formation and the legal status of the Parliament of the Republic of Uzbekistan are set out the Constitution (arts. 76-88), in the constitutional acts on the Senate of the Oliy Majlis and the Legislative Chamber of the Oliy Majlis, as well as in the Oliy Majlis (Elections) Act, and the Legislative Chamber and Senate (Composition) Act.

43. Members of the Legislative Chamber serve for a term of five years. The Chamber has 120 deputies, elected to represent their constituencies on a multi-party basis. Its proceedings rely on the professional and consistent work of all the deputies.

44. The Legislative Chamber is structured around committees and commissions. Its rules of procedure call for the following 10 committees: Budget and Economic Reforms; Legislation and Judicial Questions; Employment and Social Questions; Defence and Security; International Affairs and International Relations; Agrarian and Water Supply Questions and the Environment; Industry, Construction and Trade; Science, Education, Culture and Sports; Democratic Institutions, Non-Governmental Organizations and Local Authorities; and Information and Communication Technology.

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

Table 18
Composition of the Legislative Chamber of the Oliy Majlis²⁷

Oblast	Men	Women	Total
Tashkent City	10	1	11
Andizhan	11	-	11
Bukhara	5	2	7
Djizak	3	1	4
Kashkadarin	9	1	10

Navoi	2	2	4
Namangan	7	2	9
Samarkand	13	-	13
Syrdarin	3	-	3
Surkhandarin	7	1	8
Tashkent	8	4	12
Fergana	11	3	14
Khorezm	5	2	7
Karakalpak Republic	5	2	7
Total	99 (82.5%)	21 (17.5%)	120

²⁷ Data from the Central Electoral Commission.

46. The Senate of the Oliy Majlis consists of senators representing geographical constituencies. Six senators each are elected for the Karakalpak Republic, the oblasts, and the City of Tashkent by secret ballot at joint sessions of the members of the *Jokargy Kenes* (Parliament) of the Republic of Karakalpakstan and of the elected local authorities in the oblasts, districts and towns, from among their own number. Sixteen members of the Senate are appointed by the President of the Republic from among the most distinguished citizens having broad practical experience and special merit in the fields of science, the arts, literature, industry and other areas of the life of the State and society.

Table 19
Numbers of senators, by constituency and sex²⁸

Oblast	Men	Women	Total
Tashkent City	4	2	6
Andizhan	6	-	6
Bukhara	5	1	6
Djizak	5	1	6
Kashkadarin	6	-	6
Navoi	5	1	6
Namangan	4	2	6
Samarkand	5	1	6
Syrdarin	5	1	6
Surkhandarin	6	-	6
Tashkent	6		6
Fergana	5	1	6

Khorezm	5	1	6
Karakalpak Republic	6	-	6
Presidential appointment	12	4	16
Total	85	15	100

²⁸ *Ibid.*

Political parties

47. Five political parties are currently represented in the Legislative Chamber.

48. (a) *The Social Democratic Party of Uzbekistan “Adolat”*, constituted on 18 April 1995. This party currently has more than 59,000 members. It draws its membership from the middle and poorer strata of the population and endeavours to represent their political and social wishes and promote their social protection on the basis of the principles of social justice. It has 10 deputies in the Legislative Chamber of the Oliy Majlis.

49. (b) *The Democratic Party of Uzbekistan “Milli Tiklanish” (DPMT)*, constituted on 3 June 1995. This party is officially registered as a political force uniting the intelligentsia, property-owners and entrepreneurs, representatives of intellectual labour, creative workers, young people, scientists, lovers of independence, representatives of the countryside, persons advocating the interests of the people, and other population groups supporting the Party’s activities. Its basic aim is to stimulate the development of national self-awareness and educate the people in the spirit of patriotism. It has more than 75,000 members. The Party’s primary mission is to lay the foundations of a new Uzbek statehood, build a democratic State and civil society based on the rule of law, and further enhance Uzbekistan’s international standing. It has 11 deputies in the Legislative Chamber.

50. (c) *The Movement of Entrepreneurs and Businesspeople (UzLuDep)*, registered on 3 December 2003, has 149,000 members. It is a nation-wide political organization expressing and defending the interests of property-owners, small-scale entrepreneurs, owners of farms and *dekhans* (small family farms), highly skilled manufacturing workers and managerial personnel, and businesspeople. It has 41 deputies in the Legislative Chamber.

51. (d) *The National Democratic Party “Fidokorlar” (NDPF)*, formed on 28 December 1998. In view of the similarity of their ideology, “*Fidokorlar*” (The Selfless Ones) and “*Vatan Tarakkiyoti*” (Forward with the Fatherland) merged in 2000. The merged party has more than 71,000 members. It now represents, primarily, the interests of young people and entrepreneurs. On the establishment of the two-chamber Parliament (2004-2005) 18 of its members were elected to the Legislative Chamber.

52. (e) *The People’s Democratic Party of Uzbekistan (NDPU)*, founded on 1 November 1991, represents the left wing in the country’s politics. It expresses the political wishes of a number of social strata and groups. On 1 January 2007 it had 343,800 members. Following the 2004 elections it formed a group in the Legislative Chamber with 28 deputies.

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

Table 20
Membership of the Legislative Chamber of the Oliy Majlis,
by political party and region²⁹

Oblast	<i>Adolat</i>	<i>UzLiDep</i>	DPMT	NDPF	NDPU	Citizen's action group	Total
Tashkent City	1	4	2	1	1	2	11
Andizhan	-	4	1	1	3	2	11
Bukhara	1	3	-	1	2	-	7
Djizak	-	2	1	1	-	-	4
Kashkadarin	1	3	-	1	3	1	9
Navoi	2	2	-	3	4	2	13
Namangan	-	2	1	-	-	-	3
Samarkand	-	-	1	2	4	1	8
Syrdarin	1	3	2	3	3	-	12
Surkhandarin	1	9	-	1	2	1	14
Tashkent	-	2	2	1	1	1	7
Fergana	1	2	1	2	1	-	7
Khorezm	10	41	11	18	28	12	120
Karakalpak Republic	10	41	11	18	28	12	
Total	8.33%	34.17%	9.7%	15%	23.33%	10%	

²⁹ *Ibid.*

(b) The Executive

54. The current *President of the Republic* has been head of State since 1 January 2008. The President is elected by the citizens of Uzbekistan on the basis of universal, equal and direct suffrage in a secret ballot for a term of seven years (Constitution, art. 90). Any citizen of Uzbekistan who has reached the age of 35, is fluent in the official language and has resided permanently in the territory of Uzbekistan for at least 10 years immediately prior to the election may stand for election to the post of President (*ibid.*).

55. Pursuant to the Constitution, a person may not be President for more than two consecutive terms. According to article 93, the President is the guarantor of the rights and freedoms of citizens and of the Constitution and laws of the Republic. The President's powers include:

- Adoption of measures necessary for the defence of the country's sovereignty, security and territorial integrity;
- Representation of the Republic internally and in international relations;
- Negotiation and signature of the Republic's agreements and guarantee of their observance;
- Formation and leadership of the Executive apparatus;
- Ensuring cooperation among all the higher organs of power and governance;
- Establishment and disbanding of ministries, State committees and other organs of government;
- Appointment and dismissal of judges of the oblast, inter-district, district, city, military and economic courts;
- Acting as Supreme Commander of the Armed Forces of the Republic;
- Establishment of the National Security Service;
- Decision-making on citizenship issues.

56. Executive power is exercised by the *Cabinet of Ministers*. It consists of the Prime Minister of the Republic and his deputies, ministers, chairpersons of State committees, and the heads of Government of the Republic of Karakalpakstan.

57. The Cabinet is appointed by the President. The candidacy of the person nominated to the post of Prime Minister is examined and confirmed by the chambers of the Oliy Majlis on the proposal of the President following consultations with each of the party groups in the Legislative Chamber and the deputies chosen by voters' action groups. The Prime Minister may be removed from office on the initiative of the party groups in the Legislative Chamber if a presidential

motion to that effect receives more than two thirds of the votes of the total membership of the two chambers.

58. The Cabinet is responsible for managing the economy and the social and spiritual spheres and ensuring application of the Constitution, the laws and other decisions adopted by the Oliy Majlis, and the decisions and instructions issued by the President, and it issues, in accordance with the legislation in force, decisions and instructions which have binding force throughout the national territory on all organs, enterprises, organizations, officials and citizens. The Cabinet's work is regulated by chapter XX of the Constitution and by the Cabinet of Ministers Act.

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

60. (c) **The Judiciary.** Uzbekistan's Judiciary is independent of the legislative and executive branches and of political parties and other civil society organizations (Constitution, arts. 106-116). The judicial power is exercised by a system of courts:

- (a) The Constitutional Court, which considers questions of the constitutionality of the acts of the Legislature and the Executive;
- (b) The Supreme Court, which is the highest judicial organ with respect to civil, criminal and administrative matters;
- (c) The Higher Economic Court, which adjudicates on disputes in the economic sphere;
- (d) The Supreme Court of the Republic of Karakalpakstan;
- (e) The Economic Court of the Republic of Karakalpakstan;
- (f) The oblast, Tashkent City, district, city and economic courts.

61. Since 1 January 2000, following the adoption of the Presidential Decree on improvement of the judicial system, which led to changes and additions to the Courts Act, the courts have specialized in the separate consideration of civil or criminal cases. The following courts of general jurisdiction were established: the Supreme Civil Court of the Republic of Karakalpakstan; the Tashkent City civil court; and the oblast and inter-district civil courts.

62. Specialization on the basis of courts of general jurisdiction was also introduced for criminal cases. The following courts were established: the Supreme Criminal Court of the Republic of Karakalpakstan; the Tashkent City criminal court; and the oblast, district and city criminal courts.

63. According to article 112 of the Constitution and under the Courts Act, "judges are independent and subject solely to the law. Any interference in the work of judges in administering the law is inadmissible and punishable by law. The immunity of judges is guaranteed by law. Judges may not be senators or members of the representative bodies of State power. Judges may not belong to any political parties or participate in political movements, or engage in any other types of paid activity, other than scientific and educational activity. Judges may be removed from their post prior to the end of their term of office only on the grounds specified by law".

64. *Local authorities.* In addition to the higher representative organs of State power – the Oliy Majlis, the Office of the President and the Cabinet of Ministers – the system of organs of State power also includes local bodies and officials dealing with social problems at the oblast, district and city levels: councils of peoples’ deputies and *khokims* (regional chief administrators). Their rights and powers are set out in the Constitution and in the Local Authorities Act. Nominees for the post of *khokim* are submitted by the President for approval by the oblast council of peoples’ deputies following consultations with representatives of the party groups and the personnel of the council. The party groups in oblast councils are entitled to initiate the submission to the President of the Republic of observations concerning unsatisfactory performance by the oblast *khokim*.

65. All *khokims* exercise their powers in accordance with the principle of sole authority. Within the limits of the authority conferred on them, they take decisions which are binding on all enterprises, institutions, organizations and associations, as well as on officials and citizens in the area concerned (Constitution, art. 104).

66. The local representative bodies – the councils of peoples’ deputies – perform their functions under the authority of the *khokim*.

The elections system

67. The bases of the organization of the elections system and its principles are embodied in the Constitution, in which the whole of chapter XXIII is devoted to this matter, and in the Referendums Act (1991), the Presidency (Election) Act (1991), the Oliy Majlis (Elections) Act (1993), the Councils of Peoples’ Deputies (Oblast, District and City Elections) Act (1999), the Citizens’ Voting Rights (Guarantees) Act (1994) and the Central Electoral Commission Act (1998).

68. In establishing the principles of the elections system the Constitution guarantees all citizens:

- (a) The right elect to members of and to be elected to the representative organs of State power;
- (b) Equality and freedom in the expression of their will;
- (c) The right to membership of representative bodies (not more than two simultaneously).

69. Rights under the Constitution may be exercised by all citizens who have reached the age of 18. The Constitution provides for exceptions only with respect to certain categories of person. The following persons may not vote in elections:

- (a) Citizens deemed by a court to lack dispositive capacity;
- (b) Persons held in places of deprivation of liberty.

70. The results of the most recent presidential election, held on 23 December 2007, show that more than 16 million people have the right to vote in Uzbekistan.

Table 21
Numbers of voters, 2002-2007³⁰

	Region/Oblast	Referendum 27 Jan. 2002	Legislative Chamber elections, 26 Dec. 2004	Presidential election, 23 Dec. 2007
1.	Karakalpak Republic	785 707	841 310	960 000
2.	Andizhan	1 205 846	1 297 947	1 485 100
3.	Bukhara	770 042	828 978	972 300
4.	Djizak	471 547	510 243	609 800
5.	Kashkadarin	1 104 091	1 226 010	1 404 20
6.	Naivoi	433 766	474 086	514 700
7.	Namangan	1 041 553	1 137 009	1 283 100
8.	Samarkand	1 420 285	1 534 076	1 724 300
9.	Surkhandarin	893 726	967 762	1 107 500
10.	Syrdarin	326 328	338 307	409 500
11.	Tashkent	1 246 756	1 446 440	1 597 200
12.	Fergana	1 535 684	1 629 942	1 803 600
13.	Khorezm	744 579	829 920	894 700
14.	Tashkent City	1 246 732	1 233 947	1 531 400
	Total	13 226 642	14 302 662	16 297 400

³⁰ *Ibid.*

71. The right to vote is accorded in Uzbekistan only to its citizens. Aliens and stateless person do not have this right.

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

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

73. All voters have the same legal status. All citizens of Uzbekistan, regardless of their social origins, racial or national affiliation, sex, language, education, or individual or collective property status, have the same voting rights.

74. The national legislation provides that at least 30 per cent of the candidates on party lists must be women.

75. Uzbekistan's election system is a majority-vote system. Pursuant to the Oliy Majlis (Elections) Act, a candidate obtaining more than half of the votes of the voters participating in the election is deemed elected.

Legal status and legal regulation of the activities of non-governmental organizations

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

77. The State pursues a policy of social partnership and actively promotes the development of institutions of civil society. Under the Non-Profit Non-Governmental Organizations (Safeguards) Act the State may support the activities of NGOs in the shape of subsidies, grants and procurement of social services. June 2005 saw the formation of the National Association of Non-Profit Non-Governmental Organizations, which represents the interests of NGOs in their inter-relationship with the State. An NGO support fund has also been established.

78. Uzbekistan has adopted a number of legislative acts consolidating and safeguarding the activities of NGOs: the Constitution, the Civil Code, the Voluntary Associations Act, the Non-Profit NGOs Act, the Voluntary Foundations Act, the Property Owners' Associations Act, the Local Authorities Act, the Local Authorities (Election of Presiding Officers) Act, the Non-Profit NGOs (Safeguards) Act, and the Charities Act. Chapter XII of the Constitution is devoted in its entirety to civil society organizations.

79. In accordance with the Constitution, the State guarantees the observance of the rights and legitimate interests of civil society associations and ensures that they have equal legal opportunities to participate in public life. Interference by State bodies and officials in the activities of civil society associations, as well as interference by such associations in the activities of State bodies and officials, are prohibited. Article 57 of the Constitution "prohibits the creation and operation [...] of civil society organizations established for the purpose of changing the constitutional order by force, impairing the sovereignty, integrity and security of the Republic and the rights and freedoms of its citizens under the Constitution, making propaganda for war or social or religious enmity or enmity between nationalities and races, or undermining the health and morality of the people, as well as militarized organizations [...] operating under the banner of a nationality or religion".

80. The formation of secret societies or associations is prohibited.

81. The Ministry of Justice is the chief agency for registration of non-profit NGOs.

82. Pursuant to the Non-Profit NGOs Act, the judicial body receiving the papers for the official registration of an NGO must examine them and take a decision on approval or rejection within two months; it must then, within three days of that decision, issue to the founders a certificate of official registration or a document stating the specific provisions of the legislation on which rejection is based. According to article 62 of the Constitution, the disbanding or prohibition or the limitation of the activities of a civil society organization requires a court decision.

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

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

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

Dispensation of justice

85. The Constitution sets out the basic principles of judicial proceedings and the dispensation of justice:

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

86. Uzbekistan's judicial system is rather complicated. It has three sections, for the country's composition also comprises the Republic of Karakalpakstan and 12 oblasts. In addition, the Tashkent City court has the status an oblast court and a higher status than the district courts within the boundaries of the capital.

87. Cases are heard by several different instances. The district and inter-district criminal courts have only one function – that of courts of first instance. The Supreme Court of the Republic of Karakalpakstan, the oblast courts and the Tashkent City court act as courts of first instance for cases falling within their jurisdiction at the appeals, judicial review and supervisory levels. They supervise the proceedings of the district, city and inter-district courts (Courts Act, art. 30). The Supreme Court, as the highest judicial authority for civil, criminal and administrative justice, is empowered to consider cases both in first instance and in its supervisory-review capacity.

Furthermore, cases heard by the Supreme Court in first instance may also be considered by it as court of appeal or judicial review; but cases heard on appeal may not be considered in judicial review (Courts Act, art. 13).

88. All cases are heard by the appropriate court in accordance with specific procedural rules and with a clearly defined purpose. The procedural rules are set out in several pieces of legislation: the Code of Criminal Procedure (1994), the Code of Civil Procedure (1997) and the Code of Economic Procedure (1997).

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

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

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

92. In its consideration of the merits it is usual for a court, with or without the participation of a people's assessor,¹⁰ to examine the evidence and establish all the important facts of the case. On the conclusion of its proceedings the court imposes a sentence in criminal cases and makes an award in civil cases.

93. Before judicial decisions become enforceable, appeals may be lodged against them to a higher court of appeal within 10 days of their issuance in criminal cases and 20 days in civil cases.

94. Once they become enforceable, court decisions and sentences which have not been reconsidered on appeal may be the subject of an application to a higher court for judicial review within one year of the issuance of the decision or sentence.

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

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

¹⁰ Cases of crimes or offences not constituting a great social danger and less serious cases pursuant to article 13 of the Code of Criminal Procedure are heard by judges sitting alone.

Crime statistics

Table 22
Total first-degree murders³¹



³¹ Data from the Ministry of Internal Affairs.

97. Over the past five years there has been a downturn in the total number of first-degree murders: 963 and 962 such offences were recorded in 2003 and 2004 respectively but 910 in 2005. In 2006 there were 891 cases, a decline of 5.4 per cent over 2005, and in 2007 the figure was 815, down from 2006 by 5.3 per cent.

98. Under article 15 of the Criminal Code, offences are classified according to their nature and the degree of social danger which they represent: offences not representing a great social danger, and less serious, serious, and extremely serious offences.

99. The category of offences not representing a great social danger include intentional crimes for which the law prescribes a penalty of deprivation of liberty for not more than three years and crimes committed out of negligence for which the law prescribes a penalty of deprivation of liberty for not more than five years.

100. The less serious offences include intentional crimes for which the law prescribes a sentence of deprivation of liberty for more than three but not more than five years and crimes committed out of negligence for which the law prescribes a penalty of deprivation of liberty for more than five years.

101. The serious-offence category includes intentional crimes for which the law prescribes a penalty of deprivation of liberty for more than five but not more than 10 years.

102. Extremely serious offences are those intentional crimes for which the law prescribes a penalty of deprivation of liberty for more than 10 years or for life.

Table 23
Total recorded offences, by degree of social danger and perpetrator's sex and age³²

	2003	2004	2005	2006	2007
Total recorded offences including:	78 925	79 129	79 883	82 352	83 905
Not representing a great social danger	35 084	36 080	38 098	40 209	40 492
Less serious	24 636	24 642	23 892	24 615	25 747
Serious	12 716	12 030	11 618	11 224	11 089
Extremely serious	6 489	6 377	6 275	6 304	6 600
Identified perpetrators Per 100,000 of population (%) including:	71 688 28.0	70 486 27.3	71 405 27.3	74 558 28.2	78 044 29.3
Males Per 100,000 (%)	62 383 24.4	64 413 24.9	61 720 23.6	64 097 24.3	66 517 24.9
Females Per 100,000 (%)	9 305 3.6	9 073 3.5	9 685 3.7	9 461 3.6	11 527 4.3
Juveniles	2 974	2 837	2 727	2 826	2 853
Repeat offenders	11 579	10 797	10 485	10 355	9 326
In employment	27 553	25 701	24 705	27 950	31 496
Under the influence of alcohol	6 140	5 750	5 558	5 257	4 775
Aged 13-15 years	624	614	582	580	604
Aged 16-17 years	2 350	2 223	2 145	2 246	2 249
Aged 18-24 years	12 333	11 824	14 734	14 919	14 958
Aged 25-29 years	9 718	9 410	12 908	12 905	13 283
Recorded murders Per 100,000 (%)	963 3.8	962 3.7	910 3.4	891 3.4	815 3.1
Cases of violent assault Per 100,000 (%)	986 3.8	1 069 4.1	5.49	5.60	6.23
Cases of robbery Per 100,000 (%)	1 436 5.6	1 430 5.5	1 439 5.5	1 712 6.4	1 805 6.7
Preventive arrests Per 100,000 (%)	12 899 50.5	11 195 43.3	10 518 40.2	10 353 39.2	10 087 37.8
Criminal prosecutions	40 777	39 888	40 118	39 787	39 753

Per 100,000 (%)					
Convictions Per 100,000 (%)	51 024 199.9	42 687 165.4	48 880 187.1	48 463 183.5	48 763 182.8
Recorded rapes	572	576	492	506	475
Prosecutions for rape Per 100,000 (%)	568 2.2	627 1.0	739 2.8	711 2.7	829 3.1

³² *Ibid.*

Maximum and average duration of remand in custody

103. As part of the reform of the judicial system the time limit for preliminary investigations in criminal cases was cut from two years to one year and for remand in custody from 18 to nine months (in exceptional cases 12 months); the scope of application of this measure was also reduced.

104. In addition, in order to ensure effective protection of the rights and freedoms accorded by the Constitution, in particular the rights to security of person and due process, on 1 January 2008 the power to order remand in custody was transferred to the courts, and the corresponding changes were made in Act No. 3RU-100 of 11 July 2007 and in the articles of the Code of Criminal Procedure regulating the duration of remand in custody and the procedure for its extension. Article 245 of the Code now reads:

“The duration of remand in custody during the investigation of an offence shall not exceed three months. Applications for extension of the three-month period of remand in custody established by law shall be considered by the courts as follows:

Up to five months – when made by a procurator of the Republic of Karakalpakstan or a procurator of an oblast or the City of Tashkent or a procurator of equivalent rank;

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

Up to 12 months – when made by the Procurator-General of the Republic of Uzbekistan during the investigation of particularly complicated cases involving persons charged with serious or extremely serious offences.

No further extension of the period shall be permitted. In their consideration of all such applications the courts shall take into account the weight of the evidence submitted and the need for compliance with the procedural rules and requirements”.

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

106. Procurators must issue orders for the preparation of applications for extension of remand in custody and their submission to the courts at least six days before the expiry of the current

period. Such applications must state the reasons for the unusual length of the investigation and the verifiable facts and circumstances justifying the application.

107. Applications are considered by a judge of a district or city criminal court sitting alone or of an area or territorial military court in the place where the offence was committed or where the pre-trial investigation is being conducted; in the absence of the judge or under circumstances which prevent the judge from participating in the examination of the case-file, the application is considered by the judge of some other equivalent court designated by the President of the Supreme Criminal Court of the Republic of Karakalpakstan, a criminal court of Tashkent City or an oblast, or the Military Court of the Republic of Uzbekistan.

108. Applications are considered by the court in closed session within 72 hours of the submission of the case-file.

109. Applications are considered in the presence of the procurator and the accused and his counsel, if any. When necessary, investigators may be summoned to appear before the court.

110. The court may consider applications in the absence of the accused if he is being held in a medical institution for completion of a forensic psychiatric assessment as an in-patient. In such cases it is mandatory for a defence counsel to attend the hearing.

111. On completion of its consideration of an application, the court makes one of the following orders:

- (a) To extend the period of remand in custody;
- (b) To reject the application for extension.

112. An order to extend the period takes effect from the moment it is issued and is subject to immediate enforcement. The order is transmitted to the procurator for enforcement and to the accused and his counsel for information. The court's decision is subject to appeal or may be contested under the procedure described in the second part of article 241 of the Code within a time limit of 72 hours.

113. Having considered an appeal or objection, the appeals court may in its ruling:

- (a) Leave the lower court's decision unchanged and reject the appeal or objection;
- (b) Revoke the lower court's decision by refusing to extend the period of remand in custody or by extending the period set in that decision. If extension of the period of remand in custody is ordered in respect of an accused person who has been released from custody on the expiry of an earlier period of remand, the court must issue a new remand order against such person.

Number of deaths during remand in custody

114. In the period 2005-2007 three persons held on remand in temporary detention units committed suicide by hanging.

115. Ten convicts died in correctional institutions in 2005, 15 in 2006, and 10 in 2007. In 29 of these cases the causes of death were tuberculosis, infections of the gastro-intestinal tract and cardiovascular disease, and the other six prisoners committed suicide or were killed in accidents.

Numbers of employees of the Ministry of Internal Affairs per 100,000 of the population

116. The Ministry's agencies have 111 officers fighting crime and safeguarding the public order for every 100,000 members of the population.

Table 24
Total amount of material damage caused by the commission of criminal offences and claimed in judicial proceedings³⁴

Total	Total amount awarded (millions of sum)	Total amount claimed in court decisions	
		Millions of sum	%
2005	17 444.5	11 649.6	66.8
2006	74 246.0	72 040.2	97.0
2007	33 062.0	29 557.4	89.4

³⁴ Data from the Justice Ministry's Department for Enforcement of Court Decisions and the Material and Financial Support of the Courts.

II. GENERAL FRAMEWORK OF THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

A. Adoption of international human rights rules

Table 25

Treaty	Accession	Reservations	Withdrawals and declarations
International Covenant on Economic, Social and Cultural Rights (1966)	31 Aug.1995	---	---
International Covenant on Civil and Political Rights (1966)	31 Aug. 1995	---	---
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	6 May 1995	---	---
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or	31 Aug. 1995	---	---

Punishment (1984)			
Convention on the Rights of the Child (1989)	9 Dec. 1992	---	---
International Convention on the Protection of the Rights of All Migrant Workers and Their Families (1990)	---	---	---
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (2000)	Under consideration	---	---
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Under consideration	---	---
Optional Protocol to the International Covenant on Civil and Political Rights concerning communications from individuals (1966)	31 Aug. 1995	---	---
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (1989)	Under consideration	---	---
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women concerning communications from individuals (1999)	---	---	---
Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning regular visits undertaken by independent national and international bodies to places of detention (2002)	---	---	---

(a) Ratification of other United Nations human rights treaties and related treaties

Table 26

Treaty	Accession	Reservations	Withdrawals and declarations
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	20 Aug. 1999	---	---
Slavery Convention (1926)	---	---	---
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others (1949)	12 Dec. 2003	---	---
Convention relating to the Status of Refugees (1951) and its Protocol (1967)	---	---	---
Convention relating to the Status of Stateless Persons (1954)	---	---	---
Convention on the Reduction of Statelessness (1961)	---	---	---
Rome Statute of the International Criminal Court (1998)	---	---	---
United Nations Convention on Transnational Organized Crime (2000)	Signed 13 Dec. 2000; ratified 30 Aug. 2003	---	---
Protocol against Smuggling of Migrants by Land, Sea and Air	Signed 28 June 2001	---	---
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Signed 28 June 2001	---	---

(b) Ratification of other relevant international treaties

Table 27

Treaty	Accession	Reservations	Withdrawals and declarations
Conventions of the International Labour Organization			
Weekly Rest (Industry) Convention (No. 14, 1921)	---	---	---

Forced Labour Convention (No. 29, 1930)	30 Aug.1997	---	---
Labour Inspection Convention (No. 81, 1947)	---	---	---
Migration for Employment Recommendation (No. 86, 1949)	---	---	---
Freedom of Association and Protection of the Right to Organize Convention (No. 87, 1948)	---	---	---
Migration for Employment Convention (Revised) (No. 97, 1949)	---	---	---
Right to Organize and Collective Bargaining Convention (No. 98, 1949)	30 Aug. 1997	---	---
Equal Remuneration Convention (No. 100, 1951)	30 Aug. 1997	---	---
Social Security (Minimum Standards) Convention (No. 102, 1951)	---	---	---
Abolition of Forced Labour Convention (No. 105, 1957)	30 Aug. 1997		
Weekly Rest (Commerce and Offices) Convention (No. 106, 1957)	---	---	---
Discrimination (Employment and Occupation) Convention (No. 111, 1958)	30 Aug. 1997	---	---
Equality of Treatment (Social Security) Convention (No. 118, 1962)	---	---	---
Employment Policy Convention (No. 122, 1964)	6 May 1995		
Labour Inspection (Agriculture) Convention (No. 129, 1969)	---	---	---
Minimum Wage Fixing Convention (No. 131, 1970)	---	---	---
Holidays with Pay Convention	---	---	---

(Revised) (No. 132, 1970)			
Minimum Age Convention (No. 138, 1973)	Approved by the lower chamber, (Mar. 2008)	---	---
Migrant Workers (Supplementary Provisions) Convention (No. 143, 1975)	---	---	---
Migrant Workers Recommendation (No. 151, 1975)	---	---	---
Labour Relations (Public Service) Convention (No. 151, 1978)	---	---	---
Occupational Safety and Health Convention (No. 155, 1981)	---	---	---
Workers with Family Responsibilities Convention (No. 156, 1981)	---	---	---
Indigenous and Tribal Peoples Convention (No. 169, 1989)	---	---	---
Worst Forms of Child Labour Convention (No. 182, 1999)	Approved by the lower chamber, (Mar. 2008)	---	---
Maternity Protection Convention (No. 183, 2000)	---	---	---
Geneva Conventions and other international humanitarian law treaties			
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)	3 September 1993	---	---
Geneva Convention (II) for the Amelioration of the Condition Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (1949)	3 September 1993	---	---
Geneva Convention (III) relating to the Treatment of Prisoners of War (1949)	3 September 1993	---	---
Geneva Convention (IV) relating to the Protection of Civilian Persons	3 September 1993	---	---

in Time of War (1949)			
Additional Protocol to the Geneva Convention of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977)	3 September 1993	---	---
Additional Protocol to the Geneva Convention of 12 August 1949 relating to the Protection of Victims of Non-State Armed Conflicts (Protocol II) (1977)	3 September 1993	---	---

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

Legal bases of the protection of human rights

117. As at 1 February 2007 Uzbekistan had in force 15 codes, 368 acts, 631 presidential decrees and 156 presidential decisions, 2,445 decisions of the Cabinet of Ministers, and 1,206 sets of departmental regulations. This vast body of legislation constituted during the years of independence has laid the foundations for the comprehensive regulation of social, economic and political relations. Almost all the provisions of the Universal Declaration of Human Rights are embodied in the Constitution of the Republic and have been further developed in the legislation in force.

118. The State Independence (Foundations) Act of 31 August 1991 states:

“In the territory of the Republic of Uzbekistan citizenship of the Republic of Uzbekistan is established in accordance with the Universal Declaration of Human Rights. All citizens of the Republic of Uzbekistan, irrespective of their nationality, social origins, religious faith, or opinions, have equal civil rights and enjoy the protection of the Constitution of the Republic and its laws”.

119. National and State values and all the generally recognized ideals of humanity’s legal culture are organically interlinked in the Constitution.

120. The special status of the generally recognized rules of international law on human rights and freedoms is established in the Preamble to the Constitution, which states:

“The people of Uzbekistan, solemnly declaring their adherence to human rights and the principles of State sovereignty, aware of their great responsibility to the present and future generations, relying on the historical experience of the development of Uzbek statehood, affirming their commitment to the ideals of democracy and social justice, recognizing the priority of the generally recognized rules of international law, wishing to provide a decent life for the citizens of the Republic, assuming the task of creating a humane and democratic

State with a view to ensuring civil peace and national accord, represented by their plenipotentiary deputies, adopt the present Constitution of the Republic of Uzbekistan”.

121. The Constitution was drafted in accordance with the basic principle that “the human being, human life, freedom, honour, dignity and other inalienable rights” constitute “the ultimate value” (Constitution, art. 13). This fundamental position is one of the pillars of Uzbekistan’s constitutional order. It preordains the role and the importance which the Constitution attaches to human rights and freedoms.

122. According to article 31 of the Constitution, “freedom of conscience is guaranteed for all. Everyone has the right to profess any religion or none. The imposition of religious views by force is prohibited”.

123. Article 43 of the Constitution establishes the obligation of the State to guarantee the human rights and freedoms embodied in the Constitution and the law. Article 44 accords to everyone the legal protection of his rights and freedoms, the right to complain to the courts concerning unlawful acts of State agencies or officials or civil society organizations.

124. In addition to these general provisions on guarantees, the establishment of virtually every specific right and freedom is accompanied by an indication of the conditions and means of its realization.

125. The human rights guarantees set out in the Constitution embrace all legal remedies and ensure the realization and protection of human rights and freedoms in the various branches of the law of the Republic of Uzbekistan.

126. Of course, the guarantees of civil rights and freedoms are not regulated by the Constitution alone.

127. Human rights are legally established in Uzbekistan by constitutional acts, legal codes and a solid body of primary legislation. Parliament has adopted more than 300 acts regulating fundamental human rights. The general measures for the delivery and protection of civil rights and freedoms are set out in legislation on the various branches of activity. The most important principles in this regard are embodied in the Criminal Code, the Code of Criminal Procedure and the Administrative Liability Code of the Republic of Uzbekistan.

128. The socially oriented programmes adopted every year by the Government when the current year is dedicated to the solution of a specific social problem form an integral part of the country’s legal system. These programmes usually contain a legislative part and a part setting out concrete measures to improve the well-being of the socially vulnerable groups in the population: families, mothers, children, the elderly, persons with disabilities, and young people. They enjoy State funding, and NGOs are also involved in their implementation.

129. January 2008 saw the entry into force of legislative acts on the abolition of the death penalty, on the transfer to the courts of the power to order remand in custody and on guarantees of human rights, as well as of a constitutional act on enhancing the role of political parties in the renewal and further democratization of State governance and the country’s modernization.

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

Status of international human rights treaties in domestic law

131. By the beginning of 2008 Uzbekistan had concluded over 900 multilateral and bilateral treaties and agreements and had acceded to more than 170 of the most important international conventions and treaties, including more than 60 on the protection of human rights and freedoms.

132. An analysis of the domestic legislation underpinning and giving effect to the primacy of international law over national law shows that Uzbekistan's sectoral legislation is generally based on an acknowledgment of the primacy of the rules contained in international treaties over domestic laws. Pursuant to Article 1.1 of the Criminal Code, Uzbekistan's criminal legislation is based on the Constitution and the generally recognized rules of international law and consists of the Code itself.

133. Article 4 of the Code of Criminal Procedure issues a mandatory injunction: "The Code of Criminal Procedure shall take into account the principles and rules of international law relating to the enforcement of sentences and the treatment of prisoners".

134. The rules set out in the legislation on enforcement of criminal sentences may not conflict with the international instruments providing protection against torture and other inhuman or degrading treatment of prisoners.

135. If an international treaty to which Uzbekistan is a party contains provisions which differ from provisions of the legislation on enforcement of criminal sentences, the provisions of the international treaty must be followed.

136. The language most frequently found contains a reference to the rules of international law. For example, use is commonly made of the language of article 9 of the Family Code: "If an international treaty to which the Republic of Uzbekistan is a party contains rules which differ from the rules set out in the family legislation of the Republic of Uzbekistan, the rules of the international treaty shall apply". This provision addresses the precedence to be accorded when a treaty establishes "rules which differ" but only with respect to the specific case, without affecting the general application of the law in question; in other words, an exception is made for a specific situation. Here the treaty does not take precedence over the law, because the point at issue is the precedence to be accorded in a concrete case. This example provides support for the view that "rules which differ" means rules which revoke or alter the law in question rather than creating an exception for a specific situation.

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

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

System of State agencies taking decisions on human rights issues

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

- (a) The Legislative Chamber and the Senate of the Oliy Majlis and the local authorities;
- (b) The President of the Republic;
- (c) The Cabinet of Ministers and the ministries, departments and agencies of the Executive;
- (d) The institutions of the Judiciary;
- (e) The Office of the Procurator-General.

140. The Oliy Majlis – Uzbekistan’s highest elected representative body – creates the legal basis for the delivery and protection of human rights. Over the years of independence the Oliy Majlis has drafted and adopted more than a thousand laws, most of them designed to provide direct protection of specific rights and freedoms of citizens. The procedure for the ratification of international human rights treaties is operated by the country’s Parliament. Committees of both lower and upper chambers of Parliament regularly conduct procedural checks on the application of such treaties and the human rights legislation in force. In 2006, for example, the Senate carried out a monitoring exercise to check on the application of the Convention on the Rights of the Child in the oblasts of the Fergana valley, and in 2005-2006 the Interparliamentary Relations Committee of the Legislative Chamber checked on the application of the Convention against Torture in Tashkent oblast.

141. In 1995 the Oliy Majlis established the Commission on the Observance of the Human Rights and Freedoms of Citizens (later re-organized as the Commission on the Observance of the Human Rights and Freedoms of Citizens attached to the Office of the Commissioner for Human Rights of the Oliy Majlis).

142. In 1995 the Oliy Majlis established the post of Commissioner for Human Rights (Ombudsman), invested with the power to consider complaints of violations of human rights. The Ombudsman operates in accordance with the law. When a complaint is received, the Ombudsman conducts an independent investigation; on the basis of the findings of this investigation recommendations for correction of the situation are transmitted to the officials and State agencies in question. The Ombudsman monitors cases of human rights violations on of the complaints received. Statistics on complaints, an analysis of their content, and the recommendations issued are transmitted in the form of an annual report to both chambers of the Oliy Majlis and published on the Internet.

143. In the words of article 93, paragraph 1, of the Constitution: “The President of the Republic of Uzbekistan shall act as guarantor of the observance of the rights and freedoms of citizens and of the Constitution and laws of the Republic of Uzbekistan”.

144. The President of the Republic initiated the drafting of a bill on the introduction of priority measures for the reform and further liberalization of the judicial system. In this connection, seven presidential decrees, three decisions and three orders have so far been issued. The Death Penalty (Abolition) Act and the *Habeas Corpus* Act became law as a result of initiatives by the President. The national human rights institutions were also established on the President's initiative. Special attention is always given to the realization of human rights in the President's statements to joint sessions of Parliament.

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

146. The Government has adopted a whole array of socially oriented State programmes in connection with the incorporation in domestic legislation of the generally accepted rules of international human rights law and their comprehensive application.

147. Judicial bodies form part of the system of State agencies for the protection of human rights. A considerable role in this system is played by the Constitutional Court, which is responsible for examining questions of the constitutionality of the acts of the Legislature and the Executive. Since its establishment the Constitutional Court has adopted 14 orders and decisions on the interpretation of provisions of legislation and consequently on the protection of various human rights and freedoms.

148. The system of courts of general jurisdiction attends to the defence of rights and the correction of infringements. When it considers in plenary session the practice of the courts, the Supreme Court of Uzbekistan gives particular attention to the protection of human rights in all their forms. The decisions taken by the Supreme Court at these sessions constitute official interpretations of the law and are binding on all law-enforcement and judicial bodies. In 2007, for example, in connection with the introduction of the remedy of *habeas corpus* and the abolition of the death penalty, the Supreme Court adopted in plenary session orders on "certain questions relating to the imposition of punishment in the form of life imprisonment" and on "the use by the courts of preventive measures in the form of remand in custody during pre-trial investigations".

149. The agencies of the Office of the Procurator-General are required to attend to the specific protection of the rights of persons involved in criminal proceedings. The legal status of this Office is established in the Constitution and in the Office of the Procurator-General Act of 29 August 2001, pursuant to which "the Procurator-General of the Republic of Uzbekistan and the procurators subordinate to him shall supervise the scrupulous and uniform application of the law by all ministries, State committees, departments, State monitoring bodies, and *khokims* (regional chief administrators) and by all establishments, enterprises and organizations regardless of their hierarchical status, affiliation or form of ownership, as well as by military units, civil society organizations, officials and citizens". The Office of the Procurator-General, in addition to its responsibility for general supervision of the application of the law, has two special departments concerned directly with human rights: the Department for supervision of the application of the law in places of detention and remand in custody in the enforcement of

sentences and other coercive measures ordered by the courts; and the Department for the protection of the legitimate interests of individuals, society and the State.

150. The Ministry of Justice is invested with considerable powers with regard to the realization and protection of human rights and freedoms. According to paragraphs 2 and 6 of the Order on the Ministry of Justice of the Republic of Uzbekistan, one of the Ministry's fundamental tasks is to ensure the protection of the human rights and freedoms embodied in the Constitution and the law, as well as the comprehensive development of institutions of civil society and the consolidation of their legal foundations.

151. The Department for the Protection of Human Rights is a specialized unit of the Ministry of Justice concerned with the direct protection of human rights and freedoms. It was established on the basis of Decision No. 370 of the Cabinet of Ministers dated 27 August 2003 on measures for the further improvement of the work of the Ministry of Justice. In accordance with this Decision, human rights protection units were established under the Department in the Ministry of Justice of the Republic of Karakalpakstan, in local agencies of the Judiciary and in Tashkent City.

152. The following are the Department's chief functions:

- (a) To analyze human rights legislation and the status of its application and make proposals for its development and the improvement of its application;
- (b) To promote the development of civil society institutions and consolidate their legal foundations;
- (c) To ensure the protection of the human rights and freedoms embodied in the Constitution and the law.

153. The Department for the Protection of Human Rights:

- (a) Formulates measures to enhance the public's knowledge of the law applicable to human rights and freedoms and promote the concept of respect for human rights and freedoms in society;
- (b) Seeks to strengthen the role of lawyers in the defence of human rights and freedoms, develop civil society institutions and consolidate their legal foundations;
- (c) Cooperates with the international and non-governmental organizations working in Uzbekistan to promote human rights and freedoms.

154. By a presidential decision of 15 December 2005, the Centre for Monitoring Compliance with Legislative Acts was established under the Ministry of Justice in order to establish a system for monitoring the compatibility of the emerging legal and legislative basis and law-enforcement practice with the aims and challenges of the country's modernization.

155. The agencies of the Ministry of Internal Affairs play an important role in the protection of human rights and freedoms in Uzbekistan. The investigation of offences is the most visible area of the work of these agencies, often affecting the rights and freedoms of citizens involved in criminal proceedings. In accordance with paragraphs 2 and 1 of the Order on the Ministry of

Internal Affairs dated 25 October 1991, “within the limits of its jurisdiction the Ministry shall guarantee the protection of the rights and legitimate interests of citizens and the public order and public safety and shall support the fight against crime”.

156. On 21 August 2003 the Ministry’s Chief Investigations Department and the national Bar Association approved in a joint protocol an order on the procedures for safeguarding the defence rights of detainees, suspects and accused persons at the stage of initial inquiry or pre-trial investigation. Under this order, lawyers were recruited for every investigation unit of the Ministry’s agencies. A system of duty lawyers was introduced in these agencies. From the moment of his first contact with an investigation agency every detainee is now guaranteed access to a defence counsel at all times. This procedure is now in place in all the Ministry’s agencies.

157. On instructions from the Ministry issued on 30 September 2005, the Office for the Protection of Human Rights and Cooperation with International Organizations was established in the Department for the Protection of Rights and Relations with the Mass Media. The chief functions of this Office include: monitoring of the observance of human rights and freedoms in conjunction with the Commissioner for Human Rights of the Oliy Majlis and the National Centre for Human Rights; cooperation and exchange of information with international organizations with regard to the protection of human rights and freedoms; promotion of a culture of legality among the Ministry’s personnel and their education in the core legal provisions on the realization and protection of human rights and freedoms.

Reliance on international human rights instruments by judicial bodies

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

Legal remedies against human rights violations

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

160. Uzbekistan provides several forms of legal protection against violations of human rights, which may be subdivided into administrative and legal remedies. None of these remedies clashes with another, and they all supplement each other. These means of legal protection include both intermediation and conciliation procedures, as well as more formal legal procedures.

161. There is an administrative procedure for reporting violations of human rights. In the event of such violation by an official of any agency the person concerned can apply to a higher agency

in the hierarchy. Complaints must be considered within 30 days, and the applicant must receive a written reply supported by grounds. This procedure is used quite frequently and works effectively.

162. The person concerned may also apply to the Office of the Procurator-General, which must likewise consider the complaint within 30 days. The Office considers individual complaints as part of its supervisory responsibilities, and this procedure may result in the issuance of an instruction by the Office for legal action to be taken against the official in question. The lodging of complaints with the Office also appears to be a sufficiently strong and effective means of correcting infringements of rights.

163. Since 2005 the Ministry of Justice has had a Department for the Protection of Human Rights, one of whose functions is to deal with applications and complaints concerning human rights violations. When necessary, the Department's services include free legal assistance with applications to the courts. A considerable volume of such assistance has been furnished in recent years to business people, farmers and members of the rural population.

164. The Office for the Protection of Human Rights and Cooperation with International Organizations of the Ministry of Internal Affairs is involved in the consideration of complaints of human rights violations found admissible by Ministry officials.

165. The Commissioner for Human Rights (Ombudsman) of the Oliy Majlis and the National Centre for Human Rights are also active in the extrajudicial protection of civil rights in the system of State agencies. When considering complaints the Ombudsman conducts a separate and independent inquiry and then issues a decision of a recommendatory nature to the officials responsible for ruling on the case. The number of complaints considered by the Ombudsman and the number of positive outcomes demonstrate the public's trust in her Office. The National Centre also considers complaints of human rights violations from the public as part of its monitoring work.

166. There is also a court procedure for the protection of violated rights. Recourse to an administrative procedure does not exclude the possibility of application to the courts for correction of an infringement. Unlike the administrative procedures, the court procedure triggers costs, and consideration of cases may be lengthy.

167. Recourse to the legal profession, with its network of State and non-State lawyers' firms and offices, offers another means of legal protection. In addition, the country's law faculties operate legal clinics providing free legal assistance to members of the public. Protection of human rights is also furnished by civil society organizations, which may appear in court as legal representatives.

Institutions and national bodies monitoring the exercise of human rights

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

169. The Ombudsman plays a significant role in the conduct of monitoring to ensure compliance with the human rights legislation; using the resources placed at his disposal, the Ombudsman is involved not only in the restoration of violated rights but also in the improvement of domestic legislation.

170. The consideration of applications from citizens and the provision of assistance in the correction of infringements of their rights and freedoms are two of the priority areas of the Ombudsman's efforts to develop further the cooperation between her office and State bodies, the courts and the law-enforcement agencies, with a view to achieving the full and effective observance and protection of human rights and freedoms in Uzbekistan.

171. In 2006, for example, the Ombudsman received 7,655 applications (4,753 at the central office and 1,377 at the regional offices) and gave 848 legal consultations (on two occasions in 647 of the cases) over the confidential telephone helpline. The Ombudsman accepted for investigation 1,434 of the complaints addressed to him concerning infringement of the human rights and freedoms or the legitimate interests of citizens. During the reporting period 351 complaints obtained a positive outcome, and the remainder are still under consideration. The Ombudsman received 3,444 applications by post and 1,309 were handed in at reception offices; 2,439 of the applicants were women and 1,856 men; there were also 456 collective applications.

172. The National Centre for Human Rights was established by presidential decree on 31 October 1996. This institution was created in order to coordinate the activities of all the governmental and non-governmental organizations involved in the protection of human rights. It conducts research on the various aspects of the realization and protection of human rights at both the national and the international level; it prepares the national reports on Uzbekistan's fulfilment of its international human rights obligations for submission to the United Nations treaty bodies; it organizes educational programmes, seminars, courses of lectures and study trips; it provides assistance in developing and implementing human rights study programmes; it compiles and disseminates information on human rights; it develops technical cooperation and information links with international human rights centres and organizations; it coordinates locally the activities of international agencies providing technical assistance in the areas of democratization, governance and human rights protection; and it receives and considers complaints from the public concerning the infringement of human rights.

173. The Institute for the Monitoring of Legislation is a research body of the Executive; in addition to its monitoring functions it provides expert opinions on legislation during the enactment process.

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

175. Uzbekistan also has a network of NGOs involved in the protection and promotion of specific areas of human rights which work in close coordination with the State agencies.

176. The National Association of Non-Profit Non-Governmental Organizations of Uzbekistan was established in 2005 in order to coordinate the activities of NGOs; it currently has 330 members, embracing all aspects of the life of society and working in such areas as social support and on legal, women's, youth, environmental and other matters.

177. The Women's Committee of Uzbekistan provides the Government with advisory services on questions of women's policy. It was established in 1991 and is funded from the State budget. One unique feature of this national body is that its chairperson also holds the post of Deputy Prime Minister, a circumstance which entitles the Committee to coordinate a social partnership between State bodies and civil society organizations and NGOs. It initiates, coordinates and implements the Government's policies, programmes and projects on women's issues, as well as disseminating among women the relevant information on problems affecting them. In order to maintain the tempo of the improvement of the status of women, the Committee gives particular attention to five priority programme areas: the employment and economic welfare of women; the protection of women's reproductive rights and reproductive health; women and participation in the life of society, with special emphasis on their involvement in management and decision-making; women and the law, with special emphasis on the elimination of discrimination against women; and women and education, with special emphasis on the development of professional qualifications and skills. The Committee bears the primary responsibility for Uzbekistan's participation in the implementation of international measures addressing women's problems.

178. The Committee is the country's largest women's organization and has offices in all the regions.

179. There are a number of NNOs active in the field of protection of children's rights.

180. The international non-governmental foundation *Soglom Avlod Uchun* (For a Healthy Generation) was set up in 1993 with broad public support. Its fundamental aim is to create the conditions for the creation and development of a well integrated personality in children. To this end it formulates and implements humanitarian, medical and educational programmes and projects to support gifted children and encourage a healthy lifestyle, as well as programmes targeted at vulnerable population groups, children and young people.

181. This foundation operates in 14 regions of the country, and every region has a focal point. It has a total of over 180 local offices and more than 250 persons (doctors, teachers, economists) working throughout the country on the implementation of the existing programmes and the formulation of new ones. Coordination is ensured by the foundation's central headquarters, which has the following departments: protection of mother and child; humanitarian aid; organization and methodology; and financial control and accounting. Most of the work is funded by financial support from sponsors, both local and international, as well as from the statutory activities of subsidiary enterprises set up under the foundation's auspices. The foundation is currently one of Uzbekistan's leading charitable organizations and it takes an active part in tackling the challenges set in the State's social policies and the pressing problems of society.

182. The foundation is one of the originators a number of publications, such as the magazine *Soglom Avlod Uchun*, the newspapers *Soglom Avlod* (Healthy Generation), *Oila Va Zhamiyart* (Family and Society), *Tong Yulduzi* (Morning Star) and *Klass!* (Class!).

183. The national children's foundation *Sen Yolg'iz Emassan* (You are not alone) started operations in 2002. Its main mission is to furnish comprehensive assistance to create the conditions for children to lead decent lives and achieve their full development, support family priorities, and ensure that the necessary action is taken to secure the protection of the best interests of children in acute need of support from society (orphans, parentless children, neglected children, children with disabilities, and children from poor families).

184. This foundation's work is based on long-term programmes of charitable assistance for children.

185. Its fundamental aims and challenges involve tackling various problems affecting children by:

- (a) Protecting the rights and legitimate interest of children in need of social protection;
- (b) Developing a well integrated personality in children;
- (c) Attending to children's spiritual and moral education;
- (d) Furnishing material, medical, legal and other assistance;
- (e) Providing preventive and other health measures for children;
- (f) Enhancing children's moral and mental well-being.

186. This foundation's activities are funded from charitable contributions by residents of Uzbekistan (both juridical and physical persons) and by non-residents. It has 15 staff members.

187. The *Kamolot* youth movement of Uzbekistan is one of the biggest of the NGOs dealing with questions of young people's rights. The chief priority of its work is to unite the country's progressive youth, develop physically healthy and spiritually mature citizens of an independent Uzbekistan, educate them in a spirit of dedication to the national idea and an ideology based on national and universal values and democratic principles, represent and defend the interests of young people, and turn *Kamolot* into an authentic support mechanism for them.

188. *Kamolot* has a decentralized structure, with 14 oblast and 199 district branches and 1,200 staff members. Its lead organizations working with children have 15,800 units and are represented in all of the country's educational establishments, military units and government departments, as well as in a number of industrial and agricultural enterprises.

189. It currently has more than 4.5 million members (aged 14-30) and together with the *Kamalak* (Rainbow) children's movement (four million members aged 10-14) it constitutes one of the biggest civil society organizations working to develop various forms of local self-government and encourage the formation of "lead" institutions of civil society.

190. *Kamolot* has reached out to some six million young people nation-wide, carrying out some 7,800 spiritual-education measures, round tables, discussions, seminars and conferences, and

mass cultural and sporting activities; it has produced 20 technical handbooks, booklets and posters and has published more than 200 articles on specific topics.

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

192. Uzbekistan is a country of many nationalities and has more than 140 national cultural centres. The Uzbekistan Inter-Nations Cultural Centre was established by Decision No. 10 of the Cabinet of Ministers dated 10 January 1992. It coordinates the activities of the national cultural centres and provides them with practical and methodological assistance, thus taking an active part in satisfying the needs of members of the country's different nations and ethnic groups. It currently has 33 staff members and is funded by the Ministry of Finance.

193. The Uzbek Association for the Disabled was founded in 1991. It has 114 branches in all regions of the country, with a total membership of 120,000 (Uzbekistan has 850,000 persons with disabilities). It has about 100 subsidiary enterprises employing persons with disabilities. The Association is concerned primarily with the rehabilitation of disabled persons, as well as providing them with educational assistance and creating equal opportunities for them to exercise their rights.

194. The *Nuronni* foundation for the social support of veterans was established by a presidential decree dated 4 December 1996 with a view to enhancing the effectiveness of the State's policies for the social protection of veterans, and boosting their role in consolidating the country's independence and sovereignty.

195. According to the presidential decree and the foundation's statutes, it is a self-governing and self-financing NGO pursuing independent activities. Its main purpose is to provide active assistance to implement a powerful social policy focused on respect for veterans, persons with disabilities and the elderly, to establish a favourable social environment for them, and to carry out measures to furnish them with material, medical and moral support.

Recognition of the jurisdiction of regional human rights courts

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

C. Framework for promoting human rights at the national level

Dissemination of information about human rights treaties

197. More than 100 of the core international legal instruments on human rights have been translated into Uzbek and published in Uzbekistan in large runs, in close collaboration with international partners such as the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations

Children's Fund (UNICEF), the Organization for Security and Cooperation in Europe (OSCE) and the International Committee of the Red Cross (ICRC). The following compilations of international treaties have been published in Uzbek over the past eight years:

- The Universal Declaration of Human Rights; Tashkent, 2008
- The Declaration on the Principles of Tolerance; Tashkent , 2000
- International instruments on the rights of minors; Tashkent, 2002, 232 pp.
- The Republic of Uzbekistan and the international human rights treaties; Tashkent, *Adolat*, 2002, 270 pp.
- International humanitarian law: a compilation of the Geneva Conventions; Tashkent, 2000
- The Organization for Security and Cooperation in Europe, *The Human Dimension*; Helsinki, 1975-1999; Tashkent, 2002
- Documents on UNESCO international standards; Tashkent, *Adolat*, 2004, 298 pp.
- International instruments on the work of law-enforcement agencies; Tashkent, *Adolat*, 2004, 212 pp.
- International human rights instruments: a compilation; Tashkent, *Adolat*, 2004, 520 pp.
- International human rights instruments; Tashkent, 2004
- The Convention on the Rights of the Child; Tashkent, 2004
- Protection of the rights of the child: handbook for parliamentarians; Tashkent, 2007
- Human rights: handbook for parliamentarians; Tashkent, 2007
- Democracy and parliament in the twenty-first century. Handbook for parliamentarians; Tashkent, 2007
- Compilation of the core conventions and recommendations of the International Labour Organization; National Centre for Human Rights, Tashkent, 2008, 240 pp.
- Eradication of the worst forms of child labour: practical guidance on the application of ILO Convention No. 182. Handbook for parliamentarians No. 3/2002; National Centre for Human Rights, Tashkent, 2008

198. Over the years of independence more than 200,000 copies of the Universal Declaration of Human Rights have been published.

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

199. Uzbekistan has a network of educational establishments for the training and further training of lawyers and members of law-enforcement agencies. This network includes the law faculties of the universities, the Tashkent State Institute of Law, the Academy of the Ministry of Internal Affairs, the Institute of the National Security Service, the National Centre for the Further Training of Legal Specialists, and the Advanced Courses of the Office of the Procurator-General.

200. The Academy for State and Social Construction, attached to the Office of the President, teaches a human rights course for its students. This course includes practical work experience at the National Centre for Human Rights and the Office of the Commissioner for Human Rights.

201. In its courses on the application of the rules of international law in the work of the Ministry's agencies the Academy of the Ministry of Internal Affairs teaches "General human rights theory" (40 hours), "Criminal procedure" (180 hours), "Criminal law" (270 hours), "International law" (50 hours) and "Preliminary investigations in the agencies of the Ministry of Internal Affairs" (234 hours).

202. Students taking higher educational courses in the special subject "Administrative organization of law-enforcement agencies" are taught the subject "International cooperation in the fight against crime" (24 hours). Students taking higher academic courses are taught the subject "Human rights and the work of law-enforcement agencies" (30 hours).

203. The legal training given to personnel of the Ministry of Internal Affairs in the advanced courses for sergeants includes instruction in the subsidiary subject "Human rights and the work of the Ministry's agencies" (16 hours). Special attention is given in these courses to international legal standards relating to human rights and freedoms, in particular the international legal safeguards of the rights of persons who have been indicted, are standing trial or have been convicted, the Standard Minimum Rules for the Treatment of Prisoners, and the safeguards against torture and other cruel, inhuman or degrading treatment or punishment.

204. The faculty of the Academy of the Ministry of Internal Affairs for the further training of officers of the Ministry's agencies runs regular study sessions for the further training and retraining of officers. The curricula agreed with the relevant internal affairs services provide for 176 hours of instruction, including the subjects "International human rights standards in criminal proceedings" and "Application of the rules of criminal-procedure legislation on the admissibility of evidence in accordance with Order No. 12 of the Supreme Court adopted in plenary session on 24 September 2004".

205. Instruction in the safeguarding of human rights in the work of internal affairs agencies on the basis of the international human rights standards is provided primarily for personnel directly involved in the investigation of crime, i.e. criminal investigation and anti-terrorism agents and inspectors, neighbourhood crime-prevention officers, and members of the sentence-enforcement agencies.

206. The National Centre for the Further Training of Legal Specialists is the State educational establishment responsible for the further training and retraining of personnel of the Ministry of Justice, the courts and the Bar, teachers of law and legal-services personnel.

207. The Centre gives particular attention to the subject of the international legal system for the protection of human rights and freedoms. The curriculum includes the following courses: “National legislation of Uzbekistan and international standards of justice”; “Basics of international humanitarian law”; “Legal basis of the fight against international crime”; “Place and role of international standards in the activities of law-enforcement agencies”; “National legislation of Uzbekistan and international human rights law”; and “Legal status of the public in international law”.

208. Students are taught the theory and practice of the incorporation of international standards in Uzbekistan’s domestic legislation: the right to life; the right to liberty and security of person; the right to protection of honour and dignity, the right to privacy of family life; the rights of due process and presumption of innocence; the right to protection against torture; and the freedoms of thought, speech, opinion, conscience and religious belief.

209. The National Centre, which had been dealing with problems of the consolidation of legality and upgrading of the qualifications of prosecution and investigation personnel, was dissolved by a presidential decision of 7 November 2007 on the introduction of the Advanced Courses of the Office of the Procurator-General; the courses in question were established in accordance with this decision.

210. The programme on the further training of managerial personnel provides for six months of instruction, while the programme on upgrading of qualifications lasts for up to one month.

211. In the period 2005-2007 the Centre taught the following courses: “International standards of juvenile justice”; “Problems of the use of *habeas corpus* during preliminary investigations”; “Cooperation between agencies of the Procurator-General and the Ombudsman in safeguarding civil rights and freedoms”; “International legal instruments relating to the human dimension”; and “United Nations standards relating to officials conducting initial inquiries and other criminal investigations”.

212. The curriculum of the Institute of the National Security Service includes the subject “Human rights” as a separate course of 24 hours instruction.

213. Instruction proceeds on an interdisciplinary basis and covers both the general aspects of human rights and the concrete practical requirements for their observance, by which future members of the agencies of the National Security Service must be guided in their law-enforcement work.

214. In addition to being taught as separate subjects, some aspects of human rights are covered under other topics of law, such as “Theory of the State and law”, “Criminal law”, “Administrative law”, “Civil law” and “Civil procedure”.

215. The Institute of the National Security Service has a unit on the law of armed conflicts, which also teaches human rights courses.

216. In addition to its inclusion in the courses for investigation personnel and judges, the subject of international standards also appears in the curriculum of the military schools of the Ministry

of Defence. Since the 2005 academic year the courses have included as optional subjects (from the 2006 academic year as part of the core “Basics of military law” curriculum) components on “Humanitarian law” and “Law of armed conflicts” covering human rights topics (10-12 hours).

217. The Ministry of Health devotes special attention to the study of human rights as part of the training and further training of doctors. In particular, in the first-degree courses in all medical schools the students are instructed, under “Forensic medicine”, in the rights of specialists, consultants and junior consultants. One of the subjects is entitled “Legal foundations of medical practice”. Special attention is paid in this area to the rights and freedoms of the individual, including the rights to life, liberty and security of person, the right to protection against interference, and the inadmissibility of the use of torture or violence. Another topic is the inadmissibility of the conduct of medical or scientific experiments on a person without his or her consent. These issues are considered from the standpoint of both patient and medical personnel.

Study of human rights in educational establishments of various categories (schools, lycées, colleges, universities)

218. Under the decisions of the Oliy Majlis on the National Programme to Enhance a Culture of Law in Society and on the National Programme of Professional Training and in accordance with the Education Act, Uzbekistan has established a five-stage system of continuing legal education and training:

Stage I: Legal training in the family;

Stage II: Initial legal education and training in pre-school institutions;

Stage III: Legal education in secondary schools;

Stage IV: Legal education and training in lycées (academic secondary schools) and colleges (vocational secondary schools);

Stage V: Legal education and training in higher education establishments.

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

220. Initial legal education and training is imparted in pre-school institutions as part of the everyday games and activities. These games and activities are organized for children in the middle, older and preparatory groups. The subject “Lessons of the Constitution” in the middle and older groups includes 16 activities each per year in the form of games, together with seven half-day (morning) and two free-time activities; the preparatory group also has 16 activities a year and two half-day (morning) and two free-time activities.

221. Instruction in concepts such as law, duty and obligation, tailored to the pupils’ age, is introduced in years 1-4 of secondary general education. Forty lessons a year are allocated for study of the “Constitution ABC”.

222. The content of the lessons becomes more complex in years 5-7 of general secondary education with the addition of actual examples of the inter-relationship between the State and the individual and the introduction of the subjects of personal autonomy, equality of rights, freedom of speech, right to receive information, and criminal liability of minors. Fifty-one hours a year are allocated in each year to the course “Journey into the world of the Constitution”.

223. The chief aims of legal education and training in years 8-9 of general secondary education are to:

- (a) Teach students about the social, economic, political, legal, scientific and cultural development of the State;
- (b) Produce young people capable of creative thinking and expressing their attitude to important personal problems.

224. Thirty-four hours a year are allocated in each of these years to study of “Basics of constitutional law”.

225. Years 10-11 of general secondary education spend 68 hours on legal topics spread over two years in the course on “Jurisprudence”.

226. In November every year the Ministry of National Education, in conjunction with the regional branches of the Children’s Foundation of Uzbekistan, holds a study week in all schools, out-of-school institutions and *Mekhribonlik* children’s homes on the Convention on the Rights of the Child, during which competitions are organized on such subjects as “Do you know your rights?” and “What is law?”.

227. Since 2005 the Ministry has been running a “Child-friendly schools” programme, with assistance from UNICEF, with the aims of teaching teachers and students how to solve problems in a friendly and tolerant manner and avoid conflict situations and enhancing teachers’ awareness of the inadmissibility of cruel treatment of their charges.

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

- For students in year 4 of the bachelor’s degree: “Human rights” (81 hours); “Jurisprudence” and “Constitution of the Republic” (108 hours); and “Constitutional law” (120 hours);
- For students in year 2 of the master’s degree: “Human rights” (40 hours); and “Constitution of the Republic” (27 hours);
- For students in academic and vocational secondary schools (lycées and colleges) there are two courses: “Jurisprudence” and “Constitution of the Republic” (80 hours).

Use of the mass media to enhance awareness of human rights issues

229. The National Television and Radio Corporation makes the necessary arrangements for the most important issues of the country's political, social and economic development and the protection of human rights and freedoms to be aired on radio and television. The Corporation broadcasts various radio and television programmes to ensure that the population is supplied with extensive and systematic information about human rights issues. Over recent years there has been a steady improvement in the indicators of both the quality and the quantity of programmes about economic, social, cultural, personal and political rights. Constant attention is given to increasing the effectiveness, content and accessibility of the various programmes, with the aim of stimulating a broad debate on problems of the enhancement of people's standards of education and their political and legal awareness.

230. Most of the radio and television programmes on human rights issues are produced and broadcast by the *O'zbekiston* radio and television station. For example, in the period 2005-2007 a total of 1,837 programmes on such issues was broadcast. A total of 752 series was broadcast on the exercise of economic, social, cultural, personal and political rights, together with 414 programmes dealing with the issues addressed in the international human rights treaties and 2,820 news items on human rights. It should be noted that items and reports on this topic are regularly broadcast in such news programmes as *Akhborot*, *Taxlilnoma*, *Assalom Uzbekiston!* and *Okshom tulkinlarida*.

231. Programmes on human rights are also broadcast regularly on the television channels *Yoshlar*, *Sport* and *Toshkent*. In 2007 the total numbers of programmes broadcast were 410 for *Yoshlar*, 84 for *Sport*, and 34 for *Toshkent*. News items and reports are also included regularly in such news programmes as *Davr*, *Davr kharta ichida*, *Poitaht* and *Mashal*.

232. Much attention is given to the production of television newsreels and publicity items on human rights. A total of 29 current affairs programmes was devoted to nine basic topics: protection of consumer rights; environment and health, support for talented students; education grants; promotion of entrepreneurship; support for orphans and children with disabilities; culture and the arts; support for teachers; and support for women.

233. More than 30 legal newspapers and magazines containing material on the protection of rights are published in Uzbekistan.

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

The role of civil society in promoting and protecting human rights

235. Uzbekistan has over 5,000 civil society organizations, many of them with regional and local branches; they are invested with an array of rights and duties enabling them to take an active part in the social reforms.

236. In the course of Uzbekistan's administrative reforms practical steps have been taken to make the procedures of governmental consultation more democratic. Working groups are being set up as an effective means of securing consultation and cooperation between agencies of the

Executive and civil society organizations; representatives of civil society organizations are included in the consultative bodies of the agencies of the Executive; public commissions are established to monitor the implementation of targeted programmes; and debates are held on questions of granting access for non-profit organizations of civil society to specific procedures connected with the use of budgetary resources.

237. Under the organizational and legal arrangements for the participation of civil society in State governance increasing importance is being attached in decision-making by the central authorities to the expert knowledge of members of the public concerning social issues. For example, environmental associations are entitled to nominate representatives to contribute to the production of official expert reports on the environment, to produce environmental assessments (which become legally binding following approval of their findings by the expert State bodies) and to call for the production of environmental assessments by the State.

238. The practice of involving independent outside organizations in the production of expert reports on draft legislation has been gaining ground in the Oliy Majlis in recent years.

239. The national human rights institutions, such as the Parliamentary Ombudsman and the National Centre for Human Rights, are developing and extending their cooperation both with NGOs and with other civil society organizations.

240. These institutions use the following measures to improve the work of NGOs and furnish them with comprehensive support to improve their skills in handling human rights issues:

- Organization of special seminars and training sessions for NGOs;
- Involvement of NGOs in human rights information measures for members of the law-enforcement agencies;
- Involvement of NGOs in the monitoring of human rights legislation;
- Recruitment of NGOs as executing agencies in national plans of action to implement the recommendations of United Nations treaty bodies with respect to Uzbekistan's periodic reports on the fulfillment of its international human rights obligations;
- Obtaining from NGOs information about the observance of human rights for inclusion in Uzbekistan's periodic human rights reports;
- Implementation of joint information/education measures to improve the public's knowledge of human rights issues.

241. In Uzbekistan the work of human rights protection is done mostly by activists of various NGOs, who not only defend the rights of their members but have also come to understand the importance of establishing in the country a system of community monitoring and control of the activities of State agencies. These are chiefly children's, women's and environmental NGOs,

associations of the disabled and the elderly, and gender-equality organizations, as well as special-interest professional associations, foundations, unions and committees.

242. The following NGOs make big contributions to the protection of human rights: the International Red Crescent, the Association for the Blind, the Association for the Deaf, the Association for the Disabled, the Federation of Trade Unions of Uzbekistan, the *Makhalla* charitable foundation, the NGO Ecosan Services Foundation, the *Soglom Avlod Uchun* international foundation, the *Nuronni* foundation, the Centre for the Study of Human Rights and Humanitarian Law, the *Izhtimoi fikr* Centre for Public Opinion Studies, the Association of Judges of Uzbekistan, the *Tadbirkor ael* association of businesswomen, the National Bar Association, the Women's Committee of Uzbekistan, the Chamber of Trade and Industry of Uzbekistan, the Association of Women Jurists of Uzbekistan, the *Mekr* association of women's NGOs, the *Olima* women's union, the *Kamolot* youth movement, etc.

243. One important form of NGO participation in the efforts to establish international human rights standards in Uzbekistan is the research work done by individual NGOs to identify the causes and conditions which lead to the violation or restriction of the rights of certain categories of citizen.

244. In 2005, for example, the *Oila* Centre for Applied Research (a national NGO), in conjunction with the Children's Foundation, produced research on questions of child disability, which analyzed the findings of the monitoring work done by the *Muruvvat* children's homes and the Tashkent boarding schools on the extent to which children with disabilities exercise their rights to education, medical treatment, and cultural activities.

245. In that same year the Centre for the Study of Legal Problems (another NGO), with assistance from ILO, analyzed the existing legislation and machinery for application of domestic law to bring them into line with the ILO conventions.

246. NGO research helps to identify in good time the factors obstructing the realization of human rights and uncover the causes and conditions which lead to violations of the rights of individual categories of citizen, as well as facilitating the formulation of proposals for improvement of human rights legislation and its practical application.

247. NGOs take an active part in the formulation and improvement of draft legislation on definition of the legal status of NGOs and their inter-relationship with the State. NGOs were directly involved in the discussion of the following acts:

- Voluntary Associations Act
- Non-Profit NGOs Act;
- Local Authorities Act
- Voluntary Foundations Act;
- Commissioner for Human Rights (Ombudsman) Act

- Non-Profit NGOs (Safeguards) Act
- Charities Act
- Human Rights (Safeguards) Act
- Mass Media Act

D. Submission of periodic reports

248. Pursuant to a governmental decision, the National Centre for Human Rights is the body responsible for gathering information and preparing periodic reports on the application of the international human rights treaties. The Centre is a coordination body; its duties include the preparation of periodic reports on Uzbekistan's fulfillment of its international human rights obligations.

249. Over the 10 years of its existence the Centre has succeeded in establishing an adequate system for the collection and analysis of information to be included in periodic human rights reports; this has facilitated the preparation and timely submission of such reports to the United Nations treaty bodies.

250. Periodic reports are prepared in accordance with the following documents:

- (a) The guidelines on the form and content of reports to be submitted to international human rights treaty bodies;
- (b) The general comments of treaty bodies;
- (c) The concluding observations of treaty bodies on results of their consideration of Uzbekistan's periodic reports;
- (d) The international human rights treaties;
- (e) New domestic legislation on human rights;
- (f) The most recent practice in law-enforcement and human rights protection.

251. Over the period of its existence the National Centre has developed special procedures for the preparation of periodic reports on Uzbekistan's fulfillment of its international human rights legislation. These procedures may be divided into several stages:

- Receipt of a communication from the United Nations treaty body in question on the need to submit a periodic report for consideration at a given session of the body;
- Creation of working group by the Centre to prepare a draft periodic report;

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

252. As is clear from this list, the preparation of periodic reports on the fulfillment by Uzbekistan of its international obligations forms the basis and core of the work of the National Centre for Human Rights and is a reflection of the performance of its functions of coordination and analysis. The preparation of such an important document as a periodic report takes quite a long time and calls for hard work by a large number of State agencies and NGOs and academic research organizations, as well as by specialists and experts in various fields.

253. A comprehensive and systematic approach to the preparation of periodic reports must be underpinned by an insistence on the reliability and objectivity of the information obtained from both State and non-governmental sources and on its smoothly coordinated use. This is precisely the National Centre's approach to the compilation of information for the preparation of these reports. It attaches particular importance to the material obtained as a result of intensive academic and sociological research

254. Having studied the various opinions and views on individual questions of the realization of human rights and the various interpretations of their definitions and categories, the National Centre reflects in the report the development of social, political and legal thinking in Uzbekistan with regard to various aspects of human rights; this helps the international bodies to understand Uzbekistan's current situation in terms of the promotion, observance and protection of human rights.

255. Special care is taken in the preparation of the reports to explain the legislative and organizational arrangements for the realization of human rights in Uzbekistan. The reports give a full description of the current human rights legislation, indicate the goals and mandates of the institutions which have to apply that legislation in practice, and furnish information on the forms and areas of the coordination of the activities of the State agencies responsible for delivering human rights. This information provides a full picture of the national human rights machinery and the effectiveness of the application of the international standards in this field.

256. The national plans of action to give effect to the concluding observations of United Nations treaty bodies are confirmed by the Interdepartmental Working Group on the observance of human rights by law-enforcement agencies, which was established by Government Decision No. 12-R of 24 February 2004.

257. The records of the meetings and the decisions taken by this Working Group form the foundation of the periodic reports. Draft versions are discussed by the Working Group at various stages of the preparation of the reports. The decisions of interdepartmental bodies established by order of the Cabinet of Ministers are binding on their member agencies.

258. In July 2004 this Working Group discussed and approved:

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

- The National Plan of Action for the implementation of the recommendations made by the United Nations Committee on the Elimination of All Forms of Discrimination against Women;
- The National Plan of Action for the implementation of the recommendations made by the Committee on the Rights of the Child.

259. In December 2007 the Interdepartmental Working Group discussed at one of its meetings the implementation status of the National Plan of Action for the implementation of the recommendations of the Committee on the Rights of the Child.

260. In order to improve the National Centre's work on the preparation of Uzbekistan's periodic reports on the fulfilment of its international human rights obligations, regular round tables and seminars are held for representatives of State agencies and NGOs to discuss urgent problems of the application of the recommendations of United Nations treaty bodies and aspects of the national plans of action.

III. NON-DISCRIMINATION AND EQUALITY AND EFFECTIVE MEANS OF LEGAL PROTECTION

261. The Constitution of the Republic establishes the principle of equality before the law and the prohibition of discrimination. Article 18 reads:

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

Article 46 of the Constitution establishes the equality of rights of men and women.

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

263. The concept of the prohibition of discrimination established in Uzbekistan's legal system protects not only the rights of individuals but also of groups of citizens as such. Article 18 and chapter X of the Constitution set out the safeguards of the rights and freedoms of citizens and are designed to create a legal basis for the protection not only of the rights of individuals but of collective rights as well, the latter term being understood to include the rights of such categories as minors, the elderly and persons with disabilities.

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

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

266. Uzbekistan's legal system contains stringent provisions on liability for infringement of the equality of rights of citizens. For example, the Administrative Liability Code prescribes the imposition of fines for violation of citizens' right to free choice of language in upbringing and education, the creation of obstacles to or limits on the use of a language, and disrespect for the State language or other languages of the nations and nationalities living in Uzbekistan.

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

268. It must be pointed out that the concept of discrimination as set out in article 141 of the Criminal Code is practically the same as in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. The difference between the two wordings lies in the fact that the Convention defines the purpose of the discrimination: "...nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". The omission of the purpose of the discrimination from article 1 of the Constitution does not affect the definition of the act itself.

269. Pursuant to article 156 of the Criminal Code, criminal liability is triggered by the incitement of national, racial or religious hatred, i.e. deliberate acts injurious to national honour and dignity, perpetrated with a view to exciting hatred, intolerance or division towards any population groups on national, racial or ethnic grounds, and the imposition of direct or indirect restrictions or the granting of direct or indirect privileges on the basis of national, racial or ethnic affiliation.

270. Article 153 of the Criminal Code stipulates a penalty of deprivation of liberty for a period of 10 to 20 years for genocide, namely, the deliberate creation of conditions of life designed to bring about total or partial physical extermination, enforced birth control or the transfer of children from one group of people to another, and, similarly, for giving instructions for such actions to be performed.

271. In terms of State policy, the prevention of discrimination in all its forms and in all its manifestations is achieved by the following measures:

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

272. Every year in the past decade has been dedicated to the solution of a major social problem and to the protection of a specific vulnerable population group. For example: 1999 was declared Women's Year; 2000 – Healthy Generation Year; 2002 – Year of the Elderly; 2006 – Year of Voluntary Associations and Health Workers; 2007 – Year of Social Protection; and 2008 – Year of Youth. In the light of the year's purpose and symbol, the Government adopts a special nationwide programme, which includes a series of measures to provide support for the targeted vulnerable group, and it supplies earmarked funds for these measures and the drafting of legislation and regulations.

273. Under the State Programme for the Year of Social Protection 30,000 veterans were treated in sanatoriums, 50,000 poor families were given large horned cattle, 3,000 jobs were created for persons suffering disabilities but able to work, and charitable assistance was furnished to three million very old persons living alone, persons with disabilities, pensioners and poor families.

274. Forty per cent of total spending under the State budget was allocated to this programme. It also undertook repairs and provided furniture and special equipment and transport for all the country's orphanages and homes for disabled persons.

275. Similar measures for specific vulnerable groups were carried out in previous years.

276. The *Nuroni* foundation for the social support of veterans backed the initiative of the *Kamolot* youth movement to create local "Care" groups to furnish material and moral support to very old persons living alone, persons with disabilities and war and labour veterans. In 2007,

more than 23,000 persons were taken under the wing of these groups. On 7 December 1999 the Cabinet of Ministers adopted Decision No. 520 on the programme of measures for 2000-2005 to increase the targeted social protection for very old persons living alone, pensioners and persons with disabilities, and on 7 September 2006 the President of the Republic issued Decision No. 459 on the programme of measures for 2007-2010 for the further strengthening of targeted social protection and social services for such persons.

277. The Uzbek Parliament has before it for consideration and adoption bills on equal opportunities for men and women and on social partnership, with a view to the introduction of measures to secure equality.

IV. APPLICATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 1. Right of self-determination

1. Right of self-determination of peoples

278. The Republic of Uzbekistan, as a State enjoying full rights under international law, 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 the strengthening of international peace and understanding”.¹¹ Uzbekistan opposes any acts which violate or undermine, in whole or in part, the territorial integrity or political unity of independent sovereign States which observe the principles of the equality and self-determination of peoples and accordingly have governments which 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.

279. Uzbekistan’s foreign policy is based on the principles of the sovereign equality of States, non-use of force or the threat of force, inviolability of frontiers, peaceful settlement of disputes, and non-interference in the internal affairs of States and on other generally recognized principles and rules of international law (Constitution, art. 17).

280. According to the Foreign Policy (Fundamental Principles) Act of 26 December 1996, Uzbekistan builds with all States equal and mutually advantageous relations, excluding any possibility of interference in internal affairs or encroachment on independence or sovereignty, or the imposition of ideologies in the relations between States. Uzbekistan takes an active part in the work of intergovernmental and non-governmental organizations with a view to preventing and resolving conflicts in and beyond its region.

281. The application in Uzbekistan of the principle of respect for the right of peoples to self-determination is inseparably linked to the strengthening of international peace and security and consistent observance of the generally recognized principles of international law by all States parties to the International Covenant on Civil and Political Rights.

¹¹ Twenty-first session (1984). General comment No. 12. Article 1. HRI/GEN/Rev.1

282. The self-determination of the people of Uzbekistan is the foundation of the sovereignty of the State, which acts as the most important representative of the sovereign will both of the people as a whole and of every individual nation and nationality.

283. According to article 2 of the Constitution, “the State expresses the will of the people and serves its interests”. Uzbekistan ensures respect for the languages, customs and traditions of the nations and nationalities living in its territory and creates the conditions for their development. Article 8 of the Constitution states: “The people of Uzbekistan is constituted by the citizens of the Republic of Uzbekistan, irrespective of their nationality”. All the citizens of Uzbekistan enjoy equal rights and freedoms and equality before the law, irrespective of their sex, race, nationality, language, religion, social origin, opinions, or personal or social status.

284. Pursuant to the State Independence (Foundations) Act of 31 August 1991, “the State frontier and territory of the Republic of Uzbekistan are inviolable and indivisible and may not be altered without the free expression of the will of its people”.

285. The sovereign Republic of Karakalpakstan is part of Uzbekistan; it has its own Constitution, which establishes its administrative and territorial structure and system of State administration. Mutual relations between Uzbekistan and the Republic of Karakalpakstan are governed by bilateral treaties and agreements. The sovereignty of the Republic of Karakalpakstan is safeguarded by the Republic of Uzbekistan (Constitution, art. 70). The Republic of Karakalpakstan has the right to secede from Uzbekistan on the basis of a nationwide referendum held by the people of Karakalpakstan (art. 74).

286. 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 adopted a constitution (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 on 31 October 1995 at the fourth session and on 15 December 1997 at the thirteenth session of the first convocation of the Jokargy Kenes (Parliament) of the Republic of Karakalpakstan; the Republic of Karakalpakstan autonomously settles questions concerning its administrative and territorial structure and establishes its system of State authorities and administrative bodies in accordance with the principle of the separation of powers.

287. The Constitutions of both States provide that relations between the Republic of Uzbekistan and the Republic of Karakalpakstan shall 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.

2. Promotion of the realization of the right of self-determination

288. 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).

289. The formation of a multi-national State in Uzbekistan is the result of a centuries-long development process. According to historical records, 100 years ago the territory of present-day Uzbekistan was occupied by members of some 70 nations. Thirty years later this figure stood at 91, in 1959 at 113 and in 1979 at 123, while data from the latest population census, taken in 1989, show that Uzbekistan is home to 136 nations and nationalities.

290. The country's huge potential and unrivalled mineral and other natural resources serve its progress and the people's increasing well-being. Today Uzbekistan is at new stage of the reform and modernization of its society and the attainment of its long-term goals, accelerating the country's development and prosperity and its inclusion among the world's developed States. The primary goal, the constant focus of the State's attention, was and remains to improve the people's living standards.

3. Economic content of the people's right of self-determination and the right freely to dispose of its natural wealth and resources

291. Uzbekistan possesses enormous economic potential, with a wealth of mineral, fuel and energy, and human resources.

292. According to article 7 of the State Independence (Foundations) Act, the assets owned by the State constitute the material basis of its independence.

293. The earth and its subsoil, the waters and forests, the plant and animal life, and the other natural resources of the territory of the Republic, together with its intellectual values, constitute the national heritage, the assets owned by the Republic of Uzbekistan.

294. The citizens of the Republic of Uzbekistan have the right to dispose of the natural wealth and resources both of the Republic of Karakalpakstan and of the whole Republic of Uzbekistan.

Article 2. Observance of and respect for the rights recognized in the International Covenant

1. Legislative bases of respect for and realization of the rights recognized in the International Covenant

295. All of the civil and political rights recognized in the International Covenant are embodied in the Constitution and other laws of the Republic of Uzbekistan.

296. Article 18 of the Constitution states that all the citizens of Uzbekistan are equal before the law and the courts without distinction as to sex, race, nationality, language, religion, social origin, opinions, or personal or social status.

297. The Constitution provides the means for protecting human rights and freedoms.

298. Article 35 posits the right of all persons, either separately or jointly with other persons, to submit applications, proposals or complaints to the competent central authorities, officials and public agencies and institutions and to elected representatives, while article 44 guarantees all citizens judicial protection of their rights and freedoms and the right to appeal to the courts against unlawful acts of central authorities, officials or civil society organizations.

299. Article 44 states in fact: “Everyone is guaranteed judicial protection of his rights and freedoms, the right to appeal to a court against unlawful acts of central authorities, officials and civil society organizations”. The judicial procedure for consideration of such applications is a reliable means of protecting the rights of citizens against institutional interference and the interests of judges: in such judicial proceedings the applicant acts as an equal party and is entitled actively to defend his interests. When considering complaints by citizens against decisions and acts of authorities or officials, the courts verify the legality of the decision or act in question, revoke unlawful ones and order damages against the guilty party.

300. The court proceedings are regulated by Code of Civil Procedure (arts. 264-268) and the Administrative Liability Code.

301. The Act (of 30 August 1995) dealing with appeal to the courts against acts and decisions violating civil rights and freedoms establishes the right of citizens to enter an appeal if they consider that one of their rights or freedoms has been infringed by an lawful act or decision of a State agency, enterprise, establishment or organization, by a civil society or other voluntary organization or by an official.

302. The Citizens’ Applications Act of 12 December 2002 not only embodies the principle of the inadmissibility of discrimination against citizens (art. 11) but also contains guarantees of the right to apply to the various State agencies and of means of defending that right: the obligation to admit and consider such applications and the right of appeal against unjustified refusal to admit and consider such applications when made to a higher agency or directly to the courts.

303. Article 23 of the Constitution provides that foreign nationals and stateless persons in the territory of the Republic of Uzbekistan are guaranteed rights and freedoms in accordance with the rules of international law. They also have the obligations established by the Constitution and domestic law and by the international treaties to which Uzbekistan is a party.

304. The Constitution makes a meticulous distinction between the rights of Uzbek citizens and those of aliens. Just like Uzbek citizens, aliens and stateless persons enjoy the rights to life, liberty and security of person, the presumption of innocence, and protection against torture, as well as the rights to privacy, freedom of thought, speech and opinion, and freedom of conscience.

305. The rights of aliens in Uzbekistan are limited only in the following cases: the right to vote and to be elected, the right to hold senior posts in the central authorities and agencies, and the right of freedom of movement within the territory of Uzbekistan.

306. Foreign nationals are entitled to appeal to the courts in accordance with the procedure established by law, unless an international treaty or agreement to which Uzbekistan is a party

provides otherwise. Stateless persons have the same rights as Uzbek nationals with regard to applications to the courts.

307. Accordingly, Uzbek and foreign nationals and stateless persons are entitled judicial protection against any unlawful acts or decisions of State or other agencies and their officials and against interference in their private lives or their health, honour or dignity, their right of personal liberty and right of ownership, as well as other rights and freedoms.

2. Effective means of legal protection against discrimination

308. Uzbekistan has established legislative guarantees of the legal protection of persons against discrimination in the Constitution and in its administrative, civil, criminal, family and other law.

309. Uzbekistan's Criminal, Civil, Family and Labour Codes and its other codes and laws contain provisions on the equality of citizens before the law without any distinction.

310. In order to protect citizens against any form of discrimination the Criminal Code stipulates criminal liability for infringing their legal equality (art. 141) or violating the legislation on citizens' applications (art. 144) or the right to work (art. 148), and it prescribes penalties for direct infringement or restriction of civil and political rights or freedoms through manifestations of discrimination.

311. The prevention of possible violations of the Constitution and the laws on the inadmissibility of discrimination is facilitated by the establishment of administrative liability in the Administrative Liability Code in respect of offences involving violation of the legislation on the State language (art. 42), citizens' applications (art. 43), unjustified refusal to consider documents (art. 44), and employment (art. 49), as well as refusal to employ citizens referred by the State employment services (art. 50).

3. Information on the rights embodied in the International Covenant

312. It should be noted that Uzbekistan has introduced arrangements for informing and educating civil servants and the public at large about matters connected with the human rights embodied in the International Covenant. These arrangements cover students in general secondary schools, lycées and colleges, secondary special and higher education establishments, persons taking further training and retraining courses, and officials of the various ministries and departments.

313. Human rights issues are explained under "Lessons in the Constitution" in the older, middle and reception groups of pre-school institutions (six activities a year in the form of games and half-day (morning) sessions).

314. In years 1-11 of general secondary education students have an opportunity to improve their knowledge of human rights and the country's legislation: in the earlier years by studying the "Constitution ABC" (40 hours a year); in years 5-7 in the course "Journey into the world of the Constitution" (51 hours); in years 8-9 in the course "Constitutional foundations of human rights" (34 hours); and in years 10-11 in the lessons on "Jurisprudence" (68 hours over the two years).

315. The curriculum for each year includes human rights topics. The teachers invite to their lessons not only parents but also representatives of *makhallas*, the public and law-enforcement agencies. In the course of these lessons the students are taught about the background of the adoption of the Convention on the Rights of the Child, about the basic principles and importance of this international human rights instrument, and about the Rights of the Child (Safeguards) Act of 2007.

316. Every year in November the Ministry of Public Education, in conjunction with the regional branches of the Children's Fund of Uzbekistan, holds in all schools, out-of-school establishments and *Mekhrisonlik* children's homes a week devoted to study of the Convention on the Rights of the Child, which includes competitions such as "Do you know your human rights?" and "What is a right?"

317. The further training courses for teaching personnel address topics of civil and political rights. In 2005 these courses were attended by 4,291 administrative and other personnel from all categories of pre-school and school education; in 2006 the figure was 2,474.

318. The State education standard stipulates that the curricula of higher and special secondary institutions should include the following subjects:

- For students in year 4 of the bachelor's degree: human rights (81 hours); jurisprudence and Constitution of the Republic (108 hours); and constitutional law (120 hours);
- For students in year 2 of the master's degree: human rights (40 hours); and Constitution of the Republic (27 hours);
- For students in year 2 in academic secondary schools (lycées) and vocational secondary schools (colleges): jurisprudence and Constitution of the Republic (80 hours).

319. The human rights course covers the following topics: the fundamental concept of human rights; human rights issues in the study of politics and the law; the legal status of the human being and the citizen; regional cooperation among States on human rights matters; the judicial protection of human rights and the freedoms and rights of citizens; women's rights; children's rights; and the role and place of national institutions in the protection of human rights.

320. The National Centre for the Further Training of Legal Specialists of the Ministry of Justice gives particular attention to the dissemination of information about the international legal system for the protection of human rights and freedoms. The Centre's curriculum includes the following programmes: Domestic legislation and international standards of justice; Foundations of international humanitarian law; Legal foundations of the fight against transnational crime; Place and role of international standards in the protection of human rights in the work of law-enforcement agencies; Domestic legislation and international human rights law; Legal status of the individual in international law; the Act on changes and additions to the domestic legislation in connection with the abolition of the death penalty – guarantees of the application of the principles of justice and humane treatment; and the Act on changes and additions to legislation in connection with the transfer to the courts of the power to order remand in custody – guarantees

of legality and the protection of civil rights and freedoms. The content of these programmes reflects the core provisions of the International Covenant.

321. The provisions of the country's Constitution and legislation and the international standards on human rights and freedoms are taken into account in the design of the curricula of the Advanced Courses for personnel of the Office of the Procurator-General. Eighteen courses were held in 2006, on the topics: means of protecting the rights and interests of farming enterprises; and means of supervision by the Procurator-General of the observance of civil rights and freedoms in the conduct of initial inquiries and other investigations. These courses consisted of 1,410 hours of study, with over 500 hours devoted to questions of human rights protection.

322. The 11 courses held in 2007 were attended by 50 regional and city procurators and 57 investigators and assistant procurators; training was also given to 44 young specialists and 66 officials of the commissions on the human rights of minors. The courses covered the following subjects: supervision by the Procurator-General of compliance with the legislation on civil rights and freedoms; and questions of the social protection of citizens.

323. Over the period 2005-2007 practical courses were held in the regions in conjunction with the Academy of the Ministry of Internal Affairs, including some for personnel of the Office of the Procurator-General and the prisons system, at which these personnel studied questions of international human rights standards. The results of the courses provided inputs for the formulation of proposals for the further improvement of the machinery for the protection of the rights and freedoms of citizens in places where sentences are served.

324. One of the core areas of the work of the Office's agencies is their contribution to the efforts to enhance a culture of legality among the public. All the senior staff involved in the Advanced Courses appear regularly in the printed media and on radio and television and publish leaflets, books and articles, in the quantities shown in table 28.

Table 28³⁶

	2005	2006	2007	Total
Total measures Including:	84	71	83	238
Lectures, speeches	48	50	51	149
Printed media	22	11	25	58
Radio	9	6	3	18
Television	5	4	4	13

³⁶Data from the Advanced Courses of the Office of the Procurator-General

325. The curriculum of the evening courses run by the Academy includes the following subjects: general theory of human rights (40 hours); criminal procedure (180 hours); criminal law (270 hours); international law (50 hours); and preliminary investigations by internal affairs agencies (234 hours); these courses take into account the professional requirements of the training of specialists to work in the Ministry's agencies. In 2005-2007 more than 2,000 students

were trained on these courses in the application of the rules of international legal instruments in the agencies' work.

326. The Tashkent State Institute of Law, a leading teaching institution whose remit includes instruction in and dissemination of knowledge about human rights, bases its work on the requirements in the international instruments of universal significance: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action of 25 June 1993.

327. The curriculum of the Institute of the National Security Service includes human rights as a separate academic subject (24 hours). This subject is taught as part of an interdisciplinary course and includes both the general aspects of the theory of human rights and the concrete practical requirements for their observance which are to guide future staff members of the Service's agencies in their everyday law-enforcement work. In addition to their inclusion in a separate subject, certain aspects of human rights are covered under other subjects, such as the State and the law, criminal, administrative and civil law, and criminal and civil procedure.

328. The Institute has a unit on the law of armed conflicts, which also teaches human rights courses.

329. The Academy for State and Social Construction attached to the Office of the President runs a human rights course for its students. In 2005-2007 the Academy offered practical instruction and talks given by personnel of the UNDP office in Uzbekistan, an expert from the ILO office in Uzbekistan, the coordinator of the Uzbekistan component of the project of the High Commissioner for Human Rights in Central Asia and an expert from that project, the acting head of the OSCE centre in Tashkent and one of its experts, experts from the ICRC office in Uzbekistan, etc. In 2006 training sessions on women's rights were held in six oblasts for deputy *khokims*; they were attended by 150 persons.

4. Means of exercising the right to judicial protection of civil rights and freedoms

330. Various means of protecting civil rights and correcting violations have been introduced in Uzbekistan; they are now described.

331. First, there is the remedy of application to the relevant State agencies, which are required, in accordance with the established procedures, to receive, consider and settle complaints from citizens by verifying the applicant's grounds and providing him with a written answer describing the action taken to restore his rights (administrative protection). The Citizens' Applications Act prohibits the submission of applications to the agency whose decisions or acts are being contested, the publication of information about the private lives of applicants, and the prosecution of applicants or members of their families in connection with an application. The authority dealing with the complaint must allow the applicant to use the services of a lawyer or a representative and must take immediate action to terminate unlawful acts or omissions and to compensate the applicant, in accordance with the established procedures, for any material or moral harm suffered by him as a result of the infringement of his rights, freedoms or legitimate interests.

332. Second, there is the remedy of application to the courts concerning unlawful acts or decisions of State agencies or officials (judicial protection). During the first six months of 2007 the civil courts considered more than 283,000 applications and found in favour of 98 per cent of them. There was a noticeable improvement in the thoroughness of the consideration of applications by judicial bodies. In the first half of 2006, 0.7 per cent of judicial decisions were subsequently overturned, but that figure currently stands at 0.5 per cent.

333. Third, there is the possibility of application to the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis concerning a violation of civil rights or freedoms once the applicant has exhausted the remedies described above (extrajudicial protection). The Ombudsman is empowered to consider complaints from citizens of Uzbekistan and from foreign nationals and stateless persons present in its territory and to conduct her own investigations. She does not consider matters falling within the competence of the courts. After verifying the grounds brought forward by the applicant, she transmits her findings to the State agency in question, together with her recommendations for restoration of the applicant's rights.

334. In 2006 the Ombudsman received 7,655 applications: 4,753 at the central office and 1,377 at the regional offices (including 878 repeat applications); and 647 legal consultations and explanations were given on the confidential telephone helpline. The Ombudsman admitted for consideration 1,434 of the complaints received in that year and ruled in favour of 351 of them.

335. The Ombudsman produced 17 sets of conclusions: 10 of them were transmitted to the Supreme Court, four to the Office of the Prosecutor-General, one to the office of the regional procurator for Samarkand and the Samarkand regional *khokimiat* (office of the *khokim* – the regional chief administrator), one to the Djizak oblast criminal court, and one to the Djizak oblast procurator.

336. The commonest complaints (1,563 or 33%) concerned the exercise of social and economic rights, while 1,104 (23%) related to the rights to life, liberty and security of person, humane treatment and respect for dignity, and 1,009 (21%) to due process.

337. In 2007 a total of 8,611 citizens exercised their constitutional right of application to State agencies by submitting complaints and reports to the Ombudsman: 1,244 were submitted to regional offices and 7,367 to the central office; 2,848 of the applicants were women; 19 came from places of detention; and 1,250 were repeat applications. Legal consultations and recommendations were given to 715 persons who applied via the telephone helpline. The central office admitted for consideration 2,053 of the complaints received concerning infringement of legitimate interests. It has already dealt with 1,499 of these complaints, finding in favour of the applicant in 360 cases.

338. The Ombudsman also made visits to the country's regions to listen to what citizens had to say, including visits to the oblasts of Bukhara, Namangan, Samarkand, Fergana and Tashkent.

339. The Ombudsman produced eight recommendations, including four transmitted to the Supreme Court and one to the procurator for Tashkent oblast.

340. As in 2006, the commonest complaints made to the Ombudsman concerned problems connected with the exercise of economic and social rights (2,082 or 38.8%), while 1,210 (22.5%) related to liberty and security of person, humane treatment and respect for personal dignity, and 1,164 (21.7%) to exercise of the right of due process.

341. Fourth, there is the possibility of application to agencies of the Procurator-General, which supervise the application of legislation by ministries and departments, enterprises, establishments and organizations and *khokims*, as well as the conduct of the preliminary investigation of offences and the treatment of persons held in penal institutions. These agencies consider reports and complaints from the public and take action to restore any violated rights. When there are sufficient grounds, a procurator is entitled to institute criminal or administrative proceedings against persons who have allowed violations of human rights and also to institute and pursue court actions if the person whose rights have been infringed cannot defend his rights in court in person for reasons of health or old age.

Table 29
Complaints of unlawful acts committed by members of law-enforcement or administrative bodies submitted to the Procurator-General³⁶

	2005	2006	2007
Total complaints of unlawful acts	3 070	2 275	2 385
- against personnel of the Ministry of Internal Affairs	2 292	1 737	1 728
- against personnel of the Office of the Procurator-General	107	51	19
- against personnel of the National security Service	15	10	4

³⁶ Data from the Office of the Procurator-General.

342. The remaining complaints concerned members of other law-enforcement and administrative bodies.

343. The verification of the above-mentioned complaints resulted in the initiation of criminal proceedings on the grounds of use of force or other means of coercion (Criminal Code, art. 235): in 2005 – three cases against five persons; in 2006 – six cases against nine persons; and in 2007 – six cases against 14 persons.

344. Criminal proceedings were not instituted, owing to the difficulty of verifying the facts, in the following numbers of cases: 2005 – 1,203; 2006 – 1,313; 2007 – 1,292; in the remaining cases explanations were given, or the cases were referred to other bodies because the Procurator-General did not have jurisdiction.

345. Fifth, there is the option of application to a judicial body empowered to defend the human rights and freedoms embodied in the Constitution and the law by considering objectively and comprehensively applications from the public concerning violation of constitutional rights and freedoms and by adopting measures in accordance with the law.

346. In 2007 these judicial bodies received 4,302 applications and complaints and considered the merits of 4,260 of them (99%): they found in favour in 1,032 cases (23.9%) and gave explanations of the legal position in 1,486 (34.5%); 363 cases were found to lack merit, and 1,309 were referred to the appropriate bodies for consideration.

347. An analysis of the complaints received shows that most them relate to the work of bodies conducting initial inquiries and other investigations in criminal cases and to the hearing by the courts of civil, criminal and administrative actions. Of these applications, 14.9 per cent relate to disagreement with a court decision and 50.2 per cent to other matters, some of them connected with unlawful acts by members of law-enforcement agencies.

348. An overall analysis of the handling of complaints shows that in 31 per cent of the cases the rights of the applicants are successfully restored by the judicial body in question.

349. In specific terms, 725 recommendations involving protection of human rights and correction of violations of legislation were issued. The execution of two decisions on administrative offences was suspended, and 77 decisions were revoked, including 20 decisions by *khokimiats*, 11 by law-enforcement bodies, 15 by health authorities, four by labour authorities, two by national education departments, and 25 by other bodies and organizations; disciplinary action was taken against 1,028 guilty parties, including 153 officials of *khokimiats*, 109 of labour and social protection authorities, 91 of national education departments and authorities, 80 of health authorities, 62 of law-enforcement bodies, 533 of other bodies and organizations; 81 persons were removed from their posts, including 14 officials of *khokimiats*, five of health authorities, 10 of labour and social protection authorities, two of national education departments, six of law-enforcement bodies, and 44 of other organizations.

350. In addition, in order to correct identified violations of legislation, 181 warnings were issued, together with 183 directives on the initiation of administrative proceedings and 173 recommendations, resulting in administrative actions against 181 guilty parties; there were 27 rulings on the initiation of criminal proceedings, as a result of which 18 persons were prosecuted.

351. Judicial bodies received 1,430 applications for compensation in a total amount of 617 million sum: 1,217 of these applications, totaling 569 million sum, were granted, and 1,040 of the compensation orders were fully enforced, in a total amount of 461 million sum; pursuant to the judicial decisions on 57 applications, action was taken against 30 officials for compensation for moral and material harm (186,160 and 849,000 sum, respectively).

352. Sixth, there is the option of application to law offices offering legal assistance to physical and juridical persons on the basis of the principles of independence of counsel, strict compliance with professional ethics, secrecy of counsel, and recourse to ways and means of defence not prohibited by law. Uzbekistan currently has 23 bar associations, 348 firms of lawyers and 438 law offices employing 3,834 lawyers. The rights and duties of lawyers are set out in the Bar Act of 27 December 1996 and the Safeguards for Lawyers (Legal Practice and Social Protection) Act of 25 December 1998, as well as in the Code of Civil Procedure, the Code of Criminal Procedure and the Administrative Liability Code.

353. Seventh, there is the possibility of application to NGOs which are empowered by their statutes to defend the human rights of their members and participants. For example, the mission of the National Association of Non-Profit Non-Governmental Organizations is to furnish NGOs with comprehensive support, promote their statutory activities and enhance their performance in all areas of the life of society. In 2007 the Association's executive units furnished information and legal assistance in response to more than 1,500 requests, made in writing and orally. When addressing its members' problems the Association enters into discussions with the executive and administrative authorities, thereby developing and improving the arrangements for cooperation between NGOs and the authorities and acting as intermediary and guarantor of members' rights.

***Article 3. Equality of men and women with regard to
civil and political rights***

354. Since becoming an independent State, the Republic of Uzbekistan has demonstrated its commitment to the principles of gender equality. Systematic legal and institutional development of the national machinery for improving the situation of women began in 1995, when Uzbekistan became a party to the Convention on the Elimination of All Forms of Discrimination against Women.

355. Accession to the United Nations "women's convention", the Convention on the Political Rights of Women and the Convention concerning Maternity Protection, together with the signing of the Beijing Platform for Action at the Fourth World Conference on Women, provided the necessary international legal framework for developing specific national measures to incorporate the international standards in legislation and in the activities of government bodies.

356. Uzbekistan, as a State signatory of the Millennium Declaration, also has an obligation to include the Millennium Development Goals in national development programmes and to attain them by the target year of 2015, including Goal 3: To promote gender equality and empower women.

357. The provisions of the Convention on the Elimination of All Forms of Discrimination against Women have been incorporated in the Constitution and in legislation on electoral, family, labour, criminal, administrative and other matters. The President of Uzbekistan has adopted two relevant decrees: one to enhance the role of women in state and social construction (2 March 1995) and another on additional measures to support the activities of the Women's Committee of Uzbekistan (24 May 2004). The Cabinet of Minister has also adopted the appropriate decisions for implementation of the presidential decrees.

358. The Constitution lays the foundations for the equality of rights between men and women, defines the principles of maternal and child welfare and, most importantly, prohibits discrimination against any person on the basis of gender, age, nationality, social status or religion. There is no gender asymmetry in the constitutional provisions: all persons in Uzbekistan have the same political, civil, socio-economic and cultural rights.

359. A specific legal mechanism has been established to ensure the equality of men and women. Article 46 of the Constitution refers to the equality of rights of men and women, and a system of guarantees has been established to ensure such equality. This system

guarantee inter alia: the same opportunities for men and women in social, political and cultural activities, in access to education and professional training and in employment and remuneration of work; special measures for women's occupational health and safety and pension benefits; conditions which enable women to combine work with motherhood; and legal protection and material and moral support for mothers and children, including the provision of paid leave and other benefits for pregnant women and mothers. Gender equality is also enshrined in the civil, labour, family, criminal and other codes.

360. 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 public morals, and arts. 135 and 136 on offences against freedom, honour and dignity).

361. Eliminating discrimination against women in all areas of life is one of the Government's policy priorities. To this end, the National Centre for Human Rights, together with State, civil society and non-governmental organizations, prepared a bill on State guarantees of equal rights and equal opportunities for men and women; it underwent national and international review and in March 2006 was submitted for consideration to the Legislative Chamber of the Oliy Majlis. This bill is very important for the resolution of gender issues in today's world: it is designed to regulate the legal framework prohibiting any direct, indirect or hidden gender-based discrimination in society and any violation of women's equality of rights in the spheres of education, culture or reproduction or in family relations.

362. A system has been established for the preparation of the periodic reports on the application of the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women and on the implementation the national plans of action for implementation of the concluding recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW). Uzbekistan's initial periodic report on the application the 1979 Convention was prepared in 1999 and was considered by the Committee on 29 January 2001 at its twenty-fourth session. A national plan of action for 2001-2006 was prepared and adopted in response to the Committee's concluding observations.

363. On 10 August 2006 CEDAW considered Uzbekistan's combined second and third periodic reports on compliance with its obligations under the Convention. The Women's Committee and the National Centre for Human Rights, in conjunction with relevant State bodies and NGOs, prepared a national plan of action for 2007-2010 in response to the concluding observations of CEDAW; this plan includes specific measures to strengthen women's participation in all areas of life.

364. The number of women members of Parliament has increased significantly as a result of the legislative amendments designed to encourage women's participation in political activity. Article 22, paragraph 4, of the Oliy Majlis (Elections) Act of 29 August 2003 provides that the number of women nominated as candidates for Parliament by political parties should be no less than 30 per cent of the total number of candidates. At present there are 21 women deputies in the Legislative Chamber (18%) and 15 women Senators

(15%), whereas in 1999 there were only 12 women deputies in the Oliy Majlis. Women hold the posts of Speaker of the Legislative Chamber, Commissioner for Human Rights, and Deputy President of the Senate.

365. Women account for 16 per cent of officials in the highest authorities of the State and 15.2 per cent in local legislative and representative authorities.

Table 30
Composition of State authorities as of 1 January 2006³⁸

	As percentage of total		Percentage distribution by sex	
	Women	Men	Women	Men
All State authorities	100.0	100.0	15.9	84.1
Legislative and representative authorities	84.2	88.2	15.3	84.7
Oliy Majlis including:	3.1	3.0	16.6	83.4
Legislative Chamber	1.8	1.6	17.6	82.4
Senate	1.3	1.4	15.3	84.7
<i>Jokargy Kenes</i> (Karakalpakstan)	0.8	1.3	10.5	89.5
Oblast and Tashkent City councils of peoples' deputies	7.2	9.8	12.1	87.9
City councils of peoples' deputies	59.8	63.1	15.2	84.8
Executive authorities including:	13.3	10.9	18.8	81.2
Cabinet of Ministers	0.2	1.0	3.4	96.6
Senior officials	0.1	0.5	3.4	96.6
???	0.1	0.1	11.1	88.9
Ministers, and chairpersons of State committees	-	0.4	-	100.0
Judicial authorities including:	15.7	10.9	21.5	78.5
Constitutional Court	0.3	0.2	23.5	76.5
Supreme Court	0.6	0.4	23.3	76.7
Higher Economic Court	0.8	0.9	13.8	86.2
Karakalpak Supreme Courts and oblast, Tashkent City, inter-district, district and city courts	12.3	7.9	22.8	77.2
Karakalpak and oblast economic courts	1.6	1.4	17.3	82.7

³⁸ "Women and men of Uzbekistan 2000-2005". Compilation of Statistics. Tashkent, 2007.

366. One noticeable trend is the increase in the number of women in political parties in Uzbekistan. In 2005 women accounted for 34.2 per cent of the members of the National Democratic Party, 33.1 per cent of the members of the Liberal Democratic Party, 45.6 per cent of *Milli Tiklanish*, 40.7 per cent of *Fidokorlar*, and 38 per cent of *Adolat*.

367. Every political party has a “women’s wing”, which prepares women to take part in elections. A data bank has been established on women leaders of political parties and statistical analyses of women’s membership of political parties are produced. A “Politklub” event held on 14 April 2006 by the Academy for State and Social Construction attached to the Office of the President played a significant role in increasing political activity and political literacy.

368. The number of women members of executive authorities is in an upward trend. In recent times women have held 15.3 per cent of the senior posts in executive bodies, with the following distribution: Cabinet of Ministers – 16.7 per cent; Council of Ministers of the Republic of Karakalpakstan – 12.5 per cent; *khokims* and deputy *khokims* of Tashkent – 11.9 per cent.

Table 31³⁹
**Number of men and women employed in managerial positions, by branch
of economic activity, as of 1 January 2006**

	Number of managers		Percentage of total		Percentage distribution by sex	
	Women	Men	Women	Men	Women	Men
Total	49 009	130 396	100.0	100.0	27.3	72.7
including:						
Industry	5 816	25 439	11.9	19.5	18.6	81.4
Agriculture, forestry	460	10 600	0.9	8.1	4.2	95.8
Transport	877	5 503	1.8	4.2	13.7	86.3
Communications	995	2 019	2.0	1.5	33.0	67.0
Construction	1 163	5 161	2.4	4.0	18.4	81.6
Trade, catering, sales, procurement	863	3 188	1.8	2.4	21.3	78.7
Housing, consumer services	725	4 518	1.5	3.5	13.8	86.2
Health, physical education, sport, social services	3 481	6 157	7.1	4.7	36.1	63.9
National education	24 519	29 145	50.0	22.4	45.7	54.3
Culture and the arts	1 490	1 849	3.0	1.4	44.6	55.4

Science, scientific services	462	1 237	0.9	1.0	27.2	72.8
Finance, credit, insurance	1 303	4 675	2.7	3.6	21.8	78.2
Other branches	6 855	30 905	14.0	23.7	18.2	81.8

³⁹ *Ibid.*

369. The Chairperson of the Women's Committee is also a Deputy Prime Minister and the chairpersons of the regional women's committees are the deputy *khokims* of the corresponding territories (14 oblast and 219 district and city deputy *khokims*).

370. The Minister responsible for the furniture industry and two first deputy ministers (in the Ministries of Finance and Economics), one head of a large civil society organization (the Council of the Federation of Trade Unions), the chairperson of a parliamentary group (*Adolat*) and the chairpersons of three large civil society organizations are also women.

371. Generally speaking, women are adequately represented in Judiciary bodies. As of 1 January 2006, women accounted for: 23.5 per cent of officials working in the Constitutional Court and 23.3 per cent in the Supreme Court; 22.8 per cent in the Supreme Court of Karakalpakstan, the oblast courts and the Tashkent City court, and in the district and city courts; 13.8 per cent in the Higher Economic Court and 17.3 per cent in the economic courts of Karakalpakstan and the oblasts.

372. The proportion of economically active women and men at the outset of the new century was 44 per cent and 56 per cent, respectively. The traditional areas of employment for women are education, health, culture, the arts, science and scientific services.

373. Special importance is attached to the employment of women. Every year thousands of new jobs are created nation-wide, and more than 40 per cent of them are taken by women; in 2006 alone more than 147,000 new jobs were created for women: 40 billion sum were allocated for this purpose.

374. Two presidential decrees have made a significant contribution to creating jobs and increasing income levels. The Presidential Decree of 18 May 2007 on additional measures for the material and moral support of young families has made a significant contribution to employment and to higher incomes for the population; it is designed to enhance the social situation of young families and to provide them with the necessary assistance at the beginning of their working lives. The Presidential Decree of 5 January 2006 on measures to promote cooperation between large industrial enterprises and the provision of services through home-based work has made a similar contribution.

375. The beginning of 2007 saw rapid growth in the rate of economic participation, especially of women, owing to the development of new forms of home-based work. In the first quarter of 2007 alone, 8,800 jobs were created under arrangements with large industrial enterprises and 13,100 jobs by family entrepreneurship. Home-based work has provided significant opportunities for women to increase their economic potential,

combine housework with production work and earn money without having to leave the family home.

376. In order to improve the employment situation, the Government has set up regional programmes for the period 2005-2007 to provide employment for women. They are designed to create the number of jobs needed in each region, mainly in the form of small businesses, service-sector jobs and home-based work. Preferential loans are provided for small businesses which employ mainly women workers and are run by women. In 2007 the banks made 90.87 billion sum available to women entrepreneurs, 214 per cent more than in 2006. The joint-stock commercial bank Microkreditbank provided over 11,076 million sum, 2,7 times more than in 2006, for women wanting to engage in business activity.

377. In Uzbekistan women have equal rights with men in all areas of activity, including education. At present, nine years of education is compulsory for every girl of school age. Over 6.5 million students are enrolled in the education system, and 3,170,400 (48.4 per cent) of them are women. The literacy rate among women is 92.8 per cent. There is no separation of girls from boys in the general education system or in other educational institutions - they study together. In the country's higher education institutions girls account for 39.2 per cent of students studying for a bachelor's degree and 33.2 per cent for a master's.

378. Women account for 38 per cent of all specialists and scientific personnel. There are eight women academicians, 310 doctors of science (16%) and 3,025 candidates of science (33%). A substantial number of scientific and educational institutions have women among their directors: in higher education there are 20 women pro-rectors, two rectors and 34 faculty heads, and 390 chairs are held by women.

379. Women are prominent in the efforts to deal with local problems. Uzbekistan has 9,942 local authority bodies, and 1,043 of them are chaired by women. The post of consultant at gatherings of the people has been introduced in the *makhallas* (neighbourhood councils) to advise members of the public on matters of religious education and spiritual upbringing; these posts are held only by women. Their basic task is to devise and implement measures to ensure stability and a good spiritual and moral environment. There are currently 8,167 consultants working at these gatherings, including 908 in towns, 6,056 in *makhallas*, and 1,710 in villages (1,569 in *kishlaks* and 141 in *auls*)

380. Women's NGOs have been making a substantial contribution to resolving gender equality issues. The total number of women's NGOs of various kinds registered with the justice authorities currently stands at approximately 210, including both national and local organizations and the sub-offices of the central offices of women's NGOs.

381. A national machinery for strengthening women's role and expanding their opportunities was established in 1991 in the shape of the Women's Committee of Uzbekistan – a civil society organization with branches in all the regions. The Committee's unique feature is that its president is a deputy prime minister, a circumstance

which allows the Committee to coordinate the social partnership between State agencies and NGOs.

382. The Women's Committee is now the organization with the most substantial and widespread presence in Uzbekistan. It has sections in almost every *tuman* (district) and *viloyat* (province) and is of immense significance for safeguarding, protecting and advancing women's rights in general. Its Charter prescribes the following fundamental duties: to implement State policy relating to social and legal support for women; to protect mothers and children; to expand women's participation in building up the State and society; and to enhance their legal literacy and culture.

383. Women's NGOs play a very active role in informing the public about gender issues, in conducting research and in monitoring women's human rights.

384. For example, the Centre for Support of Civic Initiatives, which has been active throughout the country since 2004, supports civic initiatives to tackle the problems of promoting a healthy lifestyle, reinforcing the family, enhancing women's professional, creative and spiritual potentials, and expanding their decision-making opportunities.

385. In the period 2005-2007 the Centre trained 20 national experts to produce reports on and monitor the Convention on the Elimination of All Forms of Discrimination against Women and 20 experts on gender issues; it also held round tables in all regions of the country on the topic "Uzbekistan on the road to gender equality in accordance with the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women, and the Millennium Development Goals".

386. The Centre has published the Convention and its Optional Protocol in Uzbek and Russian and distributed it to State agencies and NGOs and the media. It initiated the production of periodic reports and the monitoring of Uzbekistan's application of the Convention and also issued in English and Russian a booklet entitled "Uzbekistan on the road to gender equality", which included sections on Uzbekistan's periodic report on the application of the Convention and the findings of the monitoring work; it also produced a video entitled "Uzbekistan on the road to gender equality" and a statistical compendium on "Women and men in Uzbekistan" in three languages, with technical support from UNDP; this compendium presents demographic, health, education, employment and unemployment, social protection, and crime statistics from a gender standpoint.

387. The Centre has produced an expert legal assessment of the consistency of domestic legislation with the international legislation on gender equality. A "Gender assessment of the Family and Labour Codes" has been published in three languages, and a second educational video on "Uzbekistan on the road to gender equality" has been produced.

388. Attention should also be drawn to the important contribution made by the National Association of Non-Profit Non-Governmental Organizations, founded on 18 May 2005 on the initiative of members of 150 NGOs. It seeks to stimulate and support the activities of its members. Its main activities are in the fields of law, women and youth, the environment and the economy and social and humanitarian issues. The members of the National Association play an active role in raising society's awareness of gender issues. In 2006 its

experts gave a presentation on the National Association's work at the thirty-sixth session of CEDAW.

389. The National Association has established a national NGO support fund to attract and accumulate financial resources and provide technical assistance to its members. To date, it has made four bids for grants.

390. A considerable amount of work is done in Uzbekistan, at both central and local levels, on the legal education of women. Information and education activities are carried out by State and non-State bodies in conjunction with international organizations.

Article 4. Restriction of the rights and freedoms of citizens

391. The State's policy is based on the inadmissibility of any unwarranted restriction of the rights and freedoms of citizens. There can be no restrictions of this kind based on sex, race, nationality, religion, language, origins, opinions, or personal or social status.

392. Article 19 of the Constitution establishes the following principle: "The rights and freedoms of citizens embodied in the Constitution and the law are immutable, and no one may deprive a citizen of these rights and freedoms or restrict them except by order of a court". The human rights of liberty and security of person, freedom of movement and freedom to hold and express opinions may not be restricted except on grounds established by the law, the supremacy of which is enshrined in article 15 of the Constitution.

393. Accordingly, Uzbekistan's legislation and practice are fully consistent with article 29 of the Universal Declaration of Human Rights, which states that "everyone shall be subject to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society", and with the similar provisions of article 4 of the International Covenant on Economic and Social Rights, as well as with article 4 of the International Covenant on Civil and Political Rights, which prohibits any derogation from its articles 6, 7, 8, 15, 16 or 18.

394. Uzbekistan's legislation also provides safeguards of the exercise of human rights in emergency situations. The Protection of the Population and Territory (Natural and Anthropogenic Emergencies) Act, which came into force on 20 August 1999, establishes the principles of the protection of the population in emergency situations: a humanitarian approach, precedence of human life and health, publicity, provision of reliable and prompt information, and introduction of emergency-prevention measures. The Act spells out the basic functions of the central and local authorities in protecting the population and territory in emergencies and the rights of citizens, foreign nationals and stateless persons in respect of protection of their life and health, access to State agencies, and compensation for harm done to health.

395. On 3 August 2007 the Government adopted the State Programme on the Forecasting and Prevention of Emergencies, the purpose of which is to ensure a guaranteed level of

protection for the population and the territory against emergency situations, to reduce the risks and mitigate the impact of accidents, disasters and natural calamities.

396. Pursuant to article 93, paragraph 19, of the Constitution, the President of the Republic, in exceptional circumstances (a real external threat, mass disturbances, major disasters or natural calamities, epidemics) and in the interests of public safety, may declare a state of emergency for the whole country or for individual localities and within 72 hours shall submit his decision to the chambers of the Oliy Majlis for confirmation; the conditions and procedure for the declaration of states of emergency must be regulated by a special legislative act.

397. The question of drafting an of emergencies act is currently under discussion. Such an act would specify the conditions, grounds and procedure for declaring a state of emergency and the action to be taken by the central and local authorities and NGOs in an emergency situation. It would give particular attention to safeguarding the rights of citizens and juridical persons in emergency situations: dispensation of justice by the courts alone without the creation of any extrajudicial bodies; prohibition of any restriction of the right to life; freedom of thought, conscience and religion within the meaning of these rights employed in the International Covenant on Civil and Political Rights; inadmissibility of applying with retroactive force legislation criminalizing an act or imposing a more severe punishment; and entitlement to compensation for damage caused as a result of the declaration of the state of emergency.

Article 5. Prohibition of unwarranted restriction of civil rights

398. Article 19 of the Constitution states: “The rights and freedoms of citizens embodied in the Constitution and the law are immutable, and no one may deprive a citizen of these rights and freedoms or restrict them except by order of a court.”

399. The law makes the lawful restriction of human rights and freedoms by the State subject to specific requirements:

- (a) Such restrictions must be based solely on the law;
- (b) They must be imposed for the purpose of guaranteeing respect for the rights and freedoms of others and must satisfy the requirements of moral decency, public order and the general welfare in a democratic society. Rights and freedoms may nevertheless be restricted in exceptional circumstances.

400. The laws of the Republic regulating the procedure and arrangements for the exercise of the rights and freedoms of citizens establish crystal clear conditions and grounds with respect to the restriction of certain categories of the human rights and freedoms recognized in the International Covenant.

401. According to article 25 of the Constitution, “everyone has the right to liberty and security of person. No one may be detained or held in custody except as prescribed by law”.

402. The following are the grounds for detaining a person on suspicion of having committed an offence under article 221 of the Code of Criminal Procedure:

- The person was caught in the act of committing a crime or immediately thereafter;
- Eyewitnesses, who may include victims, identified the person as the perpetrator of the offence;
- Clear traces of the commission of an offence were found on the person or on his clothing, in his immediate surroundings or in his home;
- There is information giving grounds to suspect the person of having committed an offence he has attempted to run away or has no permanent residence or his identity has not been established.

403. Detention may not exceed 72 hours from the moment when the detainee is delivered to a police station or some other law-enforcement body (Code of Criminal Procedure, art. 226). The grounds for imposition of a preventive measure in the form of remand in custody under article 236 of the Code include a presumption that the accused or defendant will seek to evade initial inquiries or subsequent investigations or appearance in court, a presumption warranted by sole reason of the danger represented by the commission of one of the offences referred to in article 15, paragraphs 4 and 5, of the Criminal Code.

404. Preventive measures may be imposed on persons awaiting places in a medical institution for expert assessment and persons deemed not responsible for their actions or mentally ill after commission of an offence, in order to prevent escape and the commission of further offences representing a danger to society or to ensure enforcement of a court order imposing coercive medical measures.

405. It should be noted that both detainees and persons held on remand may lodge a complaint with a procurator or investigator or the person conducting an initial inquiry. Complaints of unlawful acts or decisions of the inquiry and investigation agencies may be lodged with the courts, the Office of the Procurator-General, the Ministry of Internal Affairs, the National Security Service or the Commissioner for Human Rights from the moment when the person concerned suffers harm as a result of the unlawful detention or remand in custody, provided that he is subsequently acquitted or the case against him is dismissed.

406. The Presidential Decree of 1 August 2005 transferring to the courts the authority to order remand in custody was designed to increase the effectiveness of the judicial protection of the civil rights and freedoms established in articles 19, 25 and 44 of the Constitution.

407. This Decree provided that from 1 January 2006 the authority to order remand in custody is transferred to the courts.

408. The Act on changes and additions to certain legislative acts in connection with the transfer to the courts of the authority to order remand in custody, adopted in accordance with the generally recognized rules of international law, contains the provisions described below.

409. The Act introduced a new wording of article 18, paragraph 2, of the Code of Criminal Procedure to the effect that no one may be arrested or detained in custody except by court order.

410. The powers relating to the consideration of complaints and protests against the application of preventive measures in the form of remand in custody or extension of remand in custody, matters addressed in article 29 of the Code, were transferred to the courts.

411. A procedure was established under which a procurator, or an investigator with a procurator's agreement, may apply for institution of remand proceedings when there are sufficient grounds for imposing a preventive measure in the form of remand in custody on a suspect or indicted person.

412. According to this procedure, "when the circumstances stipulated by law for ordering a preventive measure in the form of remand in custody obtain during a preliminary investigation, the procurator, or the investigator with the procurator's agreement, shall make an order for the initiation of remand proceedings".

413. If the procurator, having examined the grounds, assents to the application, his decision to initiate remand proceedings is submitted to a court, together with the case file. If the proceedings are to be initiated in respect of a detained suspect or indicted person, the decision and the case file must reach the court at least 12 hours before the expiry of the current detention period.

414. The court, again within 12 hours, considers the submission in closed session in the presence of the prosecutor, the defence counsel if any, and the detained suspect or indicted person. The legal representative of the suspect or indicted person and the investigator are entitled to attend this hearing. The Act provides that the investigator may be summoned to appear if necessary.

415. This latter rule allows the court to take a lawful decision on whether to order remand in custody following its examination, on the basis of the principle of cross-examination, of the evidence submitted by the parties.

416. Pursuant to the new wording of article 243 of the Code of Criminal Procedure, having considered the application for remand in custody, the judge makes one of the following orders:

- (a) Remand in custody;
- (b) Rejection of the application;
- (c) Extension of the period of detention by not more than 48 hours to enable the parties to submit additional evidence supporting or opposing the application.

Article 6. The right to life as an inalienable human right

1. Legal protection of the right to life

417. Article 24 of the Constitution states: "The right to life is an inalienable right of every person.

418. This injunction is reflected in Uzbekistan's Criminal Code, 26 per cent of the provisions of which address liability for causing harm to life, including: intentional homicide and aggravated intentional homicide (art. 97), intentional homicide committed in a state of extreme emotional disturbance (art. 98), maternal infanticide (art. 99), intentionally causing death by exceeding the limits necessary for self-defence (art. 100), intentionally causing death by exceeding the measures necessary to apprehend the perpetrator of a socially dangerous act (art. 101), causing death by reckless conduct (art. 102), incitement to suicide (art. 103), and intentional infliction of bodily harm endangering life during commission of an offence (art. 104).

419. The procedure for considering missing-person reports is regulated by Directive No. 31 of the Procurator-General dated 9 December 2004, under which decisions on such reports are taken directly by city and district procurators. A criminal investigation is initiated if information is received that a missing person may have been the victim of a crime.

420. A further safeguard of the right to life in Uzbekistan is provided by the criminalization of propaganda for war, i.e. the dissemination in any form of opinions, ideas or appeals in order to cause aggression by one country against another (Criminal Code, art. 150), aggression (art. 151), violation of the laws and customs of war (art. 152), genocide (art. 153), recruitment of mercenaries (art. 154), or terrorism (art. 155).

421. The fight against terrorism is a constant focus of the attention of the State's law-enforcement and executive agencies. In 2005-2007 the Defence and Security Committee of the Legislative Chamber of the Oliy Majlis monitored the implementation of the Terrorism Act in almost all areas of the country, as well as holding during that period theoretical and practical working sessions on "The fight against terrorism, extremism and radicalism: an urgent task of our times" in the Republic of Karakalpakstan and in Bukhara, Samarkand, Syrdarin, Tashkent, Navoi, Namangan, Kashkadarin and other oblasts.

422. The State's policy on the exercise of the right to life is based on the important consideration that the provision of good-quality and prompt medical services for the public and the improvement of the health system have an impact on reduction of the mortality rate.

423. The year 2005 saw the start of the implementation of the National Programme on the fortification of flour with micro-elements and vitamins, funded by the Government and by a grant from the Global Alliance for Improved Nutrition in a total amount of six million United States dollars. Under this Programme 58 flour mills, including 13 private ones, located throughout the country, were furnished with special flour-fortification equipment and the necessary fortification inputs. So far these mills have produced and supplied to the public over 1.3 million tons of flour of the supreme and primary grades enriched with minerals and vitamins.

424. The Iodine Deficiency (Prevention) Act was adopted in May 2007 as a means of combating endocrine complaints. Pregnant women and children and adolescents are supplied with iodine-enriched preparations by the control centres in conjunction with medical and social workers and the regional women's committees. In 2007 a total of 65,000 packs of iodine-enriched preparations were distributed to women and children in the risk group for thyroid pathology.

425. Under the Vitamin-A Programme, nine treatments were provided for children aged between six months and five years and for mothers during the first eight weeks following childbirth. Seventy-two per cent of children and over 100,000 mothers were treated in the period 2003-2007.

426. In order to reduce infant mortality, the Ministry of Health, in conjunction with the Ministry of Justice, the Ministry of Labour and Social Protection, the Women's Committee, the *Soglom Avlod Uchun* foundation, *Sen Yolg'iz Emassan*, the *Makhalla* foundation, the *Kamolot* youth movement and other NGOs, is doing a considerable amount of work to promote healthy families and reduce the numbers of children born with congenital developmental defects and persons suffering disabilities from childhood.

427. There has been an improvement in the indicators for a number of infectious diseases as a result of the timely and good-quality measures implemented in recent years to improve disease prevention and combat epidemics.

428. Uzbekistan has recorded no cases of poliomyelitis since 1996 and none of diphtheria since 2002, and there have been no deaths from measles.

429. Since 2004 Uzbekistan has been independent in terms of supplies of vaccines for immunization of children up to age two years.

430. The coverage of the annual immunization of children up to age two against diphtheria, whooping cough, tetanus, poliomyelitis, tuberculosis, measles and viral hepatitis-B has reached 95-98 per cent; this has improved the epidemiological situation with regard to controllable infections.

431. In 2007 there was a mass campaign for universal immunization against measles and German measles. A total of 8,129,804 persons between the ages of 10 and 30 (99.8%) were vaccinated against these two diseases.

432. In 2007 Uzbekistan recorded no cases of such extremely dangerous infections, requiring quarantine, as plague, cholera, tularaemia, haemorrhagic fevers and avian influenza. The authorities prevented the introduction of these infections from countries where they are found.

433. In 2007 cases of typhoid declined in comparison with the 2006 figure by a factor of 1.6, brucellosis by 23.5 per cent, tuberculosis by 3.4 per cent, syphilis by 9.5 per cent, bacterial dysentery by 8.9 per cent, meningococcal infections by 33.3 per cent, viral hepatitis-B by 29.9 per cent, and acute intestinal infections by 6.7 per cent.

434. Since 2005 the Ministry of Health and UNICEF have been carrying out a joint programme to reduce infant mortality still further. Seminars have been held under this Programme to teach resuscitation and basic care of new-born babies to 3,000 neonatologists, gynaecologists and midwives in six pilot areas (Republic of Karakalpakstan, Khorezm, Bukhara, Fergana and Tashkent oblasts and Tashkent City). The UNICEF "baby-friendly" certificate has been awarded to 102 childbirth establishments and 74 polyclinics and rural health posts.

435. Since April 2006 HIV-infected children have been receiving anti-retroviral therapy. Two hundred such children are currently undergoing this treatment. Forty-eight HIV-infected pregnant women have undergone treatment to prevent the transmission of HIV from mother to child.

436. The plan for 2008, under a project to furnish the clinics of the Ministry's Obstetrics and Gynaecology Research Institute with modern medical facilities and equipment, is to deliver such facilities and equipment in a total amount of 3.5 million United States dollars. The Ministry has prepared the projects "Promotion of reproductive health (III)" and "Equipment of the regional children's hospitals and clinics of the Tashkent Paediatric Institute and the clinics of the Paediatric Research Institute with modern medical facilities", in a total amount of 15 million euros; these projects will be implemented in 2008-2009 under the cooperation arrangements with Germany.

2. Abolition of the death penalty

437. Since the earliest years of independence Uzbekistan has been steadily reducing the number of articles of the Criminal Code providing for the death penalty, in accordance with general comment No. 6 of the Human Rights Committee.

438. Until 29 August 1998, 13 articles of the Criminal Code provided for execution as the ultimate criminal penalty. As a result of the active role played by the extrajudicial protection bodies (National Centre for Human Rights, the Ombudsman and a number of 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 offence: 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 a criminal association); and article 246, paragraph 2 (smuggling).

439. In 2001, the number of crimes carrying the death penalty was further reduced. Under Act No. 254-II of 29 August 2001, execution 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).

440. On 13 December 2003, at the thirteenth session of the Oliy Majlis, the death penalty was removed from two more articles of the Criminal Code: article 151 (armed aggression) and article 153 (genocide). Thus the Criminal Code now contained only two articles providing for the supreme penalty: article 97, paragraph 2 (aggravated homicide), and article 155, paragraph 3 (terrorism causing death or other serious consequences).

441. The complete abolition of the death penalty is the most significant result of the reforms introduced in Uzbekistan to render the judicial system more liberal and humane. Presidential Decree No. UP-3641 on abolition of the death penalty in the Republic of Uzbekistan was adopted on 1 August 2005; it provided for the abolition of the death penalty as a form of criminal punishment from 1 January 2008 and its replacement by life imprisonment or a long sentence of imprisonment.

442. From the day of the issuance of this Presidential Decree not a single death sentence was carried out; in other words, there was a de facto moratorium on judicial executions.

443. It must be stressed that in Germany and Poland life imprisonment may be imposed for five types of crime, in Belgium and the Russian Federation for six, in Denmark for nine, in Georgia for 11, in Sweden for 13, in Belarus for 14, in Japan and Azerbaijan for 16, in Kazakhstan and Korea for 17, in France for 19, in the Netherlands for 19, and in Mongolia for 24; but in Uzbekistan for only two.

444. On 11 July 2007 the Oliy Majlis adopted the Act on changes and additions to certain legislative acts in connection with the abolition of the death penalty.

445. The corresponding changes were made in the Criminal Code (arts. 15, 43, 50, 51, 58, 59, 60, 64, 69, 73, 76, 97 and 155) by Act No. 3ZR-99 of 11 July 2007.

446. In accordance with these changes, the death penalty was replaced by life imprisonment for two crimes: aggravated homicide (art. 97, para. 2) and terrorism causing death or other serious consequences (art. 155, para. 3). Article 51 contains a definition of the notion of life imprisonment and specifies the duration of long sentences of imprisonment (20-25 years) for aggravated homicide and terrorism. Such sentences may not be imposed on women, minors or men aged over 60. The Criminal Code also provides for the possibility of pardon for a person sentenced to a long period of imprisonment once he has served 25 years of his sentence.

Article 7¹². Prohibition of torture and cruel treatment and punishment

447. Uzbekistan has openly acknowledged the inadmissibility of the use of torture in any of its forms by the legislative, executive or judicial authorities; this position is confirmed by the following actions:

- Incorporation in article 26 of the Constitution of a provision to the effect that “no one may be subjected to torture or violence or to any other form of cruel or degrading treatment”;
- Uzbekistan’s accession in 1995 to the Convention against Torture;
- Criminalization of the use of torture in article 235 of the Criminal Code;
- Introduction of procedures for the involvement of the chambers of the Oliy Majlis in the monitoring of the application of the Convention against Torture;
- Application of the principle of the inadmissibility of evidence obtained by torture through the adoption by the Supreme Court in plenary session on 24 September 2004 of a decision on certain questions of the application of the rules of the law of criminal procedure on the admission of evidence, which provides that evidence obtained by a person conducting an initial inquiry, an investigator, a procurator or a

¹² See the periodic reports of Uzbekistan on application of the Convention against Torture (No. 130-1, 31 August 1995). The initial report was considered in 1999 (CAT/C/32/Add.3) and the second report in May 2002 in Geneva (CAT/C/53/Add.1).

judge who, for whatever reason, deviates from strict observance of and compliance with the legal rules, shall be deemed inadmissible;

- Conduct of a review of sentences based on evidence obtained by means of torture, in accordance with Decision No. 17, adopted by the Supreme Court in plenary session on 19 December 2003, on the application by the courts of laws guaranteeing the right of defence for suspects and defendants, and decision No. 12 of 24 September 2004 on certain questions of the application of the rules of the law of criminal procedure on the admissibility of evidence.

448. In response to the recommendations of the Human Rights Committee, Uzbekistan has introduced measures for the lodging of appeals against agencies and officials and measures for the prompt investigation of reports of the use of torture and for the prosecution and punishment of the guilty parties; special units for the protection of human rights have been created in the Ministry of Justice, the Office of the Procurator-General and the Ministry of Internal Affairs to process complaints and applications from members of the public, including complaints and applications concerning torture.

449. In order to provide a timely response to reports from citizens concerning the use of torture in the internal affairs system, Instruction No. 334 of the Ministry of Internal Affairs introduced a single procedure for registering complaints and petitions concerning the use of torture, and a separate record is kept on every complaint of the use of illegal methods of inquiry and investigation, which undergo a special verification procedure.

450. Verification of complaints of the use of torture is one of the mandatory tasks of the special units for maintaining internal security (special staff inspection units), which report to the Minister for Internal Affairs. These units are in fact independent, since combating, detecting and investigating crime are not part of their functions and they are not subordinate to the crime-fighting agencies and units.

451. When instances of torture - particularly cases involving the death of detainees or persons remanded in custody - are investigated, or when they are a matter of public notoriety, representatives of the general public and civil society bodies and, occasionally, foreign experts may be involved.

452. The following developments illustrate how the law is being applied in practice: a special human rights structure has been established within the Ministry of Internal Affairs; increased efforts are being made to handle complaints and communications from citizens; special internal investigations are being carried out by internal security units of the Ministry of Internal Affairs, and individual militia officers have been prosecuted under article 235 of the Criminal Code. The situation is clearly borne out by the statistics on criminal prosecutions under article 235.

453. As a result of inquiries into complaints filed by citizens, criminal proceedings were brought under article 235 of the Criminal Code in the following cases: in 2002, one case was brought against one person; in 2003, four cases against four persons; in 2004, three cases against three persons; in 2005, three cases against five persons; in 2006, six cases against nine persons;

and, in the first half of 2007, three cases against four persons. A total of 20 criminal prosecutions have been brought against 26 persons.

454. The logical next step in ensuring observance of human rights was the adoption by the Supreme Court, in plenary session on 24 September 2004, of a decision on certain questions of the application of the law of criminal procedure on the admissibility of evidence, which provides that evidence obtained by a person conducting an initial inquiry, an investigator, a procurator or a judge who, for whatever reason, deviates from strict observance of and compliance with the legal rules, shall be deemed inadmissible. Inadmissible evidence covers, in particular, testimony, including confessions, obtained by the use of torture, violence or other cruel, inhuman or degrading treatment, or by deception or other unlawful methods. The Supreme Court drew the courts' attention to the need to react to any violations of the procedural law governing the collection of evidence by adopting specific rulings (decisions) on the matter and, where necessary, determining whether or not to institute criminal proceedings against the guilty parties.

455. During the period following the adoption of these decisions by the plenary Supreme Court in 2003 and 2004, the courts referred a number of criminal cases back for further investigation after evidence had been found inadmissible because it had been obtained by means of torture, violence or deception.

456. The Commissioner for Human Rights (Ombudsman) examines and investigates complaints and communications concerning unlawful actions by law-enforcement personnel.

457. According to information from the Ombudsman, 314 complaints of actions by law enforcement personnel were received in 2006; 112 of those complaints were followed up. In addition, 13 complaints were submitted concerning actions of prison staff, eight of which were followed up.

458. In the period 2005-2007 the Ombudsman, together with personnel of the National Centre for Human Rights, inspected more than 20 prison system facilities and visited 12 correctional colonies and remand centres; they were accompanied by foreign visitors (members of the lower house of the German Parliament, German diplomats, and officials from the Uzbekistan office of the Konrad Adenauer Foundation).

459. The Ombudsman was accompanied on these visits in 2006 by a delegation from the German Bundestag headed by the deputy chairman of the Committee for Human Rights and Humanitarian Aid, Mr. Haibach, and in 2007 by the German Ambassador Extraordinary and Plenipotentiary, Mr. Maier, the First Secretary of the German Embassy, Mr. Berndt, and a member of the Brandenburg Landtag, Mr. Petke.

460. Press releases are issued regarding the outcome of such visits, information is transmitted to the organizations concerned and certain data are posted on a dedicated web site. Representatives of NGOs, including the Uzbekistan Association of Doctors, the National Bar Association, trade unions and the *Makhalla* foundation, are involved in these activities.

461. Uzbekistan was visited in 2002, at the invitation of the Government, by the Special Rapporteur on torture of the United Nations Commission on Human Rights, Mr. Theo van Boven, and in 2004 by the Commission's independent expert, Mr. Latif Huseynov; during their

time in Uzbekistan they held meetings with senior officials of ministries and departments, visited places of detention and pre-trial detention, and met with representatives of a number of international organizations, NGOs and law-enforcement agencies, as well as with members of the public. In response to the Special Rapporteur's recommendations, the Government adopted in 2004 and implemented in 2007 a national programme of action on the application of the Convention against Torture.

462. Uzbekistan has a human rights education system, the chief purpose of which is to disseminate information about the provisions of the Convention against Torture to members of law-enforcement bodies by convening regular series of conferences, seminars and round tables on the incorporation of the Convention in domestic legislation and by explaining the legislative changes brought about by the introduction of *habeas corpus* and the abolition of the death penalty; this system is supported by UNDP, OSCE, overseas foundations and NGOs.. All these measures are accompanied by articles in legal newspapers and magazines and other media outlets.

463. The Government cooperates on a permanent basis with such international bodies as the United Nations Human Rights Council, the Third Committee of the General Assembly, the United Nations treaty bodies, UNDP and OSCE and has established the practice of submitting its periodic reports on the application of the Convention to the Committee against Torture according to schedule.

464. Uzbekistan introduced the remedy of *habeas corpus* on 1 January 2008. The authority to order remand in custody was transferred to the courts in order to reinforce the judicial control of investigations. Work on these moves had been going on since August 2005 in two areas: the drafting of the Act on changes and additions to the Code of Criminal Procedure, and the implementation of information/education measures both for the personnel of law-enforcement agencies and for the general public.

465. A training seminar on identifying and documenting cases of torture and other forms of cruel treatment was held from 16 to 18 August 2005 at the Tashkent training centre of the Central Penal Correction Department of the Ministry of Internal Affairs. It was attended by Professor Bent Sørensen (Copenhagen, Denmark), senior consultant of the International Rehabilitation Council for Torture Victims, and Nils Rune Christensen, the programme coordinator, and by Onder Ozkalipci (Turkey), an international consultant and trainer, Mariam Jishkariani (Georgia), a doctor and international consultant and trainer, and Z. Giasov, head of the Central Office for Expert Studies.

466. On 30 September 2005, a ceremony was held to mark the official opening, in the training centre of the Central Penal Correction Department, of the OSCE resource centre in Tashkent. The ceremony was attended by M. Usmanov, Commissioner for Human Rights (Ombudsman), Ambassador Miroslav Jenča, head of the OSCE office in Tashkent, and Ildar Fayzulin, OSCE coordinator in Tashkent.

467. In 2007 seminars were held in a number of prisons on improving the penal correction system in terms of the monitoring and observance of prisoners' rights: on 22 and 23 February

in Z-8 in Termez, on 26 and 27 April in IZ-3 in Bukhara and on 26 and 27 June in IZ-12 in Namangan.

468. A seminar-discussion on current issues in relations between the Ombudsman and government bodies and NGOs in the realization and protection of human rights was held in 2006 by the Ombudsman and the Konrad Adenauer Foundation: on 27 and 28 February in Bukhara, on 26 and 27 April in Urgench, on 26 May in Samarkand (attended by the President of the Thuringen Landtag, Mr. Schipansky), on 29 and 30 July in Namangan, on 17 and 18 August in Nukus, on 1 and 2 November in Karshi, and on 12 and 13 December in Tashkent.

469. This seminar was also held in 2007: on 26 and 27 January in Gulistan, on 22 and 23 March in Djizak, on 15 and 16 May in Termez, on 26 and 27 June in Andijan, and on 4 and 5 September in Nukus.

470. Fifty participants took part in each of the aforementioned events: representatives of local *khokimiats* (offices of *khokims* – chief administrators), courts, internal affairs bodies, procurators' offices, trade unions, women's committees, local authorities and institutions of higher education - in all, some 600 specialists.

471. Programmes have been broadcast on a number of television channels covering problems and achievements in the correctional system. Debates are held on the detention conditions for convicted prisoners, reports are broadcast on programmes under way in facilities of the penal correction system, and interviews are held with convicted prisoners. News programmes on national television, such as the *Akhborot* news bulletin, carry information on this matter, informing the public about the proclamation of amnesties and about festivities held in facilities of the penal correction system. In addition, these issues are covered by the national newspapers *Narodnoe slovo*, *Pravda vostoka* and *Na postu*, as well as by specialist legal periodicals.

472. The Central Penal Correction Department also collaborates with representatives of local NGOs. In 2005, the Centre for Legal Research carried out a monitoring exercise in one of the open prisons in Tashkent oblast (UY-64/3 in Tavaksay village) on matters relating to the social and economic rights of convicts, and the NGO *Yoshlar markazi* carried out a programme in facility UY-64/29 in Navoi oblast to monitor the exercise by prisoners of the right to defence counsel.

473. The Central Penal Correction Department, working together with the Commissioner for Human Rights of the Oliy Majlis, has developed a draft statute on establishing a representative of the Commissioner in the Department. This ombudsman for the rights of prisoners will assist the Commissioner with the parliamentary monitoring of observance of the rights of accused persons, remand and convicted prisoners and of the rights of the Department's staff. In his work, the ombudsman for the rights of prisoners will be under the supervision of and answerable to the Commissioner.

474. It should be noted that Uzbekistan has established a system of parliamentary control and monitoring of the application of the Convention against Torture. In 2005 the Legislative Chamber's Committee on International Affairs and Interparliamentary Relations, in conjunction with the National Centre for Human Rights, the Ombudsman and law-enforcement agencies, monitored the application of the Convention in Tashkent oblast.

475. On 16 and 18 June 2006 a workshop was held on the incorporation of the provisions of the Convention against Torture in domestic legislation. This event was organized by the Committee on International Affairs and Interparliamentary Relations and UNDP. On 11 December 2006 a round table was held on improvement of the legislation on the application of the Convention. This event was organized by the same two bodies.

476. The inadmissibility of torture is also one of the chief concerns of the upper chamber – the Senate of the Oliy Majlis. On 15 February and 14 March 2008 the Senate’s Committee on Foreign Policy Matters held special meetings on the outcome of the consideration by the Committee against Torture of Uzbekistan’s third periodic report on the application of the Convention.

Article 8. Prohibition of slavery and the slave trade

477. Although Uzbekistan is not a party to the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the core provisions of the Convention are observed in Uzbek territory. A ban has been imposed on forced and involuntary labour.

478. Article 37 of the Constitution contains a provision to the effect that everyone has the right to work, to free choice of work, to fair working conditions, and to protection against unemployment in accordance with the procedures established by law.

479. Forced labour, except in execution of a court sentence or in other instances specified by law, is prohibited.

480. Labour relations are governed by the rules laid down in the Labour Code. Article 6 prohibits discrimination in employment relations: “All citizens have equal opportunities to acquire and exercise labour rights. The imposition of any restrictions or the granting of privileges in labour relations on grounds of sex, age, race, nationality, language, social origin, property or official status, attitude to religion, opinions, membership of civil society associations or other circumstances unrelated to a worker’s professional qualities or the results of his work is not permitted and constitutes discrimination. Differences due to the inherent requirements of the work concerned or the 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 subjected to discrimination at work may request a court to remove the discrimination and order compensation for the material and moral harm suffered”.

481. In recent years, owing to increased labour migration throughout the world, 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 angle, 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 use of deception to recruit 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. If the offence is repeated, or committed by a dangerous recidivist, or by prior conspiracy among a

group of persons, or 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”.

482. Because of the seriousness of this problem, it is currently being studied and debated both by State agencies and by civil society organizations. The Legislative Chamber of the Oliy Majlis is actively discussing the adoption of a bill on combating trafficking in persons, which has already been approved in second reading. The following are the main aims of this bill: to establish a legal and organizational foundation for the arrangements for combating trafficking in persons in Uzbekistan; to protect individuals and society against criminal interference by persons engaging in such trafficking in any of its forms; to secure exercise of the rights and protection of the legitimate interests of victims of trafficking; to establish the legal position of such victims and provide for their social rehabilitation and the restoration of their status; to introduce measures to detect, prevent and suppress trafficking in persons and minimize its consequences; to identify and eliminate the causes and conditions fostering trafficking in persons; and to assert the principle of the inevitability of punishment for this offence. The bill provides for the creation of a special State agency to combat trafficking in persons and furnish advice and legal and social assistance to victims. This agency and its regional units will pay particular attention to the provision of assistance to child victims of trafficking.

483. On 15 January 2007 the Government adopted the National Programme of Action for the Welfare of Children, together with an array of implementation measures providing for the formulation and introduction of practical arrangements for monitoring child labour and for ratification the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182). The Legislative Chamber of the Oliy Majlis has now taken a decision to ratify these two ILO Conventions and has transmitted the matter to the Senate for approval.

484. On 7 January 2008 Uzbekistan adopted, on the recommendation of the Committee on the Rights of the Child, the Rights of the Child (Safeguards) Act, which incorporates virtually all of the provisions of the Convention on the Rights of the Child. Article 10 of this Act stipulates that the State must protect children against all forms of exploitation, including physical, mental and sexual aggression and torture and other cruel, harsh or degrading forms of treatment, as well as against soliciting for sexual purposes and involvement in criminal activities or prostitution.

485. In order to protect children’s rights, freedoms and legitimate interests and to coordinate the work of State and other bodies, the Act provides for the establishment of an official children’s rights agency (Children’s Ombudsman).

486. Uzbekistan’s legislation prohibits all forms of forced labour. Forced labour, i.e. coercion to perform work under threat of some kind of punishment (including as a means of maintaining labour discipline), is prohibited. Work is not deemed forced labour when it is required under a legislative act, as part of military or alternative service, during a state of emergency, under a final sentence of a court, or in the other cases prescribed by law.

487. Pursuant to articles 43 and 64 of the Criminal Code, a person convicted by a court may be sentenced to work of a punitive nature, consisting of compulsory work with deduction by the State of between 10 and 30 per cent of earnings, performed in accordance with the court’s

sentence in the person's place of work or in other places determined by the authority supervising the enforcement of the sentence. This type of work may be ordered for a period of between six months and three years. It may not be imposed on persons of pensionable age, persons unfit to work, pregnant women and women on maternity leave, or serving members of the armed forces.

488. Matters connected with the fulfilment of the military obligation incumbent on all citizens and the conditions of the performance of military service are regulated by the Universal Military Duty and Military Service Act of 12 December 2002 (as subsequently amended).

489. This military obligation embraces training for active military service, call-up for military service, performance of military service when called up or under contract, service in the reserve, alternative service, compliance with the rules on registration for military service, and measures to protect the public in emergency situations or in the event of armed aggression against Uzbekistan.

490. Alternative service may be substituted for military service as a means of fulfilling the military obligation; it involves the performance of unskilled (accessory) work in various branches of the economy or in the provision of social services, as well as work of clearing up after accidents, disasters, natural calamities and other emergencies.

491. Alternative service is available to citizens between the ages of 18 and 27 who are on the military register and subject to call-up, provided that they belong to registered religious organizations whose members are not allowed to bear arms or serve in the armed forces. Alternative service lasts 24 months, or 18 months in the case of persons with higher education.

492. Entitlement to alternative service is currently being exercised by members of the following religious organizations: Union of Evangelical Christian-Baptist Churches; Jehovah's Witnesses; Church of Seventh Day Christian Adventists; and Council of Evangelical Christian Baptist Churches.

493. Seven persons performed alternative service in the period 2003-2007, (five in 2003, one in 2004, and one in 2005).

494. The Protection of the Population and Territory (Natural and Anthropogenic Emergencies) Act of 20 August 1999 also contains a provision on the right of local authorities to call up citizens to deal with the aftermath of an emergency. This kind of work does not constitute forced labour, for it is designed to protect the people's lives and health and the security of their property. It is performed under the aegis of the State. Article 15 of the Act accords citizens entitlement to free medical checks, compensation and other benefits in connection with work in disaster areas and to a pension in the event of consequent loss of the capacity to work.

Article 9. Right to liberty and security of person

1. Prohibition of arbitrary arrest and detention

495. Article 25 of the Constitution proclaims and guarantees liberty and security of person: "No one may be arrested or detained except in accordance with the law."

496. Article 234 of the Criminal Code states: “Deliberate unlawful detention, i.e. the short-term restriction of a person’s liberty, by a person conducting an initial inquiry or pre-trial investigation or by a procurator shall be punishable by a fine of up to 50 times the minimum wage or by rigorous imprisonment for up to six months. Deliberate unlawful remand in custody shall be punishable by a fine of from 50 to 100 times the minimum wage or by deprivation of liberty for up to three years”.

497. 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 brought in such circumstances is for a serious or particularly serious socially dangerous act, the offending official shall be punishable by deprivation of liberty for between five and eight years (art. 230).

498. The decision adopted on 19 December 2003 by the Supreme Court in plenary session explains the various time limits for detaining suspects: “It must be borne in mind that, in cases where an individual is detained on grounds contained 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 person is brought to a police station or other law-enforcement agency. From that moment, 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 rights” (Code of Criminal Procedure, art. 113).

499. 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 in accordance with the provisions of article 111 of the Code of Criminal Procedure concerning the first interrogation of a suspect or accused person.

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

2. Introduction of *habeas corpus*

501. The remedy of *habeas corpus* was introduced in Uzbekistan in stages: widespread discussion by all the central authorities and by civil society institutions of the idea of introducing this remedy; adoption of a presidential decree on the transfer to the courts of the authority to order remand in custody; and the drafting of proposals on the inclusion in the country’s legislation of provisions on such transfer.

502. The introduction of a *habeas corpus* procedure had been under discussion in Uzbekistan since 2003. On 20 and 21 October 2003, the National Centre for Human Rights, together with the American Association of Jurists, the OSCE Office for Democratic Institutions and Human Rights and UNDP, and with the participation of the Central Investigation Department of the Ministry of Internal Affairs and the Tashkent Bar Association, held a round table entitled “Reform of the Code of Criminal Procedure: judicial supervision and protection of the rights of accused persons during pre-trial investigations”; appropriate recommendations were adopted.

503. On 31 October 2006 a seminar/workshop was held on the topic “Transfer to the courts of the authority to order remand in custody, and exercise of human rights in criminal proceedings”

to mark the tenth anniversary of the establishment of the National Centre for Human Rights. This event, which had been organized under the UNDP project “Development of the potential of national human rights institutions”, was attended by members of the Oliy Majlis, representatives of the courts, the Office of the Procurator-General, the Ministry of Internal Affairs, the Ministry of Justice, the National Security Service, the National Bar Association and the national human rights institutions, and by academics and experts. On 4 July 2007 an international round table was held at the Tashkent State Institute of Law, under a German Technical Cooperation (GTZ) project on “Abolition of the death penalty and transfer to the courts of the authority to order remand in custody: a fundamental stage of the judicial reforms”. On 24 July 2007 a round table was held at the Institute for the Study of Civil Society, with the assistance of the Konrad Adenauer Foundation and the Institute for the Monitoring of Legislation attached to the Office of the President, on the topic “Conceptual issues of the move to liberalize criminal legislation and render it more humane: current status and future development of the judicial reforms”. On 3 December 2007 a working conference, organized by the Academy of the Ministry of Internal Affairs, was held on the topic “Core aspects of the liberalization of Uzbekistan’s judicial system”.

504. Presidential Decree No. UP-3644 on the transfer to the courts of the authority to order remand in custody was adopted on 8 August 2005 with the aim of guaranteeing the rights to security of person and protection against unwarranted criminal prosecution and interference in private affairs and the right of due process.

505. The Act of 11 July 2007 on changes and additions to certain legislative acts in connection with the transfer to the courts of the authority to order remand in custody, adopted in accordance with the generally recognized rules of international law, contains the following provisions: a new wording of article 18, paragraph 2, of the Code of Criminal Procedure to the effect that no one may be arrested or detained in custody except by court order (this rule is reflected in the changes to article 10 of the Courts Act); and transfer to the courts of the powers relating to the consideration of complaints and protests against the application of preventive measures in the form of remand in custody or extension of remand in custody, matters addressed in article 29 of the Code.

506. A procedure was established under which a procurator, or an investigator with a procurator’s agreement, may apply for institution of remand proceedings when there are sufficient grounds for imposing a preventive measure in the form of remand in custody on a suspect or indicted person. Under this procedure, “when the circumstances stipulated by law for ordering a preventive measure in the form of remand in custody obtain during a preliminary investigation, the procurator, or the investigator with the procurator’s agreement, shall make an order for the initiation of remand proceedings”. If the procurator, having examined the grounds, assents to the application, his decision to initiate remand proceedings is submitted to the court, together with the case file. If the proceedings are to be initiated in respect of a detained suspect or indicted person, the decision and the case file must reach the court at least 12 hours before the expiry of the current detention period. The court, again within 12 hours, considers the submission in closed session in the presence of the prosecutor, the defence counsel if any, and the detained suspect or indicted person. The legal representative of the suspect or indicted person and the investigator are entitled to attend this hearing. The Act provides that the investigator may be summoned to appear if necessary.

507. This latter rule allows the court to take a lawful decision on whether to order remand in custody following its examination, on the basis of the principle of cross-examination, of the evidence submitted by the parties.

508. Pursuant to the new wording of article 243 of the Code of Criminal Procedure, having considered the application for remand in custody, the judge makes one of the following orders:

- (a) Remand in custody;
- (b) Rejection of the application;
- (c) Extension of the period of detention by not more than 48 hours to enable the parties to submit additional evidence supporting or opposing the application.

509. This Act reinforces the procedural guarantees of the protection of the constitutional rights and freedoms of citizens in criminal proceedings, in the ways described below.

510. First, the Act regulates strictly the conditions and procedure for ordering remand in custody.

511. It stipulates that this measure may be ordered only against a detained suspect or a person formally charged with the intentional commission of an offence for which the Criminal Code prescribes a sentence of deprivation of liberty for more than three years or an offence committed out of negligence for which the prescribed sentence is deprivation of liberty for more than five years. The measure may be ordered on application by a procurator or by an investigator with a procurator's consent in cases when a less stringent preventive measure cannot be ordered.

512. Similarly, the introduction of this rule established consistency between two levels of supervision - by procurators and by the courts - of compliance with human rights during preliminary investigations. The organizational nature of the preventive measure of remand in custody under supervision by a procurator prevents any unwarranted applications by investigators for remand orders. This increases the investigator's responsibility to ensure that the detention of a citizen is justified and lawful. If he is in agreement with the application, the procurator must prove to the court the necessity of remanding the person concerned in custody, and thus his procedural acts are subjected to verification by the court.

513. Second, the Act contains a list of the persons who must participate in the consideration of the application for a remand order: the procurator, the defence counsel if any, and the detained suspect or accused person. One of the most important procedural guarantees established by the Act is its assertion of the principle of cross-examination and of the right to defence counsel when it sets out the rules on the compulsory presence of the detained suspect or accused person during the consideration of the application.

514. Third, the Act regulates strictly the period of detention and the procedure for its extension. This period is 72 hours and it may be extended for further 48 hours on *ex parte* application by the procurator or the detainee or accused person or his counsel. This extra time may be needed for the parties to submit additional evidence of the merit or demerit of the remand order. No further extension of the duration of the detention is permitted.

515. Four, the law of criminal procedure in force up to the adoption of the Act did indeed provide for the possibility of remand in custody in exceptional cases in respect of offences not representing a great social danger, but these offences were not specified. This situation could lead to differing interpretations of the notion of “exceptional case” and to subjective decisions by the officials authorized to impose this preventive measure. The Act sets out a list of these exceptional cases in order to reinforce the procedural guarantees of protection of the constitutional rights and freedoms of persons on whom the measure may be imposed and to prevent any excessively broad interpretations of the rule. This includes such circumstances as when the suspect or accused person has no fixed place of residence in Uzbekistan, his identity has not been established, he has violated the conditions of a less stringent preventive measure imposed earlier, he has evaded investigation or trial, or the offence was committed while he was serving a sentence of rigorous imprisonment or deprivation of liberty.

516. Five, The act sets out a procedure for appeal against a remand order or against revocation of a remand order on cassational review. An appeal may be lodged against the judge’s decision through the court which heard the application within 72 hours from the date of its adoption.

517. Six, the Act specifies the duration of remand in custody and the procedure for its extension. During the investigation of an offence it may not exceed three months. Applications for extension of the three-month period of remand in custody established by law are considered by the court as follows: up to five months – when made by a procurator of the Republic of Karakalpakstan or a procurator of an oblast or Tashkent City or a procurator of equivalent rank; up to nine months – when made by the Procurator-General of the Republic of Uzbekistan; up to 12 months – when made by the Procurator-General of the Republic of Uzbekistan during the investigation of particularly complicated cases involving persons charged with serious or extremely serious offences. No further extension of the period is permitted.

518. It should be noted that previously applications for extension of the duration of remand in custody were submitted by the investigator, but the Act has now transferred that function to the procurator, thereby increasing his responsibility for supervising the conduct of the preliminary investigation and compliance with the time limits fixed in the remand order. The Act also provides that if it is necessary to extend the duration of the remand in custody the procurator must enter the corresponding application.

519. The adoption of the Act guarantees the protection of the constitutional rights and freedoms of citizens and observance of the principle reflected in the rules of international law that no one may be detained or remanded in custody except by court order.

3. Liberalization of the system of criminal sanctions

520. The process of liberalizing the system of criminal sanctions, which is proceeding in accordance with the legislation adopted in Uzbekistan, has produced a radical change, in the direction of relaxation, in the investigative and judicial practice with regard to the ordering of preventive measures and the imposition of penalties for offences committed. There is now a real possibility that first offenders will be freed from liability and punishment when the offence in question does not constitute a great danger to society or is of a less serious nature.

521. As a result of the changes and additions to the Criminal Code, the Code of Criminal Procedure and the Penal Enforcement Code, over a three-year period there has been a decline from 70,000 to 40,000 (by a factor of 1.9) in the number of persons convicted or remanded in custody.

522. The practice of annual amnesties for persons serving sentences of deprivation of liberty has made a substantial contribution to the realization of the right to liberty and security of person.

523. Pursuant to the Senate's decision on amnesty, over 3,000 prisoners constituting a minimal danger to society were released from places of detention in 2005: 354 women; eight persons who had committed offences while juveniles; 42 men aged over 60; 254 nationals of foreign States; 77 disabled persons (in groups 1 and 2); 558 prisoners suffering from tuberculosis; 129 persons who had committed offences out of negligence; 417 first offenders convicted of offences which did not represent a great danger to society or of less serious offences; and 1,796 persons whose sentences had less than two years to run.

524. Pursuant to the Senate's decision on amnesty, over 3,500 prisoners constituting a minimal danger to society were released from places of detention in 2006: 43 women; 26 juveniles; four men aged over 60; 19 nationals of foreign States; 25 disabled persons (in groups 1 and 2); 183 prisoners suffering from tuberculosis; 113 persons who had committed offences out of negligence; 461 first offenders convicted of offences which did not represent a great danger to society or of less serious offences; 2,544 persons whose sentences had less than two years to run; and a number of persons convicted of participation in the activities of prohibited organizations who were well on the way to rehabilitation.

525. Under the Senate's decision on amnesty of 13 November 2007, over 3,500 prisoners constituting a minimal danger to society were released from places of detention: 18 women; 21 juveniles; six men aged over 60; 130 nationals of foreign States; 63 disabled persons (in groups 1 and 2); 378 prisoners suffering from tuberculosis; 167 persons who had committed offences out of negligence; 354 first offenders convicted of offences which did not represent a great danger to society or of less serious offences; 2,194 persons whose sentences had less than two years to run; and a number of persons convicted of participation in the activities of prohibited organizations who were well on the way to rehabilitation.

Article 10. Humane treatment of persons deprived of their liberty

1. Right to be treated with humanity

526. The 1997 Penal Enforcement Code established the following rights of prisoners: to be informed of the procedures 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 carrying out the sentence, other State authorities and civil society associations; and to receive replies to their suggestions, statements and complaints in the same language (if this is not possible, the reply is given in the State language of Uzbekistan); to provide explanatory material and engage in correspondence, using the services of a translator where necessary; to use educational, artistic and other information materials; to receive health care, including inpatient and outpatient treatment,

depending on the medical findings; and to receive social welfare, including a pension, in accordance with the law.

527. On 26 September 2003 the President of Uzbekistan promulgated a decree relaxing detention conditions for first offenders which provides that first offenders convicted of less serious offences will now serve their sentences not in ordinary-regime penal colonies but in open facilities, while those convicted of extremely serious offences will be sent to ordinary-regime instead of strict-regime penal colonies. Accordingly, first offenders in the first category will suffer little separation from their families and will be able not only to provide material support for them but also to share in the upbringing of any children. These measures affected almost 15,000 persons.

528. In August 2003, at the twelfth session of its second convocation, the Oliy Majlis adopted an act introducing changes and additions to 30 articles of the Penal Enforcement Code.

529. In accordance with these changes, the total amounts authorized for expenditure by persons held in ordinary-regime penal colonies was increased to three times the established minimum wage; for those in strict-regime colonies, to 2.5 times the minimum wage; in special-regime colonies, to twice the minimum wage; in prisons, to 1.5 times the minimum wage; and in young offenders' institutions, to 3.5 times the minimum wage (Penal Enforcement Code, art. 75).

530. In addition, the number of short and extended visits authorized for various categories of convicted persons and of telephone conversations, packages or parcels and postal wrappers of printed matter have been increased. The prison administration is now obliged to grant convicts the right to place a telephone call to their relatives on arrival at the correctional facility, thereby enabling their relatives to be informed promptly about their whereabouts without having to wait for official notification from the administration. Certain categories of convicts requiring medical treatment and a better diet are permitted, on the basis of medical findings, to receive additional packages or parcels and postal wrappers of printed matter.

531. A system of annual paid leave has been introduced in open prisons, under which prisoners are entitled to spend a period of 15 working days away from the area of the prison (art. 91).

532. It must be stressed that deprivation of liberty for certain categories of offence is not imposed on pregnant women, women with children under the age of three years, old-age pensioners or juveniles.

533. The liberalization of the country's criminal law and penal enforcement law has also led to the deletion of a number of offences from the Criminal Code.

534. For example, the unauthorized absence of an offender from an open prison is no longer a criminal offence under the Criminal Code (art. 222). Such acts will henceforth be categorized not as the offence of escape from prison but as a flagrant breach of prison rules entailing a disciplinary sanction potentially as severe as transfer (or return) to a closed penal institution.

535. Under the legislation in force, all appropriate conditions are provided for juveniles remanded in custody.

536. Approximately 200 juveniles are currently being held in correctional institutions. Juveniles may not be held on remand together with adults. They are held in a separate part of the remand centre or in a specialized young offenders' institution. These institutions house juvenile offenders aged up to 16 years separately from older prisoners, and first offenders serving sentences of deprivation of liberty are housed separately from re-offenders.

537. Persons serving their sentences in a young offenders' institution are entitled to six short and six extended visits per year, as well as to 12 telephone calls and six parcels or packages and six postal wrappers of printed matter.

538. Such persons may be offered incentives in the form of visits to cultural and sporting events outside the prison, replacement of a short visit by release for up to eight hours in the company of parents, persons acting as parents, or close relatives, reduction of the duration of sentences, and early release.

2. Procedure and conditions for serving life sentences

539. Following the abolition of the death penalty, provisions on the treatment of persons sentenced to life imprisonment and housed in special-regime penal colonies were incorporated in the Penal Enforcement Code, together with a special section V entitled "Sentences of life imprisonment".

540. Persons sentenced to life imprisonment are held under separate conditions in special-regime penal colonies. They serve their sentences under the special-regime rules as adjusted by the provisions of the legislation. They are housed in cells for a maximum of two prisoners. At their request, or when necessary, they may be housed alone.

541. Life prisoners serve their sentences under the strict regime. When they have served at least 10 years, prisoners with clean disciplinary records may be transferred to the less strict regime.

542. The standard area of living space for life prisoners may not be less than four square metres.

543. Life prisoners serving their sentences under the strict regime are entitled to purchase every month food products and personal necessities in an amount of up to 75 per cent of the minimum wage established by law with funds drawn from their personal accounts, to enjoy every year one short visit and one telephone call, and to receive one parcel or package and one postal wrapper of printed matter.

544. Life prisoners serving their sentences under the ordinary regime are entitled to purchase every month food products and personal necessities in an amount of up to 100 per cent of the minimum wage established by law with funds drawn from their personal accounts, to enjoy every year one extended visit and one short visit and two telephone calls, and to receive two parcels or packages and two postal wrappers of printed matter.

545. Life prisoners serving their sentences under the less-strict regime are entitled to purchase every month food products and personal necessities in an amount of up to 150 per cent of the minimum wage established by law with funds drawn from their personal accounts, to enjoy

every year one extended visit and two short visits and three telephone calls, and to receive three parcels or packages and three postal wrappers of printed matter.

546. Irrespective of the regime, life prisoners are entitled to a weekly exercise walk of up to one and a half hours.

547. Work is provided in the work cells for prisoners serving their sentences under the ordinary or less-strict regimes.

548. They are offered the incentives specified in article 102 of the Penal Enforcement Code. Prisoners transferred in accordance with the established procedure to the less-strict regime may also be offered the incentives of an additional visit or telephone call.

549. In accordance with the recommendations of the Human Rights Committee, Uzbekistan has introduced a prisons inspection system. In the period 2003-2007 the Commissioner for Human Rights, in conjunction with the National Centre for Human Rights, the Office of the Procurator-General, and international and non-governmental organizations, visited all of the country's places of detention.

550. The Central Penal Correction Department of the Ministry of Internal Affairs, working together with the Commissioner, has drafted a legal provision on the establishment a representative of the Commissioner in the Department.

551. This representative, who will be known as the ombudsman for the rights of prisoners, will assist the Commissioner with the parliamentary monitoring of observance of the rights of accused, arrested and convicted persons, as well as of the rights of the Department's staff. In his work, the ombudsman for the rights of prisoners will be under the supervision of and answerable to the Commissioner. The administration of each establishment has set aside a special facility for the ombudsman for the rights of prisoners in the living and work areas, where he can conduct his work with prisoners and discuss personal matters with them.

552. The plan adopted by the Cabinet of Ministers on 9 March 2004 to ensure application of the Convention against Torture was used as the basis for the production of a draft policy outline on the development and further improvement of the penal enforcement system of the Ministry of Internal Affairs in the period 2005-2010, which was amended and expanded in the light of the proposals made by the Ministry of Justice, the Ombudsman and the Office of the Procurator-General.

553. The implementation of this outline will ensure the effective enforcement of criminal sentences, improve the conditions under which prisoners are held and the treatment of prisoners, create genuine conditions for the social rehabilitation of convicts while they are serving their sentences and after release, and enhance the standards of the vocational training of the system's personnel and their social protection.

Article 11. Prohibition of arbitrary imprisonment for breach of contract

554. Pursuant to article 353 of the Civil Code of 25 December 1995, a contract is an agreement between two or more persons concerning the establishment, alteration or suspension of civil

rights and duties. Civil rights are protected under the material jurisdiction established in the law of civil procedure or a contract or specified by a civil or economic court or a court of arbitration.

555. When a party to a contract neglects his obligations, the remedies for the judicial protection of civil rights come into play, including compensation for loss, actions for payment of liquidated damages, compensation for moral harm, etc. These remedies do not involve the imprisonment of the person failing to fulfil his contractual obligations.

556. Uzbekistan's legislation does not address the question of arrest or imprisonment for breach of contract.

557. However, as a result of the liberalization of criminal policy, a penalty not involving imprisonment – a fine or punitive deduction of earnings – may be imposed on perpetrators of economic offences, such as causing material damage by deception or abuse of trust (Criminal Code, art. 170), negligence in the stewardship of property (art. 172) or intentional destruction or damage of property (art. 173) when there are no aggravating circumstances.

Article 12. Right to liberty of movement and freedom to choose one's residence

558. Article 28 of the Constitution states: "Citizens of the Republic of Uzbekistan have the right to liberty of movement throughout Uzbekistan and to enter and leave the Republic, subject to the restrictions established by law".

559. Pursuant to Decision No. 8 of the Cabinet of Ministers dated 6 January 1995 confirming the procedure to be followed by citizens going abroad, citizens are entitled freely to travel abroad on private or public business, to take up permanent residence, on tourist trips, to study, to work, to obtain medical treatment or on an official mission.

560. This procedure applies to travel by citizens of Uzbekistan to foreign countries, except for the countries members of the Commonwealth of Independent States (CIS), for which no travel documents are required.

561. Citizens intending to travel abroad apply to the office of the Ministry of Internal Affairs in their place of residence, presenting a completed application form in due order and an Uzbek passport. The office in question processes the application within 15 days and endorses the passport with a stamp authorizing travel abroad valid for two years for temporary trips out of the country.. During this two-year period the holder of the passport may make multiple trips abroad without having to apply to the Ministry for authorization. If a citizen has no passport, the time limit for issuance of a passport and authorization of travel must not exceed 15 days.

562. The passports of persons travelling abroad to take up permanent residence are endorsed with an open-ended visa for the country in question. The time limit for processing of such persons' papers is 30 days.

563. Citizens intending to travel abroad apply for visas to the diplomatic or consular missions of the countries concerned.

564. Applications may be submitted by citizens aged 18 years or older. If children under 18 are to travel abroad, their applications are made by their legal representatives. Children aged

between 14 and 18 years intending to take up permanent residence abroad must submit notarized documents certifying the traveller's consent.

565. Persons intending to take up permanent residence abroad must submit notarized documents certifying the consent of their parents or spouses or, if these persons are no longer living, copies of the death certificates.

566. The formalities for travel abroad to work under a private contract are completed by arrangement with the Ministry of Labour and Social Protection.

567. Persons travelling abroad who are in possession of information constituting a State secret must submit with their application form the opinion of the head of their employer organization as to the extent of such information in their possession.

568. When authorizing travel abroad in such cases, the offices of the Ministry of the Interior refer to a list of the organizations having direct access to State secrets.

569. In the period 2005-2007 the Ministry's services responsible for authorizing entry and exit and conducting citizenship formalities endorsed 395,204 passports with exit stamps, including 4,763 for permanent residence abroad and 390,441 for temporary absence; this latter total was made up by official missions (33,503), tourist trips (347,053) and private business trips (9,885).

570. The foreign-travel applications of 198 citizens were rejected, on grounds provided for by law.

571. A person's travel abroad may be restricted for the following reasons:

- (a) He is in possession of information constituting a State secret or has contractual obligations preventing his travel abroad – until the termination of such obligations;
- (b) Criminal proceedings have been instituted against him – until the conclusion of such proceedings;
- (c) He has been found in a judicial sentence to be a dangerous recidivist or is under administrative supervision by the police – until his conviction is expunged or the supervision is terminated;
- (d) He declines to fulfil obligations imposed by a court – until the period of such obligations expires;
- (e) He has knowingly submitted false information about himself;
- (f) A civil action has been instituted against him – until the conclusion of the proceedings in the case;
- (g) He is registered in a call-up district and is liable to be called up for active military service – until the expiry of the period of liability for service or his release from such liability in accordance with the law.

572. Appeals may be lodged to a higher body against rejection of an application to travel abroad on grounds provided by law or against failure to deal with an application within the established time limit; the body must give its decision within one month at the outside; if the applicant does not accept the decision, he may appeal to the courts. The grounds mentioned in paragraphs (b) and (g) above are not subject to appeal.

573. Citizens of Uzbekistan residing permanently abroad are entitled freely to enter and leave Uzbekistan and to resume permanent residence there.

574. Decision No. 408 of the Cabinet of Ministers dated 19 October 1995 on employment of citizens of Uzbekistan abroad and of foreign nationals in Uzbekistan was adopted in order to regulate the entry and exit of workers; a decision has been drafted on the procedure for recruitment and use of foreign workers in Uzbekistan; on 12 November 2003 the Cabinet of Ministers adopted Decision No. 505 on measures to improve the arrangements for employment of citizens of Uzbekistan abroad; a decision has been drafted on the establishment of an agency for foreign labour migration; self-funding regional offices have been opened in the cities of Tashkent, Fergana, Karshi and Nukus to organize the employment of citizens abroad (these offices are State enterprises with the status of juridical persons reporting directly to the Ministry of Labour and Social Protection).

575. The following are the basic functions of the above-mentioned agency and of the regional offices: to assist citizens seeking employment abroad; to provide them with information about the opportunities for and conditions of such employment; to select candidates meeting the requirements of foreign employers to go to work abroad; and to assist citizens with the exit formalities, in particular in obtaining the visas and other documents needed for official employment abroad.

576. A policy outline and a bill have been drafted on foreign labour migration; they are under discussion in the various ministries and departments concerned.

577. Pursuant to the provisions of Decision No. 408 of the Cabinet of Ministers on the procedures for entry and exit, temporary residence in and transit through Uzbekistan of foreign nationals and stateless persons, foreign nationals in possession of exit visas issued by the consular offices of Uzbekistan abroad may enter and leave Uzbekistan on private or official business, as tourists or holiday-makers, for purposes of study or medical treatment, or to take up permanent residence.

578. Entry visas, except for transit visas, are valid for the whole of the territory of the Republic with the exclusion of locations and installations closed to foreigners.

579. Foreigners arriving in Uzbekistan must register temporarily with an agency of the Ministry of Internal Affairs (offices dealing with entry and exit formalities and nationality matters) within 72 hours at the place of temporary residence or register at a hotel (localities and installations closed to foreigners are excluded).

580. Foreign nationals may reside permanently in Uzbekistan if they have authorization to do so and a residence permit. Residence permits are issued in accordance with the Decision on residence permits for aliens and stateless persons and certification of stateless persons.

581. Authorization to reside permanently in Uzbekistan is granted to foreign nationals in accordance with the procedure stipulated by law on application to the Ministry of Internal Affairs.

582. A foreign national may be refused entry into Uzbekistan:

- (a) In the interests of ensuring national security or maintaining public order;
- (b) If such refusal is necessary to protect the rights and legitimate interests of citizens of the Republic of Uzbekistan and other individuals;
- (c) If the individual has a conviction for a violation of the Republic's legislation which has not been cancelled or expunged in the prescribed manner;
- (d) If the individual is involved in the activities of foreign terrorist, extremist or other criminal organizations;
- (e) If the individual has knowingly provided false personal data, or has not submitted the necessary documents;
- (f) If during a previous stay the individual was found to have violated the entry or departure procedures, the rules governing the stay of foreign nationals in the Republic of Uzbekistan, or its customs, currency or other legislation;
- (g) If the individual is ill or has a health problem which creates a threat to public safety and health, and if the illness in question is included on the list approved by the Ministry of Health.

583. A foreign national is refused permission to leave Uzbekistan:

- (a) If his departure is not in the interests of State security – until the circumstance preventing departure ceases to have effect;
- (b) If the individual is subject to contractual obligations preventing his departure to live permanently abroad – until the expiry of such obligations;
- (c) If criminal proceedings have been instituted against the individual – until the conclusion of the proceedings or the decision in the case has become final;
- (d) If the individual has been convicted of a criminal offence – until the sentence has been served or remitted;
- (e) If the individual refuses to fulfil obligations imposed on him by a court – until the expiry of the obligations;
- (f) If the individual has knowingly provided false personal data;

(g) If a civil action has been instituted against him – until the court has issued its decision and the decision has been enforced.

Article 13. Grounds for expelling foreign nationals

584. Uzbekistan's existing legislation addresses the rights and duties of foreign nationals and stateless persons in Uzbek territory and the grounds for their judicial prosecution.

585. In Uzbekistan offences involving unlawful migration trigger both administrative and criminal liability.

586. Article 225 of the Administrative Liability Code stipulates administrative liability for infringement of the rules governing the presence of foreign nationals and stateless persons in Uzbekistan: lack of documents (residence permits) or possession of invalid documents; non-compliance with the procedures governing registration, movement, or choice of place of residence; refusal to depart on the expiry of the period of residence; or non-compliance with the rules governing transit through the territory of Uzbekistan. These offences attract a fine of between 50 and 100 times the minimum wage or expulsion from the country.

587. Article 224 of the Criminal Code establishes criminal liability for the offences mentioned above if they are committed after the imposition of an administrative penalty in the form of a fine of between 50 and 100 times the minimum wage or deprivation of liberty for one to three years.

588. Foreign nationals may be expelled from Uzbekistan in the following cases:

- (a) If they commit an act contrary to the interests of State security or the maintenance of public order;
- (b) When expulsion is necessary to protect public health or morals or safeguard the rights and legitimate interests of Uzbek citizens or other persons.

589. In 2007 a total of 303 foreign nationals and stateless persons were expelled from Uzbekistan.

590. Foreign nationals and stateless persons have the right to appeal against expulsion orders to a higher administrative body, which must give a reply within one month; if the reply is unacceptable, they may appeal to the courts.

591. The expulsion of foreigners is attended to by agencies of the Ministry of Internal Affairs. Persons who refuse to leave the country within the time limit set by such agencies are liable to administrative detention with a view to their forced expulsion (under escort).

592. Compulsory expulsion of aliens under escort is effected on the instructions of the Ministry or the Department of Internal Affairs approved by a procurator in the place of residence of the person concerned. The costs of the expulsion of aliens are borne by the receiving organization or, when the receiving organization is unable to do so, by the agencies of the Ministry.

593. The passports of foreign nationals and stateless persons expelled from Uzbekistan are stamped by the entry, exit and nationality unit of the Ministry's Department for Entry, Exit and Nationality Matters to terminate the validity of entry visas and temporary residence permits and they are endorsed with a note of the expulsion.

594. 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.

595. Arrangements of this kind are usually governed by model rules under the heading "Extraditable offences", on the following pattern:

1. 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.

2. Extradition may be granted in respect of acts which 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 other more serious punishment.

596. 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 other more serious punishment.

597. Extradition may be refused if:

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

- (b) The law of both 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 requested contracting party or the 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 is requested has been handed down in the territory of the requested contracting party in respect of the same offence.

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

599. When extradition is refused the requested contracting party informs the requesting party of the grounds for the refusal.

600. Article 10 of the Code of Criminal Procedure, article 57 of the CIS Convention on Legal Assistance and Legal Relationships in Civil, Family and Criminal Matters of 1993, and the bilateral treaties and agreements concluded by Uzbekistan with other States contain an exhaustive list of the circumstances under which extradition from Uzbekistan is not permitted.

601. In addition, article 17 of the Code of Criminal Procedure contains provisions to the effect that no one shall be subjected to torture, violence or other cruel, humiliating or degrading treatment and that it is prohibited to perform acts or hand down judgements which humiliate or demean a person, will lead to the dissemination of details of his private life, thereby endangering his health, or cause unjustified physical or mental suffering.

602. Accordingly, an indicted person may be extradited from Uzbekistan to another State to face criminal prosecution for offences committed in the territory of that State only after the submission by its competent organs of assurances of the application of the guarantees established in the legislation of Uzbekistan.

603. In turn, the Office of the Procurator-General, when requesting the extradition of indicted persons to Uzbekistan to face criminal prosecution for offences committed in the territory of Uzbekistan, submits to the foreign State in question assurances of the application of the guarantees set out in international treaties and agreements which are relevant to the case.

Article 14. Equality of citizens before the law

604. The Constitution and the legislation enacted in accordance with its provisions reflect such fundamental principles of justice as:

- The equality of citizens before the law and the courts;
- Respect for the honour, dignity and rights of the person;
- Comprehension of the language in which proceedings are conducted;
- The openness and transparency of proceedings;
- Conduct of proceedings on the basis of cross-examination;
- The right to defence counsel;
- The independence of the courts and their subordination to the law alone.

605. The Code of Criminal Procedure, the Code of Civil Procedure and the Code of Economic Procedure set out specific procedures for the application of these principles.

606. Justice is administered on the premise that citizens are equal before the law and the courts, irrespective of their sex, race, nationality, language, religion, social origin, beliefs or personal or social status.

607. 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. No one may

be subjected to torture, violence or other cruel, humiliating or degrading treatment, and it is prohibited to perform acts or hand down judgements which humiliate or demean a person, will lead to the dissemination of details of his private life, thereby endangering his health, or cause unjustified physical or mental suffering.

608. Legal proceedings in Uzbekistan must be conducted in Uzbek, Karakalpak or the language of the majority population in a given area. Parties to legal proceedings who do not know or are not proficient in the language in which the proceedings are being conducted have the right to make statements, give testimony and explanations, submit petitions and complaints and address the court in their native language or another language in which they are proficient. In such circumstances, and when being apprised of the case in accordance with the law, they are entitled to employ the services of an interpreter. Documents relating to investigations and court documents which are required to be communicated to accused persons or defendants or other parties in the proceedings must be translated into the mother tongue of the person concerned or another language which he knows.

609. All court proceedings are conducted in open session, except when this may jeopardize the protection of State secrets and during the hearing of cases involving sexual offences.

610. The court may also decide to hear in closed session cases involving offences committed by juveniles (under age 18) and in other cases when there is a need to prevent the public disclosure of information about a person's private life or information detrimental to a person's honour and dignity or when the safety of the victim, a witness or other persons involved in the case or of the members of their families or their close relatives so requires.

611. The content of private correspondence and private telephone calls may be disclosed in open session only with the consent of the persons who sent and received the correspondence or calls in question. Otherwise, this information is disclosed and examined in closed session.

612. All the rules of procedure apply to hearings in closed session. The court may decide to hear in closed session the entire or individual parts of the proceedings. Such decisions exclude the public but not the parties in the proceedings.

613. The court may decide to allow close relatives of the defendant and the victim and other persons to be present during closed sessions, having warned them of their obligation not to disclose information about the matters examined during such sessions. The court may ban individuals from a closed session if the maintenance of order in the court so requires.

614. Sound or video recordings, photography and filming are permitted in the courtroom only with the consent of the person presiding over the session.

615. Court sentences, decisions and orders are made public in all cases.

616. In order to enhance the publicity given to court proceedings the courts may when necessary notify representatives of the media and relevant civil society organizations and associations of forthcoming trials and conduct proceedings directly in enterprises, establishments and organizations.

617. Suspects, accused persons and defendants are deemed innocent until their guilt has been proven in accordance with the procedures prescribed by law and has been set down in an enforceable sentence of the court.

618. Suspects, accused persons and defendants do not have to prove their innocence. They must be given the benefit of any doubt as to their guilt, once all the possibilities of removing such doubt have been exhausted. The same applies to any doubts as to the interpretation of the law.

619. Suspects, accused persons and defendants have the right to defence, which is manifested in the obligation of the persons conducting the initial inquiries and other investigations, the procurator and the judge to explain their rights to them and to take steps to ensure that they have an actual opportunity to use all the ways and means provided by law to defend themselves against the charges.

620. Proceedings in courts of first instance and in higher courts are conducted on the basis of cross-examination.

621. During court proceedings the functions of prosecution, defence and judgment are separate from each other and may not be performed by one and the same body or official.

622. State and public prosecutors, defendants, legal representatives of juvenile defendants, defence counsel, civil plaintiffs, civil respondents, and their representatives participate in court proceedings as parties and enjoy equal rights to present evidence, take part in the examination of evidence, enter applications, and state their opinions on any question relevant to the correct disposal of the case.

623. The court does not side with either the prosecution or the defence and does not express any interests of its own. By remaining objective and unbiased it creates the necessary conditions for the parties to discharge their procedural obligations and exercise the rights accorded to them.

624. The Judiciary in Uzbekistan functions in accordance with article 106 of the Constitution independently of the Legislature and the Executive, political parties and other civil society organizations.

625. The judicial system consists of the Constitutional Court, the Supreme Court, the Higher Economic Court, the Supreme Civil and Criminal Courts of Karakalpakstan and the Economic Court of Karakalpakstan, whose judges are elected for a term of five years, as well as the oblast courts, the Tashkent City civil and criminal courts, the inter-district, district and city civil and criminal courts, the military courts and the economic courts, whose judges are appointed for the same term. The organization of the courts and court procedures are determined by law. The creation of special courts is not permitted.

626. Article 112 of the Constitution states: "Judges are independent and subject solely to the law. Any interference in the work of judges in administering the law is inadmissible and punishable by law".

627. The immunity of judges is guaranteed by law.

628. Judges may not be senators or members of the representative bodies of the State. Judges may not belong to any political parties or participate in political movements, or engage in any other types of paid activity, other than scientific and educational activity.

629. Judges may be removed from their post prior to the end of their term of office only on the grounds specified by law.

630. Court proceedings are conducted only on the basis of the law and in accordance with the procedures prescribed in the Code of Criminal Procedure, the Code of Civil Procedure and the Code of Economic Procedure, without any kind of outside influence.

631. The decisions of the courts are based on the law, have binding force and may be reviewed in accordance with the procedure prescribed by law by the courts of cassation and appeal and under the supervisory procedure.

632. The courts are guided in their work by the principles of objectivity and justice, transparency and openness, and the equality of the parties in the proceedings.

633. The courts are financed from the State budget, but judges have the right to defend their interests in their own Association of Judges (a non-governmental organization).

634. Candidates for judgeships are selected by commissions of experienced judges on the basis of their professional and moral standing and their qualifications without any kind of discrimination.

635. The term of office of judges and their independence, safety, emoluments and conditions of service are all matters addressed in the Judges Act.

636. The fact that the people's access to justice is guaranteed means that the State must take all necessary steps to inform the public about the judicial means of protecting their rights and to simplify, accelerate and reduce the cost of proceedings in civil, criminal, administrative, economic and other cases. The State must adopt the necessary measures to inform the public about the location and the jurisdictions of the various courts and about the procedure for applying to the courts.

637. Much of the problem of access to justice boils down to the problem of access to information about the courts and the law..

638. Much of the information of this kind, concerning specific cases, participants in proceedings, facts, events and documents, to be found in criminal, civil, economic and administrative files, is restricted information; the arrangements for obtaining and using such information are set out in the law of criminal, civil, administrative and economic procedure.

639. Analysis of the Code of Civil Procedure has produced a list of the physical and juridical persons having the right of access to judicial and legal information concerning criminal proceedings. This list includes, first of all, direct participants in proceedings: suspects, accused persons, defendants, victims, defence counsel, legal representatives of defendants and victims, civil plaintiffs and civil respondents; it also includes other persons: witnesses, official witnesses,

specialists, interpreters, experts, defence counsel appointed by the court, public prosecutors and representatives of civil society and labour associations and the media.

640. In addition to the rights accorded to the accused, important rights of access to judicial and legal information are also accorded to his counsel. Pursuant to article 53 of the Code of Criminal Procedure, a defence counsel is entitled to be informed of the charges against his client, to receive written confirmation of the persons authorized to participate in the case from the investigatory agencies and the court, to familiarize himself with the procedural documents and all the other documents in the case-file, to copy from these documents any information which he needs, to have access to information constituting a State secret and to commercial and other information of a confidential nature, to examine the records of court hearings and submit comments on them, and to be informed about any appeals or complaints and to enter objections against them.

641. The volume of the material and financial resources allocated to the courts has a significant influence on their independence and effectiveness.

642. These resources have been considerably increased in recent years. Over the past four years the volume of resources allocated to the courts has risen by a factor of 2.7. In 2005 alone, 60 court buildings were built from scratch or underwent major repairs and 14 new buildings were procured, for a total expenditure of 1.3 billion sum.

643. The courts are financed from the State budget and a fund for the development of the courts and other judicial bodies. There is a separate line in the State budget for the resources appropriated for maintenance of the courts.

644. On 20 July 2007 steps were taken in Uzbekistan to improve the organization and operation of the courts system by introducing changes and additions to the Courts Act: the organization of the work of the courts of general jurisdiction and the economic courts has been brought strictly into line with the principles of the independence of judges and their subordination solely to the law and to the Higher Commission on Qualifications, attached to the Office of the President, which selects and recommends candidates for judgeships.

645. Judges of the courts of the Republic of Karakalpakstan are selected or appointed by the *Jokargy Kenes* of Karakalpakstan on the proposal of its presiding officer, as previously approved by the President of Uzbekistan. These appointments are submitted to the President for approval on the basis of the decisions of the Higher Commission on Qualifications.

646. Judges of oblast, Tashkent City, inter-district, district (city) and military courts and the oblast and Tashkent City economic courts are appointed by the President of Uzbekistan on the proposal of the Higher Commission on Qualifications.

647. The powers of judges of the courts of general jurisdiction and the economic courts may be suspended on the proposal of the Higher Commission by decision of the corresponding qualification boards.

648. The powers of a judge of the Supreme Court or the Higher Economic Court of Uzbekistan may be terminated before the end of his term of office by the Senate of the Oliy Majlis on the

proposal of the President of the Republic; the powers of a judge of the oblast and Tashkent City courts and of the inter-district, district (city) courts and the military courts, or a judge of the oblast and Tashkent City economic courts, by the President of the Republic on the proposal of the Higher Commission; the powers of the courts of the Republic of Karakalpakstan by the *Jokargy Kenes* on the proposal of its presiding officer, put forward in the light of a decision of the Higher Commission.

649. A roster of candidates for selection and recommendation for judgeships is maintained, in the light of the specialization of the courts, from the most highly trained and qualified judicial personnel: officials of the courts, law-enforcement agencies and establishments and organizations.

650. In order to establish this roster of candidates for judgeships in the inter-district and district (city) criminal courts, the regional and area military courts, the economic court of the Republic of Karakalpakstan, and the oblast and Tashkent City courts (with the exception of candidates for the posts of president or deputy president of the economic courts), the qualification boards call for applications from persons wishing to be included on the roster or to be appointed to specific vacant judgeships. The roster is open to citizens of Uzbekistan aged at least 25 who have higher legal education and have worked in one of specialized areas of court jurisdiction for at least three years. Persons with criminal records may not be included on the roster.

651. The qualification boards make arrangements to obtain information about the candidates' professional, moral and personal qualities and, within two months of the receipt of this information, they conduct the examinations, in the light of which they make their recommendations on the inclusion of candidates on the roster or their rejection. The boards also organize training for candidates on the roster who are being proposed for the first time for judgeships in the inter-district or district (city) civil or criminal courts, regional or area military courts, the economic court of the Republic of Karakalpakstan or the oblast and Tashkent City economic courts on special courses at the Centre for the Further Training of Legal Specialists of the Ministry of Justice. The certificates earned on these course are valid for three years from the date of their award.

652. In the period 2005-2007 the Centre trained 475 persons from the Supreme Court apparatus and 28 from the Higher Economic Court.

653. In 2007 further training was given to 158 candidates on the roster and proposed for the first time for the posts of president, deputy president or judge of the district (city) criminal courts or of the regional or area military courts, 72 candidates for the inter-district or district (city) civil courts, and 59 candidates for the economic court of the Republic of Karakalpakstan and the oblast and Tashkent City economic courts. A total of 289 candidates on the roster underwent further training.

654. The course lasts 30 days for candidates for judgeships in the district and oblast criminal and civil courts and 15 days for candidates for the posts of president and deputy president.

***Article 15. Determination of the criminal status of unlawful acts
and their liability to punishment***

655. In Uzbekistan the criminal status of an act and its liability to punishment are based on the generally accepted principles of criminal law.

656. Article 13, paragraph 1, of the Criminal Code stipulates that an act's criminal status and its liability to punishment 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, when 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 his conviction has not been expunged, 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 which criminalizes a particular act, increases the punishment or worsens the situation of the person concerned shall not have retroactive force, i.e. it shall not be applicable to acts committed before its entry into force or to the persons who committed them.

657. A law which removes an act from the list of offences is deemed to abolish its criminal status. As soon as such a law enters into force, criminal cases against persons who have committed that act which are being dealt with by the investigatory authorities and the courts must be discontinued, persons convicted of such an act must have their sentences quashed, and persons who have served their sentence but still have a criminal record must have their convictions 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.

Article 16. Recognition as persons before the law

658. In accordance with the general principles of legislation, legal personality may not be either recognized or denied on grounds of sex, race, social origin or religion.

659. According to article 17 of the Civil Code, recognition as a person before the law means possession of the capacity to exercise civil rights and perform civil obligations, a capacity accorded equally to all citizens. A citizen's legal personality comes into being at the moment of birth and terminates with death.

660. Article 18 of the Code defines the content of this legal personality: "Citizens may own property by virtue of the right of ownership, inherit and bequeath property, hold savings in banks, engage in business and agricultural activities and other activities not prohibited by law, use hired labour, create juridical persons, conduct transactions and undertake obligations, seek compensation for harm, choose their type of occupation and place of residence, and hold copyrights to works of science, literature and art, as well as patents to inventions and other intellectual property protected by law".

661. Citizens may also exercise other property and personal non-property rights.

662. According to article 22 of the Code, dispositive capacity means a citizen's capacity, through his actions, to acquire and exercise civil-law rights, to create civil-law responsibilities for himself and to discharge them. Dispositive capacity arises in full measure at the age of majority, i.e. at the age of 18 years.

663. A person who lawfully marries before reaching the age of majority acquires full dispositive capacity on the date of the marriage.

664. This dispositive capacity is fully retained if the marriage is dissolved before the person reaches the age of 18.

665. The inadmissibility of restricting a citizen's legal or dispositive capacity is established in article 23 of the Code. No one's legal or dispositive capacity may be restricted except in the circumstances and under the procedure established by law. 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.

666. 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.

667. The law prohibits persons found by a court to lack dispositive capacity¹³ from being elected or to take part in the election of the President. Such a finding may be made only by decision of a court in the light of the opinion of a medical commission constituted by an oblast, district or city local authority. Appeals may be lodged with a higher court against such decisions.

668. Under the Criminal Code, physical persons of sound mind over 16 years of age at the time they commit an offence may be held liable.

669. 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.

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

671. Persons aged at least 13 at the time of their offence may be held liable, but only for the crime of aggravated homicide (art. 97, para. 2).

672. Persons aged at least 14 at the time of their offence may be held liable for the offences covered by articles 97 (para. 1), 98, 104-106, 118, 119, 137, 164-166, 169, 173 (paras. 2 and 3), 220, 222, 247, 252, 263, 267, 271 and 277 (paras. 2 and 3) of the Criminal Code.

¹³ A citizen who as a result of a mental illness or feeble-mindedness cannot understand the meaning of his actions or control them may be deemed by a court to lack dispositive capacity.

673. Persons aged at least 18 at the time of their offence may be held liable for the offences covered by articles 122, 123, 127, 144, 146, 193-195, 205-210, 225, 226, 230-232, 234, 235 and 279-302 of the Criminal Code.

674. 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.

Article 17. Personal privacy

675. Everyone in Uzbekistan has the right to protection against encroachments on his honour and dignity and disruption of his private life or the 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. Article 17 of the Constitution is intended to safeguard and protect personal non-property rights, the honour and dignity of the individual, private life and the inviolability of the home.

676. Article 100 of the Civil Code (Protection of honour, dignity and business reputation) stipulates that a citizen is entitled to ask a court to issue a refutation of information bringing into disrepute his honour, dignity or business reputation, unless the person who disseminated the information can show that it is true.

677. The Code of Administrative Liability contains a general rule on liability for disclosing information which may occasion material or moral harm to a citizen. Article 46 states that “violation of medical or commercial secrets, or the 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 or to the law, shall incur liability under established procedure”.

678. The law of criminal procedure contains legal rules setting out the grounds, the procedures and the documentation requirements relating to the seizure, inspection and confiscation of postal and telegraphic communications, and also the grounds and procedures for tapping telephones or intercepting communications sent by other technical means. Under article 166 of the Code of Criminal Procedure, a person carrying out an initial inquiry or other preliminary investigation or a 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 which has been committed or documents or items of significance in the proceedings. In such cases, the person carrying out the initial inquiry or other preliminary investigation makes the decision, which must be approved by a procurator, or the court issues an order. Under the law of criminal procedure, postal or 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 when necessary by an appropriate expert, and also the person conducting the inquiry or investigation. The weight of the evidence in a given case must provide justification for tapping telephones or intercepting communications sent by other technical means (art. 169). When time is of the essence, the person carrying out the inquiry or

investigation may decide to order such tapping or interception without approval by a procurator, but he must immediately notify a procurator of this decision in writing (art. 170).

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

680. Article 9 of the Housing Code introduces the notion of “living accommodation”: it is accommodation satisfying the official standards and the fire and technical regulations which is intended for permanent occupation by citizens or for use under established procedures as special accommodation (hostels, mobile homes, residential homes for persons with disabilities, veterans and very old persons living alone, children’s homes, etc.).

681. Article 10 of the Housing Code defines the types of living accommodation. This category includes houses, apartments in multi-occupancy buildings, and rooms and other living accommodation in other buildings intended for human occupancy.

682. According to article 158 of the Code of Criminal Procedure, officials conducting initial and other inquiries are empowered to carry out a search if they have sufficient grounds for suspecting that objects or documents of relevance to a case are to be found in a home or official, business or industrial premises or some other place or in the possession of an individual. Searches may also be carried out to find wanted persons or corpses. Searches and seizures may be ordered by officials conducting initial and other investigations or by a court; under such orders the search or seizure may be entrusted to an initial inquiry body or to an investigator.

683. The search or seizure order must indicate where and on whose property the operation is to be carried out and the objects or documents in question. Such operations are conducted by experts investigators, and specialist technicians and interpreters are called in when necessary. The person in whose property the operation is being conducted, or a member of his family of the age of majority, must be present. If no such person can be present, a representative of the local *khokimat* or a local authority is invited to attend. Search and seizure operations in premises occupied by enterprises, establishments or organizations or military units are carried out in the presence of representatives of these entities. Before the operation begins, the searcher, expert investigator or specialist technician must explain to these representatives their right to witness all the acts of the officials conducting initial and other enquiries and to make statements concerning these acts. Such statements are entered in the record.

684. The Criminal Code establishes criminal liability for intrusion into the homes of citizens (art. 142) and violation of the confidentiality of correspondence, telephone conversations, and telegraphic and other communications (art. 143).

685. A police operations bill is currently being drafted in order to safeguard the rights and freedoms pertaining to the liberty of the individual and the safety and interests of society and the State. This bill defines the notion of police operation and its purposes and governing principles.

It embodies the principle of respect for the rights and freedoms of the individual in police work and the right to appeal to a higher body, a procurator or the courts against acts and decisions of agencies and officials. The procuratorial agencies are responsible for supervising compliance with the law during police operations. In particular, these agencies are required to familiarize their personnel with the instruments regulating such operations which restrict the constitutional rights and freedoms of citizens in respect of the confidentiality of correspondence, telephone and other conversations, and postal, telegraphic and other messages transmitted by technical means, and of the right to inviolability of the home.

686. When a violation of the rights and freedoms of the individual occurs during a police operation, the agency carrying out the operation must take immediate action to correct the violation, make good the harm done and prosecute the persons responsible.

Article 18. Freedom of conscience

1. Right to freedom of thought, conscience and religion

687. Freedom of conscience is guaranteed to everyone in Uzbekistan. Everyone has the right to profess any religion or none. Article 31 of the Constitution prohibits the forcible imposition of religious views. The Freedom of Conscience and Religious Organizations Act of 1998 regulates social relations in the exercise of the right to freedom of conscience.

688. Uzbekistan currently has 16 religious faiths, some of them not traditional.

689. The Moslem religion – Islam – is of course, traditionally and historically, the biggest faith in numerical terms. In institutional terms the country currently has the Moslem Board of Uzbekistan, the *Kaziat* of Moslems of Karakalpakstan, the Tashkent Islamic Institute, 10 madrasas and 1,862 mosques, 90 per cent of which keep Friday as the sabbath day. The years of independence have seen the construction or restoration of such important central mosques as *Kalyan* in Bukhara, and *Sheikh Zainuddin* and *Khodzha Akhror* in Tashkent, which can accommodate from ten to thirty thousand worshippers.

690. The Moslem Board of Uzbekistan works to provide the people with all possible conditions for the unimpeded celebration of Islamic rites, to strengthen Moslem unity and solidarity, and to establish and develop mutually beneficial inter-faith relationships in Uzbekistan.

691. The Board has its own publications: the newspaper *Islom nuri* which comes out twice a month, and the monthly magazine *Khidoyat*. It has its own publishing house – *Maverannakhr*.

692. The adherents of Islam have every opportunity to observe the five pillars – the Moslem duty; in other words, believers are free to pray in the mosques, to give *zakat*, to fast in the month of Ramadan, and to make the pilgrimage, the *hajj*, to Saudi Arabia.

693. In 2005 a total of 2,354 persons made the *umrah* pilgrimage and 5,212 made the *hajj*; in 2006 the figures were 2,978 and 5,028 respectively, while in 2007 they were 4,075 and 5,088.

694. The freedom of religion guaranteed by the existing legislation means that every opportunity to satisfy their religious needs is accorded to all other citizens, who represent more

than 130 nationalities and ethnic groups, professing almost all the strains of Christianity as well as Buddhism, Baha'ism, Judaism and the teaching of Krishna.

695. Uzbekistan currently has 187 religious organizations and 16 different faiths, including Orthodox Christians, Catholics, Lutherans, Baptists, Full Gospel Evangelicals, Adventists and other Christian sects, as well as religious communities of Bukhari and European Jews, Baha'is and devotees of Krishna and Buddha.

696. Every year members of more than 120 of these religious communities make pilgrimages to the holy sites of their religion in Israel, Greece and Russia, enjoying all the privileges accorded to believers traveling abroad. Over the years of independence hundreds of churches, synagogues and houses of prayer have been built or restored. They include the Orthodox cathedrals in Tashkent, Samarkand and Navoi, the Catholic church in Tashkent, the Armenian Apostolic church in Samarkand, the Buddhist temple in Tashkent, and many others.

697. The Russian Orthodox Church is one of the largest religious faiths in Uzbekistan. Founded more than 125 years ago, the Orthodox Church in Uzbekistan now comprises more than 30 religious associations and three monasteries. More than 20 seminarians are being trained at the diocesan seminary. 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 Orthodox Church in Uzbekistan, church buildings in Tashkent, Samarkand and Chirchik were restored and a new building was constructed for the diocesan administration.

698. The Republic of Uzbekistan is a secular State. Religion and the State are separated, which means that the State does not interfere in the internal affairs of religious organizations and that religious organizations do not involve themselves in the affairs of the State. Religious law is not a source of law in Uzbekistan. The law prohibits the incitement of enmity and hatred against religious faiths.

699. Religious organizations are obliged to comply with the requirements of the legislation in force. Religion may not be used to disseminate propaganda against the State or the Constitution, incite enmity or hatred or rifts between nationalities, violate moral principles or civic harmony, disseminate slanderous or destabilizing fabrications, sow panic among the people, or commit other acts aimed against the State, society or individuals. Activities of religious organizations, movements, sects and other groupings which promote terrorism, drugs trafficking or organized crime or pursue other mercenary aims are prohibited.

700. Any attempts to bring pressure to bear on State or Government authorities or officials and any unlawful religious activity are suppressed by law.

2. Prohibition of coercion to adopt a religion

701. The State safeguards the freedom of religion. Article 145 of the Criminal 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".

702. Recruitment of minors to religious organizations and instructing them in religion against their will or against the will of their parents or persons acting as their parents, 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.

703. Religious activities which 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 honor 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 which 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.

704. Article 156 of the Criminal Code states that “acts calculated to wound national honor 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”.

705. According to article 202-1 of the Criminal Code, inducement to participate in the activities of voluntary associations and religious organizations, movements or sects which are banned in Uzbekistan incurs a fine of between five and 10 times the minimum wage, or administrative detention for up to 15 days.

706. The law prohibits unlawful religious activities. Article 240 of the Criminal Code (Breach of legislation on religious organizations) states that “the conduct of unlawful religious activity, the avoidance of registration of statutes by the leaders of religious organizations, the convening 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 five and 10 times the minimum wage or administrative detention for up to 15 days”.

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

708. The State protects the right of children to freedom of conscience. Article 241 of the Criminal Code provides that violation of the legislation governing religious instruction, the provision of religious instruction by persons without special religious training or without the authorization of the chief administrative body of a religious organization, or the provision of private religious instruction incurs a fine of between five and 10 times the minimum wage or administrative detention for up to 15 days.

709. Considerable attention is given to exercise of the right to freedom of conscience by convicted prisoners. A new article 12 (Exercise of freedom of conscience by prisoners) has been added to the Penal Enforcement Code. It stipulates that prisoners are guaranteed freedom of

conscience and have the right to profess any religion or none. Ministers of duly registered religious organizations may be invited to visit convicts serving sentences of rigorous imprisonment or deprivation of liberty, at the convicts' request. Prisoners are allowed to perform religious rites and to have religious objects and religious literature. The performance of religious rites is voluntary and it must not infringe the internal regulations of the establishment where the sentence is being served or encroach on the rights and legitimate interests of other persons.

710. The State encourages mutual tolerance and respect among citizens professing different religions or no religion and between the religious organizations of the various faiths and does not permit religious or other kinds of fanaticism and extremism or the incitement of enmity between faiths.

711. The establishment of any kind of privilege for or restriction on one religion or faith in relation to the others is prohibited.

712. The Committee on Religious Affairs of the Cabinet of Ministers is responsible for coordinating the relations between State agencies and religious organizations and for monitoring compliance with the legislation on the freedom of conscience and on religious organizations.

713. Religious organizations having central head offices are registered by the Ministry of Justice of Uzbekistan and other religious organizations are registered, as appropriate, by the Ministry of Justice of the Republic of Karakalpakstan or the oblast or Tashkent City justice offices, by arrangement with the Committee on Religious Affairs.

714. A religious organization may be refused registration if the provisions of its charter or other documents clash with the requirements of the applicable legislation.

715. It has become the practice in Uzbekistan to implement measures to ensure harmony among religions and faiths. For example, on 13 and 15 August 2007 there was a meeting of regional experts of the Islamic Educational, Scientific and Cultural Organization to debate "The role of official and non-governmental organizations in the dialogue and friendship among civilizations", on 14 and 15 August 2007 an international conference was held on "Uzbekistan's contribution to the development of Islamic civilization", and on 13 and 14 November 2007, there was an international conference on "Uzbekistan – the homeland of great thinkers of the Islamic world".

716. On 31 May 2007 representatives of the Moslem, Orthodox and Jewish communities took part in a seminar on "Uzbekistan's experience in the attainment of harmony among religions", held in London at the initiative of the international foundation Three Faiths Forum (United Kingdom).

Article 19. Freedom of thought and opinion

717. In Uzbekistan "everyone has the right to freedom of thought, speech and opinion. Everyone has the right to seek, receive and disseminate any information, except for information directed against the existing constitutional order or against the other organizations specified by

law. The freedom to hold and express opinions may be restricted by law only if a State or other secret is at stake” (Constitution, art. 29).

718. Freedom of speech means that everyone is free to express his opinions and views on all social and political matters and the life of the State, to comment on events and documents, to draw attention to shortcomings and improvements in the work of State agencies, to make proposals for improving their work, and to participate in the discussion of important issues.

719. The restrictions imposed by the State on the exercise of the right freely to express opinions (see general comment No. 2 of the Human Rights Committee) do not threaten the principle of this right as such.

720. Freedom of speech may not be used to damage the cause of peace or democracy or the interests of society or the State or to infringe the rights of other citizens; accordingly, propaganda for war, incitement of national or racial hatred, and the dissemination of slanderous fabrications are prohibited in Uzbekistan.

721. Freedom of speech is regulated by the Freedom of Information (Principles and Safeguards) Act, the Citizens’ Applications Act and the Mass Media Act.

722. The Freedom of Information (Principles and Safeguards) Act of 7 February 2003 develops article 29 of the Constitution by establishing the right of access to information and specifying the procedure and time frame for such access. Information may be withheld only when it is confidential, i.e. access to it is restricted by law, or when its disclosure may harm the rights and legitimate interests of individuals or the interests of society or the State.

723. The Citizens’ Applications Act of 12 December 2002 accords everyone the right to submit applications, proposals and complaints to State agencies. Such approaches may be made orally or in writing by individuals or groups. Every State agency makes arrangements for the reception of members of the public at convenient times, when any citizen may exercise the right to freedom of speech. Citizens are entitled to be informed about the status of the consideration of their applications, state their arguments in person, give explanations, study the documents used to verify the grounds of their applications, submit additional documents, and use the services of a lawyer or other representative.

724. The Mass Media Act of 15 January 2007 defines the notion of media freedom: it means that everyone has the right to speak through the media and openly express their opinions and beliefs, except when the law provides otherwise. The media are entitled to seek, receive and disseminate information and are responsible for the objectivity and accuracy of such information in accordance with the established procedures.

725. Article 6 of the Mass Media Act prohibits the use of the media in order to:

- Call for alteration by force of the existing constitutional order or territorial integrity of the Republic of Uzbekistan;
- Make propaganda for war, violence or terrorism or promote ideologies of religious extremism, separatism and fundamentalism;

- Publish information constituting a State secret or other secret protected by law;
- Disseminate information inciting national, racial, ethnic or religious enmity;
- Encourage the use of narcotic drugs, psychotropic substances or their precursors, except when the law provides otherwise;
- Promote pornography;
- Commit other acts triggering criminal or other liability under the law.

726. The media may not be used to besmirch the honor or dignity or business reputation of citizens or to interfere in their private lives.

727. The media may not publish the findings of an initial enquiry or pre-trial investigation without the written permission of the procurator or investigator concerned, prejudge the outcome of a specific case before the court makes its decision, or bring influence to bear on the court in any other way before its decision becomes enforceable.

728. Article 7 of the Mass Media Act prohibits the censorship of the news media in Uzbekistan. No one has the right to demand prior approval of published reports or other material or changes in their text or their outright removal from the press or other media.

729. Television and radio broadcasting is in the hands of State and non-State electronic media, including 50 TV studios, 13 radio stations and 36 cable-TV studios.

730. The country's largest broadcaster is the Television and Radio Corporation of Uzbekistan, which currently employs some 6,000 journalists and other creative and technical staff. It broadcasts on four television channels and four radio services, providing a daily average of 54 and 93.2 hours of programming respectively and covering up to 98 per cent of the country.

731. Where the news and information media are concerned, the necessary organizational, legal and technical framework has been established for the creation and development of community and other non-State institutions and organizations. There is, for example, the Creative Union of Journalists, the Writers' Union of Uzbekistan, the National Electronic Media Association, the Foundation for the Support and Development of the Electronic Media, and an array of other such bodies.

732. The profound changes taking place in this area are having a positive impact on the development of the national printed media, the volume of which has grown by a factor of two over the past 10 years. Today the country has 683 newspapers, 198 magazines, 55 publishing houses and four news agencies.

733. A voluntary fund for the support and development of independent printed media and news agencies was set up on the initiative of the Writers' Union and the Creative Union of Journalists. The following are the main purposes of this fund: to promote and support the efforts of the independent printed media and news agencies to provide broad reporting of the processes of democratization and the renewal of society and the reform and modernization of the country;

to strengthen the role and the significance of the media in the building of a strong civil society and defending human rights; to determine and report public opinion; and to enhance the public's legal and political awareness and its active participation in social and political affairs.

734. Parliament gives its attention to the work of the media. The Legislative Chamber of the Oliy Majlis is currently considering bills on television and radio broadcasting, public television, and cable broadcasting. Every year the Chamber's Committees on Democratic Institutions and Local Authorities and its Committee on Information and Communication Technology monitor compliance with the Mass Media Act and hold conferences and seminars on this topic.

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

736. Uzbekistan has some 30 private television stations and 10 private FM radio stations broadcasting in Uzbek, Russian and English. The number of Internet users grows every year. The Internet is becoming increasingly accessible to the Uzbek public. There are currently over 500,000 users.

737. The Foundation for the Support and Development of the Independent Printed Media and News Agencies, in conjunction with other interested bodies, created the *REGION INFORM* news service. This service has a trilingual news web site *REGION.UZ*, which is updated round the clock,¹⁴ and a weekly newspaper *REGION.UZ*, published in Uzbek.

738. This web site portrays a daily tape of news items about political and socio-economic life in the country's capital and regions. It is organized in the form of a multilayered array of various resources and services, which is updated in real time. The operational principle of this site is to provide users of various kinds with a current and prompt news service, to give the domestic and overseas audiences a prompt and objective account of events taking place in the country's political and socio-economic life, to compile and process news reports and distribute them among the country's regions, to create a unified news system by pooling the news-gathering resources of all the country's regions, and to create a single space for regional news. The site is updated every hour. More than 15 news reports are updated every day.

739. The weekly newspaper *REGION.UZ* is a printed version of the web site of the same name. It provides information about the latest and most important socio-economic and political events occurring in Uzbekistan.

Article 20. Prohibition of propaganda for war

1. Legislation prohibiting propaganda for war

740. Since the earliest years of its independence Uzbekistan has accorded priority to the generally recognized principles and rules of international law. Article 17 of the Constitution stipulates that Uzbekistan's foreign policy shall be based on the principles of the sovereign equality of States, non-use of force or the threat of force, inviolability of frontiers, peaceful settlement of disputes, and non-interference in the internal affairs of States, and on the other

¹⁴ Internet address: www.region.uz.

generally recognized principles and rules of international law. These provisions are developed further in article 57 of the Constitution, which bans the creation and operations of political parties and other voluntary associations which make propaganda for war.

741. The Criminal Code has a specific chapter (chapter VIII) on offences against the peace and security of humanity, which establishes criminal liability for such offences as propaganda for war (art. 150), aggression (art. 151), violation of the laws and customs of war (art. 152), genocide (art. 153), recruitment of mercenaries (art. 154), admission to and recruitment for military service and service in the security agencies, the police, military justice bodies or other similar bodies of foreign States (art. 154-1), terrorism (art. 155), and incitement of national, racial, ethnic or religious enmity (art. 156).

742. Making propaganda for war, i.e. the dissemination in any form of views, ideas or appeals with the aim of causing aggression by one party against another is punished by deprivation of liberty for five to 10 years (art. 150).

743. Uzbekistan's criminal investigation and judicial practice has not yet recorded any criminal prosecutions or convictions for making propaganda for war.

2. Inadmissibility of national, racial or religious hatred

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

Article 21. Right of peaceful assembly and grounds for its restriction

745. 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".

746. In order to allow exercise of this right, the State is required to ensure public order and safety, the exercise by citizens of their rights and pursuit of their legitimate interests, and undeviating compliance with the law.

747. The procedure for holding assemblies, meetings, street marches and demonstrations in Uzbekistan is described below.

748. An application for permission to hold a mass event must be submitted to the *khokimiat* (office of the *khokim*) least 10 days before the start of the event. The application must indicate the purpose, nature and place or route of the event, its starting and finishing times, the expected

number of participants, the full names of the official organizers, their home addresses and the addresses of their places of work or study, and the date of submission of the application.

749. Applications to hold such events may be made by representatives (aged at least 18 years) of labour collectives, enterprises, establishments or organizations, cooperatives and other communal associations, civil society organizations, and individual groups of citizens.

750. The *khokimiat* examines the application and notifies its decision to the organizers at least five days before the start of the event. It is entitled when necessary to propose to the applicants a different time and/or place for the event.

751. Appeals may be entered against such decisions with a higher executive or administrative body in accordance with the procedure established by law.

752. The *khokimiat* issues a written permit to hold the event indicated in the application.

753. Article 201 of the Administrative Liability Code establishes liability for failure to comply with the procedure for the organization and conduct of assemblies, meetings, street marches and demonstrations.

754. The organizers are held liable if they disregard a *khokimiat*'s decision to ban a mass event, if they infringe the conditions imposed, if they fail to apply to the *khokimiat* for permission to hold the event, if the purpose, nature, place, starting and finishing times, or expected number of participants stated in the application are incorrect, if the event disrupts public order and safety, if any of the participants carry weapons or any specially prepared or adapted objects capable of being used to endanger life or health, if any material damage is caused to State or civil society organizations or to members of the public, or if the organizers fail to comply with the lawful requirements of representatives of the authorities concerning termination of an unauthorized mass event.

755. Only persons taking part in the event may be subject to administrative liability for infringing the procedure for the conduct of assemblies, meetings, street marches and demonstrations.

756. Cases concerning the offences described in article 201 are heard by the administrative courts.

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

758. A worker has the right to choose the body which will consider his dispute with his employer.

Article 22. Freedom of association

759. Article 34 of the Constitution provides for the right to form trade unions, political parties and other civil society associations, and to take part in mass movements.

760. Non-profit NGOs are active in large areas of the life of society. The following are some of the areas in which NGOs have achieved most success and recognition:

- The fight to protect the environment and solve the country's many environmental problems and the efforts to provide the public with clean drinking water;
- The promotion of the most promising and modern programmes of education and training, including study of the experience of the world's leading and most highly developed countries in the sphere of higher and special education;
- The promotion of gender equality and legal and social educational work among women;
- The promotion of entrepreneurship among women and their active involvement in the world of business;
- The efforts to prevent domestic violence, especially violence against women and children;
- The provision of support for socially vulnerable population groups, including very old persons living alone, poor families and families with many children, and single mothers;
- The provision of support for persons with disabilities and encouragement of their full participation in the life of society, including by furnishing opportunities for education and permanent employment;
- Education of the public at large and young people in particular in reproductive health and reproductive behaviour, and the efforts to prevent HIV/AIDS and other sexually transmitted infections.

761. Uzbekistan has a number of legislative instruments regulating the activities of civil society associations. These instruments include the Constitution (art. 13), the Trade Unions (Rights and Safeguards) Act, the Voluntary Associations Act, the Political Parties Act and the Non-Profit NGOs Act.

762. The legal status (the rights and obligations) of NGOs was consolidated further in the Voluntary Foundations Act, the Charities Act, the Non-Profit NGOs (Safeguards) Act and other laws and regulations.

763. This legislation reinforces the principle of the voluntary status and equality of rights of members of such organizations and the basis of independence, legality and transparency on which civil society organizations, including political parties, are founded. The legislation includes certain restrictions designed to prevent the formation of organizations whose activities may harm society or individuals and to prevent interference by State agencies or their officials in the activities of civil society organizations. A civil society organization or political party may be disbanded for violating its statutes or the law only by court order.

764. December 2006 saw the adoption of the Non-Profit NGOs (Safeguards) Act. This Act applies to all NGOs irrespective of their organizational arrangements or legal status, including trade unions, political parties, religious organizations, etc. It reinforces the safeguards of the following NGO rights embodied in legislation: freedom of activity, access to information, and ownership of property (arts. 5 to 7). All the articles establishing safeguards of these rights state that they are protected by the State. One particular merit of the Act is that it provides for State support for NGOs by way of subsidies, grants and social procurement.

765. The Charities Act of 2 May 2007 defines the status of NGOs engaging in charitable work. A charitable organization is defined as a non-profit non-governmental organization founded to do charitable work for the benefit of society or individual categories of juridical and physical persons. It may take the form of a civil society organization, a voluntary foundation or any other form specified in the legislation (art. 6).

766. To date, the Ministry of Justice and its local subdivisions have registered 1,587 NGOs at the central level and 3,446 at the local level.

767. The Ministry has registered six civil society human rights organizations and NGOs, described below

768. The fundamental purpose of the Committee for the Defence of Human Rights (registered on 14 June 1996) is to defend and assert the principle of equality of rights for everyone in all spheres of human activity in Uzbekistan.

769. The Uzbekistan office of the international organization Human Rights Watch (registered on 18 March 2004) monitors compliance with and application of the human rights provisions of the Helsinki Agreements of 1975.

770. The Centre for the Study of Human Rights and Humanitarian Law (registered on 28 April 1997) disseminates ideas and information concerning the development of human rights and democracy and the provision of education in humanitarian matters for the public at large, with a view to application of the international rules, treaties and principles of the United Nations.

771. The Independent Human Rights Organization of Uzbekistan (registered on 4 March 2002) establishes the facts of human rights violations in the political, socio-economic, cultural and other spheres and with regard to nationalities and gives these facts wide publicity, as well as working to have such violations corrected.

772. The *Ezgulik* Human Rights Society of Uzbekistan (registered on 19 March 2003 and re-registered on 26 May 2006) defends the people's human rights, legitimate interests and civil rights and freedoms, as well as providing social services.

773. The Democracy and Human Rights Institute (registered on 19 November 2004) promotes the consolidation of human rights legislation, the enhancement of the public's legal awareness, and the participation of the people in the democratic changes.

774. Foreign nationals and stateless persons may found and take out membership in NGOs on an equal footing with nationals of Uzbekistan, except in the cases specified in the laws and international treaties of Uzbekistan.

775. Political parties are registered by the Ministry of Justice in accordance with the Political Parties Act, the Political Parties (Funding) Act and the other legislation applicable to NGOs.

776. A political party may not be registered if its statutes, aims, purposes or 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.

777. If a political party is refused registration, the Ministry of Justice must notify the refusal in writing to an authorized member of the party, indicating which legislative provision is contravened by the documents submitted. 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 fully into line with the Constitution and laws of Uzbekistan.

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

779. Uzbekistan currently has five active political parties.

780. The *Social Democratic Party of Uzbekistan "Adolat"* was constituted on 18 April 1995. This party currently has more than 59,000 members. It draws its membership from the middle and poorer strata of the population and endeavours to represent their political and social wishes and promote their social protection on the basis of the principles of social justice. It has 10 deputies in the Legislative Chamber of the Oliy Majlis.

781. The *Democratic Party of Uzbekistan "Milli Tiklanish"* was constituted on 3 June 1995. This party, which has over 75,000 members, is officially registered as a political force uniting the intelligentsia, property-owners and entrepreneurs, representatives of intellectual labour, creative workers, young people, scientists, lovers of independence, representatives of the countryside, persons advocating the interests of the people, and other population groups supporting the Party's activities.

782. It has 11 deputies in the Legislative Chamber.

783. The *Movement of Entrepreneurs and Businesspeople*, registered on 3 December 2003, has 149,000 members. It is a nation-wide political organization advancing and defending the interests of property-owners, small-scale entrepreneurs, farmers and small family farmers, highly skilled manufacturing workers and managerial personnel, and businesspeople. It has 41 deputies in the legislative Chamber.

784. The *National Democratic Party "Fidokorlar"* was formed on 28 December 1998. In view of the similarity of their ideology, "*Fidokorlar*" (The Selfless Ones) and "*Vatan Tarakkiyoti*" (Forward with the Fatherland) merged in 2000. The merged party has more than 71,000 members. It now represents primarily the interests of young people and entrepreneurs.

On the establishment of the two-chamber Parliament (2004-2005) 18 of its members became deputies in the Legislative Chamber.

785. The *People's Democratic Party of Uzbekistan*, founded on 1 November 1991, represents the left wing in the country's politics. It expresses the political wishes of a number of social strata and groups. On 1 January 2007 it had 343,800 members. Following the 2004 elections it formed a group in the Legislative Chamber with 28 deputies.

786. Trade unions have been active in Uzbekistan since 1925. The trade unions members the Federation of Trade Unions of Uzbekistan are voluntary self-governing non-profit organizations of persons bound together by common interests by virtue of the nature of their activity both in the production and in the non-production branches of the economy; their membership is made up of workers, part-time workers, temporarily unemployed workers, students, pensioners who do not work, and other categories of the population.

787. The Federation of Trade Unions has 14 affiliated trade unions from various branches of the economy, with a total of 6,394,669 members, as shown in the following table.

Table 32⁴³
Trade union membership, by branch of industry and as a proportion
of the total workforce, 2007

Trade union	Number of workers and students	Trade union members, as a proportion of total workers and students
Air transport	23 153	23 122 (99.8%)
Road, river and electrical transport and road maintenance	102 853	102 853 (100%)
Agro-industry	2 230 150	2 229 993 (99.99%)
State institutions and social services	269 580	268 561 (99.6%)
Railway and transport engineers	73 229	73 229 (100%)
Health workers	709 457	709 457 (100%)
Cultural workers	98 745	97 505 (98.7%)
Light industry, furniture industry and public utilities	212 909	212 909 (100%)
Metallurgy and mechanical engineering	120 371	116 820 (97%)
Education and science	1 882 051	1 882 051 (100%)
Communications	60 896	60 879 (99.9%)
Construction and building materials	75 206	73 064 (97.1%)
Fuel and energy, chemicals and	242 284	241 659 (99.7%)

geology		
Trade, consumers' cooperatives and private entrepreneurs	302 689	302 567 (99.9%)

⁴³ Data from the Federation of Trade Unions of Uzbekistan.

788. Trade union members account for 43.2 per cent of the total workforce of 14,791,900 persons.

789. Every year some three million workers receive under collective contracts the basic extended period of holidays, and some two million the additional period. Over 130,000 workers take training, further training and refresher courses at their employer's expense.

790. Practical steps have been taken to make the procedures of governmental consultation more democratic. Working groups are being set up as an effective means of securing consultative cooperation between agencies of the Executive and civil society organizations; representatives of civil society organizations are included in the consultative bodies of the agencies of the Executive; public commissions are established to monitor the implementation of targeted programmes; and discussions are being held on questions of the access of civil society NGOs to specific procedures connected with the use of budgetary resources.

791. Under the organizational and legal arrangements for the participation of civil society in State governance increasing importance is being attached in decision-making by the central authorities to the expert knowledge of members of the public concerning social issues. For example, environmental associations are entitled to nominate representatives to contribute to the production of official expert reports on the environment, to produce environmental assessments (which become legally binding following approval of their findings by the expert State bodies) and to call for the production of environmental assessments by the State.

792. The practice of producing independent expert reports on draft legislation in conjunction with civil society organizations has been gaining ground in the Oliy Majlis in recent years.

793. The National Centre for Human Rights is developing and extending its cooperation both with NGOs and with other civil society organizations. The Centre establishes and maintains close links with NGOs and other civil society groups directly or indirectly involved in promoting and protecting human rights and it furnishes them every kind of support in improving their skills in this field by:

- Organizing special seminars and training sessions for NGOs;
- Involving NGOs in human rights information measures for members of law-enforcement agencies;
- Involving NGOs in the monitoring of human rights legislation;

- Recruiting NGOs as executing agencies in national plans of action to implement the recommendations made by United Nations treaty bodies with respect to Uzbekistan's periodic reports on the fulfillment of its international human rights obligations;
- Obtaining from NGOs information about the exercise of human rights for inclusion in Uzbekistan's periodic human rights reports;
- Implementing joint information/education measures to improve the public's knowledge of human rights issues.

794. On 15 June 2007 the Centre held a conference on "Cooperation for human rights protection between the National Centre for Human Rights and NGOs", at which new forms of such cooperation were discussed.

795. The following NGOs make big contributions to the protection of human rights: the International Red Crescent, the Association for the Blind, the Association for the Deaf, the Association for the Disabled, the Federation of Trade Unions of Uzbekistan, the *Makhalla* charitable foundation, the international NGO Ecosan Services Foundation, the *Soglom Avlod Uchun* international foundation, the *Nuronni* foundation, the Centre for the Study of Human Rights and Humanitarian Law, the *Izhtimoi fikr* Centre for Public Opinion Studies, the Association of Judges of Uzbekistan, the *Tadbirkor ael* association of businesswomen, the National Bar Association, the Women's Committee of Uzbekistan, the Chamber of Trade and Industry of Uzbekistan, the Association of Women Jurists of Uzbekistan, the *Mekr* association of women's NGOs, the *Olima* women's union, the *Kamolot* youth movement, etc.

796. The Government of Uzbekistan provides assistance with 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.

Article 23. Social and legal family services and protection of the family

797. The family is the fundamental nucleus of society and enjoys the protection of the State.

798. In independent Uzbekistan the family is regarded as an autonomous structural element of the foundation of the emerging democratic civil society and it is called upon to perform socially important functions, primarily the production and upbringing of children and the care of the older generation.

799. The State does everything possible to strengthen the family as the core institution of civil society. Chapter 14 of the Constitution is devoted to the family and the regulation of family relations. The arrangements for applying its provisions are set out in the Family Code adopted in 1998.

800. Given the rights and autonomy of the family, the State is generally not entitled to intervene in a family's private life or in the relations between spouses, parents and children; furthermore, when such intervention is required, it must be kept within limits consistent with the rights and

interests of the members of the family and with the provisions of the Constitution and other legislation and national traditions.

801. Marriages are contracted in Uzbekistan in civil registry offices. The rights and duties of married couples come into effect from the day of the official registration of their union, which takes place in the presence of the couple one month after they submit their application to the registry office. In accordance with the centuries-old national tradition, after the proceedings in the registry office the couple may, at their own discretion, hold a religious ceremony and invite to it a representative of the clergy of their mosque.

802. Uzbekistan's demographic policy is designed to regulate births in order to enhance the health of mother and child. There is not the least hint here of birth control or reduction of the number of children in a family. It is merely a question of a culture of spacing births and allowing an appropriate interval between confinements. Each family decides for itself how many children to have. The State has no right to interfere in this area of family life. But it is entitled actively to help families to have the number of healthy children which they want by applying a scientifically sound demographic policy. Recent years have seen sharp changes in the reproductive habits of the native population, with a vigorous transition from families with many children to families with average numbers of children. According to research data for recent years, almost 40 per cent of families have three to four children, and every year the number of young couples wanting only one or two children increases.

803. The Family Code accords equal rights and duties to husband and wife. Each of the partners is free to choose his or her occupation or profession and place of stay and residence. Matters pertaining to family life are decided jointly by the spouses in accordance with the principle of their equality. During a marriage and in the event of its dissolution the rights and duties of the spouses and their property rights are regulated by the relevant articles of the Family Code. The incorporation in the Code of the right to conclude a marriage contract makes it possible for spouses independently to determine their property rights and obligations by agreement for the duration of the marriage and in the event of its dissolution.

804. Support for the family, mothers and children is the cornerstone of the State's policy. If a marriage is dissolved, the children's rights are protected by the law, primarily by the provisions of the Family Code. The Rights of the Child (Safeguards) Act entered into force in January 2008. It includes provisions on the following matters: protection of the rights, freedoms and legitimate interests of children; protection of their lives and health and their honour and dignity; guarantees of children's equality of rights and opportunities; improvement of the legal bases for safeguarding children's rights; compliance with the legislation on safeguards of children's rights; openness and transparency in the work of State bodies and officials involved in the realization and defence of children's rights, freedoms and legitimate interests; and promotion of children's physical, mental, spiritual and moral development.

805. The State accords and guarantees to all children the human rights and freedoms, including civil rights and freedoms, embodied in the Constitution and other legislation. Children born within and out of wedlock enjoy equal and comprehensive protection. All children have the right to live and grow up in a family, to know their parents, and to live with them and be cared for by them, except when this is against their interests. The rights of the children are not affected if the

parents divorce or their marriage is annulled or if they decide to live apart. Children are entitled to have a relationship with both their parents and with their grandparents, siblings and other relatives. They are entitled to maintain contacts with both their parents even if the parents live apart in different States.

806. Uzbekistan pursues a determined policy of providing State support for families and targeted social protection and social services for children, women, the elderly, pensioners, persons with disabilities and persons living alone. It has become the practice to adopt measures designed steadily to improve the people's incomes and living standards and increase the social support of families through the regular issuance of presidential decrees introducing increases in wages, pensions, bursaries and welfare allowances. Three such decrees were issued in 2007 alone (on 2 May, 10 June and 23 October); three were issued in 2006 (on 6 April, 9 June and 12 October) and two in 2005 (on 13 April and 14 September).

807. As part of the social support of families, steps are taken to boost employment, create new jobs and provide material benefits for young families.

808. Presidential Decision No. PP-459 on the programme of measures for 2007-2010 for the further strengthening of targeted social protection and social services for very old persons living alone, pensioners and persons with disabilities was adopted on 7 September 2006. This programme's aims include: the further strengthening of the system of social services for persons with disabilities and very old persons living alone; extension of the coverage of medical prevention and treatment services; improvement of the gerontological and geriatric assistance provided and of the living conditions of very old persons, pensioners and persons with disabilities; reinforcement of the resource base and facilities of the *Sakhovat* and *Muruvvat* homes and of sanatoriums; and incorporation of new forms, methods and technology in the provision of social services.

809. Presidential Decision No PP-573 on the State Programme for the Year of Social Protection was adopted on 23 January 2007, following the designation of 2007 as Year of Social Protection, with a view to implementation of an array of decisive measures for reinforcing and extending still further the scale of the social protection of the population, improving the targeting, specialization and effectiveness of the assistance furnished to needy population groups and to families, persons with disabilities and very old persons living alone, and preventing sharp polarization of incomes. Action has been taken under this programme to provide social protection, deliver the necessary material support for poor families, improve the incentives and remuneration of the personnel of the social services system, and reinforce the resource base and facilities of social protection institutions. Presidential Decree No. UP-3864 on measures for the further improvement and strengthening of the social protection system was issued on 19 March 2007.

810. Presidential Decree No. UP-3878 on additional measures for the material and moral support for young families was adopted on 18 May 2007 in order to strengthen still further the material and moral support of young families, furnish them with the necessary assistance as they start their working lives and become independent of their parents, and create effective incentives and other arrangements for providing them with stable sources of income and improving their housing and everyday living conditions.

811. Under this Decree, commercial banks made 50 billion sum available in 2007 to provide young families, on preferential terms, with mortgages, consumer loans and micro-loans for establishing small businesses and for other entrepreneurial purposes, for the construction, repair and purchase or rental of affordable accommodation, for reorganizing their housekeeping arrangements, and for purchasing furniture and other major consumer durables.

812. Presidential Decree No. UP-3706 of 5 January 2006 on measures to promote cooperation between large industrial enterprises and the provision of services through home-based work established the necessary conditions for boosting employment as the most important factor in increasing people's incomes and level of well-being and developing still further the infrastructure of the labour market, strengthening the social protection system, and promoting the role and increasing the responsibility of the country's labour and social protection agencies in the solution of these problems. Presidential Decision No. PP-616 of 6 April 2007 on measures to increase employment and improve the performance of the labour and social protection agencies was adopted in order to enhance the organizational arrangements and the work of these agencies. A programme of measures was devised under this Decision to boost employment and improve the performance of the labour and social protection agencies.

813. Presidential Decree No. UP-3921 on measures to improve the social support of pensioners was issued on 17 September 2007 with a view to the further implementation of the State's determined policy of achieving steady improvement of pensioners' incomes and welfare, comprehensive improvements in the care of the very old, increases in their pensions, and the gradual improvement of the pensions system.

814. The NGOs operating in Uzbekistan make an enormous contribution to the support of the family and socially vulnerable population groups. *Soglom Avlod Uchun* (For a Healthy Generation), for example, is today one of the country's leading non-profit charitable organizations, playing an active part in tackling social policy problems. Socially significant medical projects account for a predominant proportion of this organization's statutory activities. For 11 years now it has been running a programme of targeted medical and social assistance, which has been elevated to the status of State programme. The purpose of this programme is to produce regular and systematic studies of the medical and social situation of poor families and identify in good time the women and children in need of medical, social or psychological help or social or legal protection, and to furnish as much assistance as possible to these families, the kind of assistance which many of them are otherwise unable to receive because they live so far away from the district and oblast centres.

815. In the period 2005-2007 the foundation's mobile medical and social protection teams, with the support of local *khokimiats*, *makhalla* councils, women's committees and health institutions, conducted systematic studies of the mental and physical health of members of 123,628 families in 5,474 of the most remote villages and 7,313 *makhallas*. Medical treatment was provided for 713,384 persons, including 375,939 women, 217,564 children and 102,718 adolescents.

816. This programme has no rival in the CIS countries and has been highly praised by experts. Over the past five years alone over 350,000 United States dollars (budgetary allocations and the foundation's own resources) has been spent on the programme's implementation. The Karl Zeiss

and Daimler Chrysler companies and the *Ameri Kerz* charitable organization are executing partners.

817. The primary objective of the *Kamolot* youth movement is to unite the country's progressive youth and develop physically healthy and spiritually mature citizens of an independent Uzbekistan.

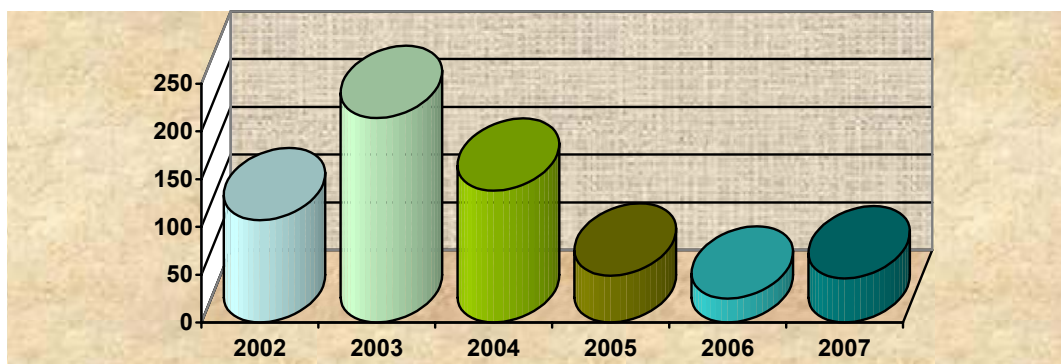
818. One of its main concerns is to create jobs for young people. Early in 2007, in conjunction with young entrepreneurs, it proposed an initiative for getting farms and small businesses under way. It set up 52 farms and businesses, creating 656 jobs in the process. The work of organizing a further 14 farms and businesses is currently being concluded.

819. In 2007 *Kamolot* organized a number of jobs fairs designed to find employment for young people. A total of 23,123 persons were give practical help over the year. In the second half of 2001 jobs were found for 25,026 unemployed young people, in 2002 – 14,512, in 2003 – 32,587, in 2004 – 35,815, in 2005 – 19,084, in the first half of 2006 – 11,054, and in 2007 – 23,132.

820. In the context of the implementation of the Presidential Decree of 18 May 2007 on additional measures for the material and moral support of young people, *Kamolot* units set up clubs under the banner “Young families: a psychological recommendation”. According to the nation-wide surveys carried out by these clubs with *Kamolot* support, 2,150 young families were granted mortgages totalling 1,818,104,900 sum, 2,282 obtained consumer credit totalling 1,079,749,799 sum, and 3,037 young entrepreneurs obtained micro-loans totalling 2,501,818,600 sum.

821. In 46 cases *Kamolot* units furnished assistance to young people hit by various misfortunes (for house repairs, purchase of building materials, etc.), for a total expenditure of 1,763,000 sum.

Table 32⁴⁴



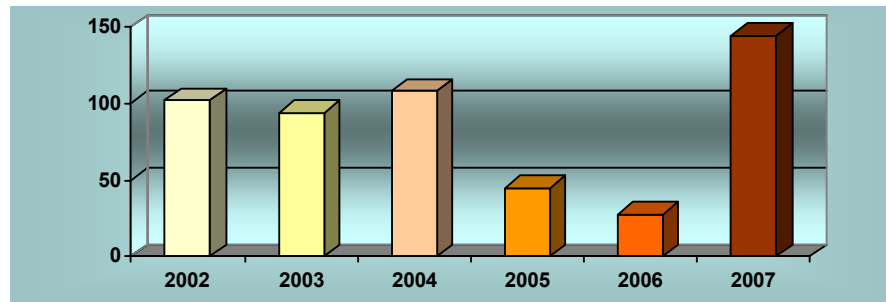
⁴⁴ Data from the *Kamolot* youth movement.

822. Assistance was provided to families hit by various misfortunes as follows: 2002 – 107; 2003 – 214; 2004 – 138; 2005 – 49; first half of 2006 - 25; and 2007 – 46.

823. A considerable effort has been invested to make it easier for young people to take up sports. For example, in order to make sporting activities more popular among young people, the

oblast and district (city) *Kamolot* units established 289 sports facilities, 145 of which are now operating with *Kamolot* support, for a total expenditure of 11,053,000 sum, and 145 facilities (15,103,000 sum) were established with the help of partners. Sports facilities were established directly by *Kamolot* units as follows: 2002 – 102; 2003 – 94; 2004 – 108; 2005 – 45; first half of 2006 – 28; and 2007 – 144.

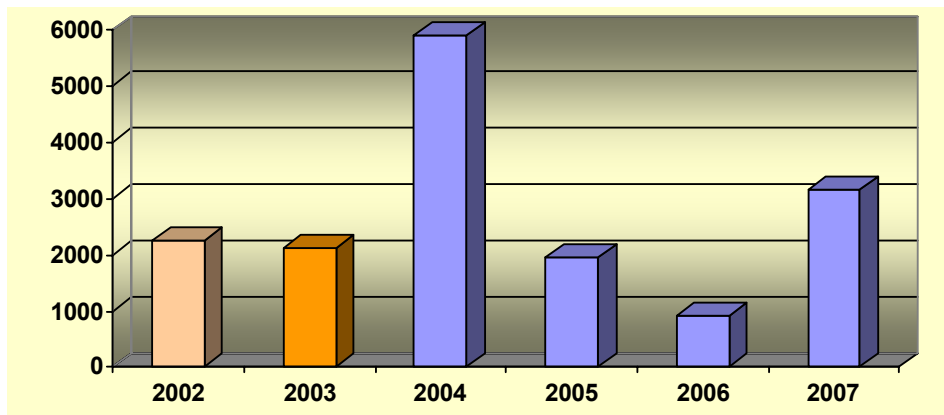
Table 33⁴⁵



⁴⁵ *Ibid.*

824. Table 34 below shows the number of cases in which organizational and financial assistance has been given to children from poor families, children with physical disabilities, and adolescents registered by the juvenile affairs commissions.

Table 34⁴⁶



⁴⁶ *Ibid.*

825. The figures are as follows: first half of 2001 – 1,570; 2002 – 2,243; 2003 – 2,108; 2004 – 5,877; 2005 – 1,948; first half of 2006 – 924; and 2007 – 14,670.

Article 24. Protection of children's rights and freedoms

826. Uzbekistan ratified the Convention on the Rights of the Child in 1992, a move which facilitated the formulation of State policy for the protection of children's rights; this policy is now the basis of the work of State agencies. It is scientifically sound, established by law and implemented with consistency, with the aim of creating effective machinery for the organizational and legal regulation of relationships resulting from the exercise and protection of children's rights. The priority concerns of Uzbekistan's policy are to establish the necessary legal and organizational bases for the exercise and protection of children's rights.

827. The problems of providing services for children are tackled by the State and society at several levels (legislation, programmes, execution, education), an arrangement which entails the creation of a number of concrete legal mechanisms.

828. Today, the rights of the child are addressed, together with other human rights, in the second section of the Constitution. This section sets out the human rights and freedoms and the political, economic and social rights of the individual, as well as the safeguards which ensure the exercise of all human rights, including the rights of the child. Article 45 of the Constitution singles out the rights of minors and the unemployed and of persons living alone and very old persons as priority areas for State protection.

829. In addition to being addressed in these provisions of the Constitution, the rights of the child are established in legal terms in the Youth Policy (Foundations) Act, the Education Act, the Citizenship Act, the Physical Culture and Sports Act, the Public Health (Protection) Act, the Local Authorities Act, the Organizations of Civil Society Act, the Office of the Procurator Act, and the Disabled Persons (Protection) Act, as well as in the Civil Code, the Family Code, the Labour Code, the Criminal Code and the Code of Criminal Procedure.

830. A specific Rights of the Child (Safeguards) Act was adopted on 7 January 2008. Provision had been made for this legislation in the National Plan of Action for application of the recommendations of the Committee on the Rights of the Child, adopted by the Government in 2001.

831. This Act incorporates the core principles and provisions of the Convention on the Rights of the Child and represents in fact a "Children's Constitution" embodying the whole array of children's rights contained in the Convention. The Act provides a basis and a framework for action, for it is not limited to a formal statement of all the rights of the child but posits specific action by the State and society to secure the exercise of these rights. It has helped to strengthen the legal status of children in society and to establish clear-cut arrangements for defending and guaranteeing their rights.

832. The above-mentioned legislation on the rights of the child is given effect in Uzbekistan primarily in programmatic form.

833. The State Programme for the Year of Health was adopted on 25 January 2005; it provides for the implementation of measures to protect mothers and children, enhance maternal and child health, improve reproductive health, promote a medical culture and a healthy lifestyle in the family, and ensure the delivery and raising of physically strong and mentally balanced children.

834. The year 2006 was declared the Year of Voluntary Associations and Health Workers. A State programme was adopted on assistance for persons with disabilities, the very elderly, and poor families and children, with the aim of implementing a range of measures designed to bolster and expand charitable activities and increase the support provided by non-profit organizations and businesses for socially vulnerable sectors of the population. This programme provides for the introduction of a whole range of measures to improve the situation of orphans, children with disabilities and children of poor families: material assistance has been furnished to help such children with their education and health and to teach them about cultural values.

835. The State Programme for the Year of Social Protection, adopted in 2007, also contains an array of legal and organizational measures for the protection of children's social and economic rights, and these measures have been carried out.

836. The strategy, priorities and goals of the development of children's human rights are set out in the National Programme of Action for 2007-2011 to Promote Children's Interests and Welfare, which was approved by the Government on 15 January 2007. In accordance with the recommendations of the Human Rights Committee, the principal measures for the implementation of this Programme include, not only the adoption of the Rights of the Child (Safeguards) Act but also the initiation of a debate on issues connected with the introduction of juvenile justice in Uzbekistan, the further improvement of the human rights legislation, and the establishment of the post of children's ombudsman.

837. The designation of 2008 as the Year of Youth is a further indication of the vital importance attached to the exercise and defence of children's rights.

838. The operational problems of the exercise and defence of children's rights are being addressed by both the central and the local bodies having responsibility for social protection, education, health and internal affairs, as well as by voluntary, charitable, youth and children's organizations. Uzbekistan has in fact established a system of agencies and organizations for the defence of children's rights in the shape of the legislative, executive and judicial authorities, the subdivisions of the Office of the Procurator-General, and the Bar, as well a large number of civil society bodies working to deliver children's rights.

839. The Cabinet of Ministers' Information and Analysis Department for matters of education, health and social protection is the body responsible for coordinating the efforts of the State agencies working on the implementation of the National Plan of Action and the recommendations of the Committee on the Rights of the Child.

840. The Commissioner for Human Rights (Ombudsman) is actively involved in the implementation of the National Plan; she considers reports from members of the public concerning violations of children's rights and monitors their observance in the country's regions.

841. The National Centre for Human Rights assists the State agencies responsible for implementing the various parts of the Plan by providing information on international child protection standards, holding training sessions (seminars, conferences) for government officials and representatives of NGOs and publishing international instruments and specialist literature on

the rights of the child in the national language and in other languages of the peoples living in the Republic of Uzbekistan.

842. Uzbekistan also has juvenile affairs commissions attached to district, city, oblast and Tashkent *khokimiats* and the Cabinets of Ministers of Uzbekistan and Karakalpakstan.

843. The time has come in Uzbekistan for acceptance of the necessity of establishing the post of ombudsman for children's rights entailed by the country's accession to the Convention on the Rights of the Child. This ombudsman would be responsible for monitoring the exercise of children's rights on a permanent basis and establishing the facts of the situation in this regard.

844. From the moment it acceded to the Convention, Uzbekistan has been carrying out extensive educational measures to make its provisions known to the public. This work has been continued in recent years. In 2004 an edition of 3,000 copies of the Convention was published in Uzbek, and in 2005 a further 2,000 copies were published in the Latin and Cyrillic scripts. Copies of the Convention were distributed in a number of higher education institutions, schools, colleges and lycées and donated to children's libraries. In addition, in 2006 UNICEF translated and issued the Inter-Parliamentary Union's publication *The Rights of the Child: a handbook for parliamentarians*. This handbook makes practical and methodological recommendations for members of parliament on ways to realize and defend children's rights both in the drafting of legislation and in the process of parliamentary supervision.

845. In 2008 the National Centre for Human Rights produced and published, with ILO support, a handbook for parliamentarians entitled *Elimination of the Worst Forms of Child Labour*, which provides practical guidance, in Russian and Uzbek, on the application of ILO Convention No. 182. The Centre also published in Uzbek a compilation of the core ILO conventions and recommendations, which describes the international standards on the exercise of labour rights.

846. In the years since independence Uzbekistan has established a system for reporting on the application of the Convention on the Rights of the Child.

847. In 1997 Uzbekistan submitted its initial periodic report on the application of the Convention.

848. At its forty-second session the Committee on the Rights of the Child considered Uzbekistan's second periodic report, with the participation of an Uzbek delegation, at two meetings on 19 May 2006.

849. The NGOs operating in Uzbekistan make a substantial contribution to the exercise of the rights of the child. The *Sen Yolg'iz Emassan* (You are not alone) National Children's Foundation was established on 22 November 2002 with non-governmental non-profit charitable status. Its main mission is to furnish comprehensive assistance for creating the conditions for children to lead decent lives and achieve their full development, to support family priorities and to ensure that the necessary action is taken to secure the protection of the best interests of children in acute need of support from society (orphans, parentless children, neglected children, children with disabilities, and children from poor families). On 5 and 6 May 2005 it held an international forum on "Effective ways and means of helping socially vulnerable children". The forum produced a final document which included recommendations on the methodological,

organizational, legal and ethical aspects of the social adaptation and protection of children from socially vulnerable groups (orphans, parentless children, children with special needs, children at social or legal risk, and children affected by natural disasters or terrorist activities); this document was transmitted to the secretariat for social affairs of the Cabinet of Ministers.

850. The international forum on “Reform of the system of social protection for children”, held on 15 and 16 November 2006, and the conference on “Prospects for the development of the system of social protection for children in Uzbekistan”, held on 29 and 30 November 2007, made contributions to the improvement of the coordination of the joint activities of all the bodies involved in the social protection of children carried on in the context of the main areas of the State’s social policy for improvement of the situation of children.

851. The consistency of the work done at the above-mentioned meetings led to the drafting of bills on safeguards of children’s rights (adopted on 7 January 2008) and on the adoption of minors and their family placement (foster care) (adopted in August 2007 in a revised wording), a decision on family-style children’s homes (adopted on 31 July 2007) and other legislation.

852. The National Children’s Foundation established a special psychological service, which provides concrete assistance to children lacking parental protection. It holds consultations and takes the necessary administrative steps to solve the major social problems of such children, represents their interests before State bodies and in the courts in respect of violation of the legislation on children lacking parental protection. The Foundation’s social service helped to obtain accommodation for 40 children released from *Mekhrisonlik* children’s homes, including the settlement in court of the question of the return of forfeited apartments to 19 inmates of children’s homes; it also restored the registration of 12 former inmates of *Mekhrisonlik* homes, found places in *Mekhrisonlik* homes for eight children in difficult circumstances, assisted six persons who applied for help with adoption and guardianship procedures, found jobs for more than 60 persons, restored the property rights of four inmates of *Mekhrisonlik* homes, helped to secure suspension of the parental rights of 58 unsatisfactory parents, and assisted 78 former inmates of *Mekhrisonlik* homes with their placement on the waiting lists for housing of district and city *khokimiats*.

853. The Foundation provided assistance for some 50 surgical operations and post-operative care both for inmates of *Mekhrisonlik* and *Malyutok* homes and for orphans from poor families who needed urgent medical treatment. Medicines costing about 500,000 sum were bought for the children, and drugs and medical equipment were acquired from a delivery of German humanitarian aid in a total amount of 46,190 euros for treating inmates of *Mekhrisonlik* homes studying in specialized boarding schools and for children undergoing treatment in specialized children’s hospitals.

854. The State’s policy of supporting such foundations as *Kamolot*, *Umid*, *Soglom Avlod Uchun* and the Foundation makes a significant contribution to the provision of new possibilities for the development and social protection of children and young people.

855. Great attention is given to improving human rights education in Uzbekistan. Under the project on the design and introduction of a special human rights course in law schools, a training seminar on this special course was held in 2008, with the support of the UNICEF office in

Uzbekistan, for teachers from the Tashkent State Institute of Law, the University of the World Economy and Diplomacy and the National University of Uzbekistan, together with a presentation of the “Rights of the child” handbook by representatives of UNICEF and the international expert, Judge Renata Winter. The seminar reached the following conclusions: the special human rights course should be taken in all educational establishments (schools, colleges, higher education institutions); the course should be introduced in law, teacher-training and medical schools and in journalism and psychology faculties; the course can be used to disseminate information about children’s rights to all strata of the population; special attention should be given to disseminating information about human rights among judiciary personnel and throughout the entire law-enforcement system; and knowledge of the Convention on the Rights of the Child should be a requirement for award of the certificate of specialist.

Article 25. Prohibition of discrimination in the exercise of political and civil rights

856. Article 18 of the Constitution states: “All citizens of the Republic of Uzbekistan have equal rights and freedoms and are equal before the law, irrespective of their sex, race, nationality, language, religion, social origin, opinion or personal or social status”.

857. Citizens of Uzbekistan have the right to take part in the management of the affairs of society and the State both directly and through their representatives. This participation takes the form of local self-government, voting in referendums, and the democratic constitution of the organs of State (Constitution, art. 32).

858. Citizens are involved in the management of the affairs of society and the State by way of their direct and individual participation in national referendums and in the election of members of the Legislative Chamber of the Oliy Majlis and members of the local councils of people’s deputies, as well as in the national debates on draft legislation.

859. The procedure for citizens’ participation in referendums is set out in the Referendums Act of 31 August 2001. This Act defines a referendum as a national ballot of citizens on the most important issues of the life of society and the State with a view to the adoption of laws and other decisions. In conjunction with elections, referendums are a direct expression of the will of the people; their outcomes are invested with the highest legal authority and may be altered only by another referendum

860. Every citizen of the Republic who is aged at least 18 on the date of the referendum is entitled to vote, including those citizens who are abroad. Only citizens found by a court to lack dispositive capacity and those serving court sentences of deprivation of liberty are not entitled to take part in referendums. It must be stressed that the initiative to call for a referendum rests with the citizens themselves, the Oliy Majlis, and the President of the Republic.

861. Article 12 of the Referendums Act sets out the procedure under which citizens may call for a referendum. This right may be exercised by a group of at least 100 citizens by collecting signatures in support of the referendum. If the signatures collected represent at least five per cent of the total number of citizens entitled to vote in referendums, and subject to their even and proportional distribution throughout all the country’s administrative subdivisions, then these citizens have the right to call for the referendum to be held.

862. On 27 January 2002 a total of 13,226,642 persons voted in a referendum in which the people came out in favour of the establishment of a two-chamber Parliament and the extension of the presidential term of office from five to seven years. This referendum provided the basis for the drafting of a number of legislative acts determining the status and functions of the Legislative Chamber and the Senate of the Oliy Majlis, the conduct of elections to the Legislative Chamber, and the constitution of the Senate.

863. The elections to the new two-chamber Parliament were held on 26 December 2004 in accordance with the new wording of the Oliy Majlis (Elections) Act and the principles of international electoral law: universality, equality, direct voting, openness and transparency, and secret ballot. A total of 14,302,662 persons (85.1%) voted in these parliamentary elections, expressing their support for 495 candidates standing for political parties and 54 candidates proposed directly by voters' action groups. The largest number of deputies (41 or 34.2%) was elected from the candidates of the Liberal Democratic Party; 28 (23.3%) were elected from the People's Democratic Party; 18 (15%) from the National Democratic Party *Fidokorlar*; 11 (9.17%) from the Democratic Party of Uzbekistan *Milli Tiklanish*; 10 (8.33%) from the Social democratic Party *Adolat*; and 12 (10%) from the candidates proposed by voters' action groups.

864. A total of 16,297,400 voters took part in the presidential election of 23 December 2007 (12,746,303 had voted in the election held on 9 January 2000). As in the parliamentary elections, citizens may propose candidates either directly or through political parties.

865. By decision of the Central Electoral Commission the following entities were allowed to take part in presidential elections: *Adolat*; *Fidokorlar*; *Milli Tiklanish*; the People's Democratic Party; the Entrepreneurs' and Businesspersons' Movement; the Liberal Democratic Party; and the voters' action group formed on 5 October 2007 in Tashkent.

866. One important stage in the election process was the collection of signatures in support of candidates for the presidency by the political parties and the voters' action group. Under the Presidential Elections Act, each candidate had to have collected about 815,000 voters' signatures (the signatures of at least five per cent of the electorate, drawn from at least eight administrative subdivisions). Accordingly, some four million voters were already involved at the signature-collection stage of the election – testimony to the high standards of democracy and the competitiveness of the election campaign.

867. On completion of the collection of voters' signatures, the political parties held their conferences (and the voters' action group held a meeting) to consider the question of the nomination of their presidential candidate.

868. In addition to the candidates nominated by the political parties, which are becoming increasingly firmly established in the country's political arena, a candidate nominated by a voters' action group stood for election as President for the first time. The first female candidate also stood for election – a result of Uzbekistan's policy of enhancing women's role in the management of society and the State.

869. Pursuant to the Constitution and the country's elections legislation, citizens of Uzbekistan who have reached the age of 18 and possess the right to vote may vote in presidential elections,

irrespective of their origin, social or property status, racial or national affiliation, sex, education, language, attitude to religion, or the type or nature of their occupation. Accordingly, over 16 million citizens are currently entitled to vote. The fact that 90.6 per cent of the total electorate on the electoral roll took part in the presidential election testifies to the people's high standard of legal and political culture and to their desire to be involved in the democratic changes taking place in Uzbekistan.

870. Another important form of civic participation in decision-making is the exercise by citizens of their right to take part in the nation-wide debates on draft legislation and their right to submit applications, complaints and proposals directly to State agencies at any level.

871. Under the Draft Legislation (National Debates) Act of 14 December 2000, participation in such debates is open to citizens, elected local authorities, political parties and other civil society associations. They are entitled not only to take part in the debates, which are conducted openly and transparently and are receptive to the free expression of citizens' views on the draft legislation in question, but also to submit their comments and proposals to Parliament, the Government and other agencies of the State, as well as to political parties, other civil society associations and the media. Citizens are also entitled to attend meetings with members of Parliament and representatives of the central executive and administrative authorities. Citizens really are able to exercise the right to take part in the discussion of draft legislation, for the legislation in question is published in the media.

872. There are no restrictions on the right of citizens to take part in the national debates on draft legislation, and no one may obstruct the exercise of this right. Furthermore, pursuant to the Adoption of Legislation Act of 14 December 2000, the body drafting the piece of legislation in question has an obligation to canvass public opinion about it. What is more, this body is empowered to entrust the production of alternative drafts not only to a number of other State bodies and technical institutions but also to individual citizens, and to hold competitions to find the best version. In order to examine and give effect to public opinion during the preparation of legislation, it has become the practice for every technical committee of the Legislative Chamber of the Oliy Majlis to set up independent commissions consisting of experts and representatives of the non-governmental sector.

873. It should be noted that the right of citizens to submit applications, complaints and proposals to State agencies at any level, under the Citizens' Applications Act, is a political right whose direct and active exercise helps to enhance the governance of the State and establish the reasons for and circumstances of violations of legislation, as well as encouraging the implementation of measures to improve the functioning of the apparatus of the State.

874. It must be stressed that action is being taken in Uzbekistan to establish and develop the legal bases of the civil service: the Office of the Procurator-General Act, the Courts Act, the Internal Revenue Service Act, and the Customs Service Act have been adopted, and work is proceeding on the drafting of a basic framework act on the civil service, which will define the legal status of civil servants and the criteria governing the recruitment of personnel and their placement in the service. Accessibility is one of the important principles of the civil service. According to the Labour Code, entry to the civil service is not subject to any restrictions involving personal discrimination. However, the selection of personnel to work, for example,

in the military, diplomatic or law-enforcement branches of the civil service is subject to special entry requirements (appropriate level of education, good health, absence of a criminal record).

875. Uzbekistan is currently witnessing a radical reform of its civil service designed not only to render the recruitment and placement procedures more democratic but also to enhance the professional qualifications of personnel and their capacity to find the best solutions to the problems which the central and local authorities have to tackle.

Article 26. Equality before the law

876. The Constitution and laws of Uzbekistan are based on the principle that all persons living within its territory are equal before the law and have equal rights and equal means of protecting their rights, freedoms and legitimate interests under the Constitution. Every provision of the Constitution is imbued with a sense of respect for all citizen and their rights and freedoms.

877. For example, article 4 of the Constitution states that the Republic of Uzbekistan shall ensure respect for the languages, customs and traditions of the nations and nationalities living in its territory and shall create the conditions for their development. Article 8 states that the people of Uzbekistan is constituted by its citizens, irrespective of their nationality, while according to article 12 public life in Uzbekistan proceeds on the basis of a plurality of political institutions, ideologies and opinions.

878. According to article 13, the ultimate value is the human being, human life, freedom, honour dignity and other inalienable rights. The State founds its activities on the principles of social justice and legality for the benefit of humankind (art. 14) without distinctions based on sex, race, nationality or any other criterion. Article 16 proclaims the fundamental principle of the inter-relationship between the State and the individual, a principle expressed in the following considerations: all the citizens of Uzbekistan have the same rights and freedoms and are equal before the law without any distinctions based on (a) sex, (b) race, (c) nationality, (d) language, (e) religion, (f) social origin, (g) opinions and (h) personal or social status. The grounds of discrimination prohibited by the Constitution are fully consistent with the list of grounds contained in article 26 of the International Covenant.

879. The principle of non-discrimination and equality before the law is reflected not in the Constitution alone but in other laws as well. For example, the prohibited grounds of discrimination are listed in article 6 of the Labour Code, article 5 of the Criminal Code, article 16 of the Code of Criminal Procedure, article 3 of the Oliy Majlis (Elections) Act and the Oblast, District and City Councils (Elections) Act, and article 11 of the Citizens' Applications Act. This latter article clearly prohibits any discrimination based on sex, race, nationality, language, religion, social origin, opinions, or personal or social status in the exercise by citizens of the right to lodge applications with the authorities.

880. Article 141 of the Criminal Code prescribes criminal liability for infringement of the equality of citizens:

“Direct or indirect infringement or restriction of the rights of citizens or the establishment of direct or indirect privileges for citizens by reason of their sex, race, nationality,

language, religion, social origin, opinions, or personal or social status shall be punishable by a fine of up to 50 times the minimum wage or suspension of a specific right for up to three years, or punitive deduction of earnings for up to two years; the same acts accompanied by violence shall be punishable by punitive deduction of earnings for up to three years or rigorous imprisonment for up to six months or deprivation of liberty for up to three years”.

881. It should be noted that, according to the international standards, special measures designed to accelerate the establishment of de facto equality between men and women or favourable and less stringent conditions for children are not regarded as discrimination.. The inclusion in the Labour Code of provisions concerning the performance by women of their maternity functions or the establishment of privileges for young students are regarded as positive discrimination.

882. Extensive educational work is done in Uzbekistan to prevent discrimination in all its manifestations.

883. For example, a seminar on “Training of national experts on the application, reporting and monitoring of the Convention on the Elimination of All Forms of Discrimination against Women” was held in Tashkent from 19 to 23 September 2005, with the participation of instructors in the Convention from Russia. The seminar was organized by: the National Centre for Human Rights; the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis; the Centre for Support of Civic Initiatives; the OSCE Centre in Tashkent; the Tashkent office of the Asian Development Bank; and the Embassy of Switzerland to Uzbekistan. The seminar’s programme included study sessions on the provisions of the Convention, the alignment of domestic legislation with these provisions, and the preparation of periodic and other reports. The seminar was attended by representatives of both State and non-governmental organizations.

884. On 16 November 2005 a round table was held at the University of the World Economy and Diplomacy under the project “Civic forum – tolerance in Uzbek society: from theory to practice”. This event was organized jointly by the National Coordinating Committee for the MOST programme of UNESCO, the UNESCO chair in human rights, democracy, tolerance and international understanding of the University of the World Economy and Diplomacy, the *Izhtimoi fikr* Centre for Public Opinion Studies, and the Friedrich Ebert Foundation.

885. A round table was held on 1 December 2006 on the topic “The Constitution of the Republic of Uzbekistan: the legal basis for tolerance among nationalities and religions”. This round table was dedicated to the International Day of Tolerance and also marked the tenth anniversary of the establishment of the National Centre for Human Rights and the role of the Constitution as the legal basis for tolerance among nationalities and religions in Uzbekistan.

886. A workshop-conference on “Our strength in unity” was held on 31 March 2007, organized by the International Cultural Centre of Uzbekistan, the Institute of Philosophy and Law of the Academy of Sciences, the Academy for State and Social Construction, and the Cabinet of Ministers’ Committee on Religious Affairs; another workshop-conference, on the topic “The constitutional foundations of harmony among nationalities in Uzbekistan”, was held on 6 December 2007 to mark the fifteenth anniversary of the adoption of the Constitution. This event was organized jointly by the National Centre for the Further Training of Legal Specialists and the International Cultural Centre.

*Article 27. Minority rights*¹⁵

887. One of the oldest traditions of the peoples of Central Asia, one based on humanitarian principles, is their good personal and inter-ethnic relations, which are rooted in time immemorial. On the basis of this rich ethno-cultural tradition of good-neighbourly relations, the Government of Uzbekistan works actively not only to rekindle this noble tradition but also to develop further the existing fruitful cooperation in all areas of national policy.

888. Uzbekistan ensures respect for the languages, customs and traditions of the nations and peoples living in its territory. According to article 18 of the Constitution, “all citizens of the Republic of Uzbekistan have equal rights and freedoms and are equal before the law, irrespective of their sex, race, nationality, language, religion, social origin, opinions, or personal or social status”. Every possible condition has been established to enable members of minorities to safeguard and develop their culture, traditions and customs, and the study of their language. Since the proclamation of Uzbekistan’s independence the members of its various nationalities have had greater opportunities to safeguard and develop their distinctive cultures.

889. All persons living permanently in Uzbekistan, whether or not nationals of the Republic, and all persons living temporarily in the country have the same rights, based on the universal principle that the ultimate value is the human being, human life, freedom, honour, dignity and other inalienable rights. These values are protected by the Constitution of Uzbekistan.

890. All citizens of Uzbekistan, irrespective of their national affinity, possess and are able to exercise:

- The right to equality before the law and all bodies dispensing justice: court proceedings are conducted in the Uzbek or Karakalpak language or in the majority local language; parties in the proceedings who are not fluent in the language in which the proceedings are being conducted have the right to use a language which they know or the services of an interpreter and to have the documents in the case translated into their mother tongue;
- The right to participate in decision-making on the business of the State, to stand for election to elective posts, and to hold posts in the service of the State in accordance with his or her abilities;
- The right to own property and living accommodation and to receive legacies;
- The right to freedom of thought, conscience and religion, the right of peaceful assembly and the right of association;
- The rights to education and vocational training, medical care, social security and social services;
- The right to take part in cultural life.

¹⁵ See the initial report of Uzbekistan on application of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/327/Add.1).

891. Members of more than 130 nationalities live in Uzbekistan. Not only do all these nationalities have the right to preserve their culture, language, traditions and ceremonies, but they may also manifest this right on the national festivals of *Navruz*, *Mustakillik*, etc.

Table 35
Permanent population of Uzbekistan, by nationality, as at 1 January 2007⁴⁸ 1

Total	26 663 825
Uzbek	21 542 348
Karakalpak	583 790
Russian	931 590
Ukrainian	86 854
Belarusian	20 851
Kazakh	879 551
Georgian	3 654
Azerbaijani	40 432
Lithuanian	1 156
Moldovan	4 888
Latvian	215
Kyrgyz	23 822
Tajik	1 306 875
Armenian	39 101
Turkmen	160 712
Estonian	566
Tatar	236 223
Jewish	10 643
German	4 861
Koreans	150 094
Others	421 099

⁴⁸ Data from the State Statistics Committee.

892. Education is provided in seven languages in Uzbekistan. In addition to Uzbek schools there are 697 schools using Russian as the language of instruction, 521 using Kazakh, 372 Karakalpak, 316 Tajik, 68 Kyrgyz, and 51 Turkmen. Furthermore, the following foreign languages are studied in schools: English, French, German, Spanish Arabic, Farsi, Hindi, Korean, Chinese, Urdu and Hebrew. There are also Sunday schools and other circles and classes, in which members of national diasporas may study their mother tongue.

893. In addition to the Uzbek press, there are newspapers and magazines published in Russian, Karakalpak, Kazakh, Tajik, Kyrgyz, Turkmen, Korean, English and other languages.

894. The multi-national Parliament – the Oliy Majlis – has representatives of all the major national diasporas. Uzbekistan’s business world has representatives of 86 nationalities.

895. There are currently about 150 national cultural centres in Uzbekistan; their chief function is to preserve and develop national cultures, traditions and customs, and to teach the native languages. Aside from their main activities, these centres also take an active part in the life of society. This includes the implementation of joint measures with other civil society organizations, the solution of internal problems of individual members of the centres, and the education of young people in a spirit of dedicated patriotism and internationalism.

896. In exercise of the equal rights and opportunities accorded by the Constitution and the laws of Uzbekistan, representatives of the various nations are fruitfully engaged in many areas of the economy, science and culture and make a worthy contribution to the prosperity of the Fatherland and the consolidation of its independence, the enhancement of its international standing, and the successful conduct of the reforms. And this contribution is appreciated by the country’s leaders and Government. Suffice it to say that citizens from various nationalities have been awarded the high honour of the designation “Hero of Uzbekistan”, while 13 have been honoured “For Outstanding Service”. Over the years of independence representatives of 24 nationalities have been commended in this way by the Government.

897. In accordance with the Constitution and the Freedom of Conscience and Religious Organizations Act of 1998, all religious faiths are accorded equal rights. Article 5 of the Act states that religion is separated from the State in Uzbekistan and that the establishment of any kind of privilege for or restriction on one religion in relation to the others is prohibited.

898. As the most multi-ethnic and multi-confessional country in the world, Uzbekistan speaks out against all manifestations of policies of racial discrimination based on principles of racial superiority or national affinity. Uzbekistan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and established a system of periodic reporting under the Convention.

899. The Committee on the Elimination of Racial Discrimination (CERD) considered Uzbekistan’s initial and second periodic reports¹⁶ at its 1,428th and 1,433rd meetings¹⁷ on 18 and 23 August 2000.

900. The Committee held its sixty-eighth session in Geneva from 20 February to 10 March 2006, at which it considered Uzbekistan’s third, fourth and fifth periodic reports on the application of the Convention.¹⁸

¹⁶ CERD/C/327/Add.1.

¹⁷ CERD/C/SR.1428 and 1433.

¹⁸ CERD/C/463/Add.2.

901. After considering these reports the Committee issued its concluding observations on the application of the Convention by Uzbekistan; these observations were discussed by the Interdepartmental Working Group on Human Rights with a view to formulating a further strategy for addressing the points raised, and a National Plan of Action was adopted in response to the Committee's concluding observations on the third, fourth and fifth periodic reports.
