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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

UZBEKISTAN

**Concluding observations of the Committee on Economic,
Social and Cultural Rights**

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Uzbekistan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.63) at its 38th to 40th meetings, held on 11 and 14 November 2005 (see E/C.12/2005/SR.38-40), and adopted, at its 58th meeting, held on 25 November 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party, which was prepared in general conformity with the Committee's guidelines. The Committee notes with appreciation the written replies to its list of issues.

3. The Committee welcomes the constructive dialogue with the delegation of the State party, but it regrets the absence of experts in some of the areas covered by the Covenant.

B. Positive aspects

4. The Committee welcomes the creation of the Parliamentary Ombudsman and of the National Human Rights Centre with competencies on economic, social and cultural rights.

5. The Committee welcomes the measures taken by the State party to promote equality between men and women, including the establishment of the Women's Committee of Uzbekistan and the setting-up of a minimum quota of 30 per cent for women candidates for Parliament elections.

6. The Committee welcomes the full and disaggregated information on the vaccination programmes carried out in the State party.

7. The Committee welcomes the adoption of the National Personnel Training Programme to improve the quality of education and the use of interactive methods of instruction in the learning process.

8. The Committee welcomes the information that public education in the State party is free and compulsory until the completion of secondary education and that it is conducted in seven languages.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee recognizes that the effects of the Aral Sea ecological catastrophe in the State party have posed obstacles to the enjoyment of economic, social and cultural rights by the population in the State party.

D. Principal subjects of concern

10. The Committee notes with regret that no information was provided on specific decisions of domestic courts where reference has been made to the provisions of the Covenant.

11. The Committee is concerned about the reported lack of independence of the judiciary in the State party.

12. The Committee notes with regret that the statistical data provided by the State party do not always allow for a clear evaluation of the progressive implementation of the economic, social and cultural rights enshrined in the Covenant.

13. The Committee is concerned that the State party has not adhered to the 1951 Convention relating to the Status of Refugees and its Optional Protocol (1967). The Committee is also concerned about the absence of a specific law for the protection of refugees, which may negatively affect the enjoyment of their economic, social and cultural rights.

14. The Committee is concerned that the compulsory residence registration system (*propiska*) limits access to a range of human rights, including economic, social and cultural rights, for individuals who wish to move to another district where they are not registered.

15. The Committee is concerned about the revival of traditional stereotypes in relation to the role of women in society and the reappearance of phenomena such as polygamy and forced marriages. It is also concerned about persistent gender inequalities in the State party, particularly in the fields of vocational training, employment, and low representation of women in public life and managerial posts, both in the public and private sectors.

16. The Committee is concerned that a large part of the working-age population is employed in the informal sector.
17. The Committee is concerned about the lack of gainful employment opportunities for low-skill rural inhabitants.
18. The Committee is concerned about the wage gap between women and men. The Committee regrets that no information was provided by the State party on the extent of the problem.
19. The Committee is concerned about the fact that the current minimum wage is insufficient to provide an adequate standard of living for workers and their families. The Committee is further concerned that the minimum wage is not always enforced in practice.
20. The Committee is concerned about the persistent reports on the situation of school-age children obliged to participate in the cotton harvest every year who, for that reason, do not attend school during this period.
21. The Committee is concerned about reports on the lack of independence among the trade unions in the State party. The Committee is also concerned that the State party's laws do not provide for the right to strike as a method of settlement of collective disputes.
22. The Committee is concerned that the low level of pensions and unemployment benefits do not provide for an adequate standard of living.
23. The Committee is concerned that social assistance is insufficiently targeted in the State party, given the considerable number of individuals and families living in poverty and the conditions of access to social assistance by particularly vulnerable groups (single mothers, disabled persons, and refugees). In this regard, the Committee takes note of the increasing powers of *Makhallas* (traditional citizens' organizations) in allocating social assistance.
24. The Committee is concerned about the persistence of domestic violence in the State party. The Committee is also concerned about the lack of specific legislation on domestic violence.
25. The Committee is concerned that trafficking in persons is increasing in the State party, that it has now become both a country of origin and destination, as well as a transit point for trafficking in persons. The Committee notes with regret that there is no legislation in the State party that criminalizes trafficking in persons. The Committee is also concerned about the lack of reliable information, including statistics, on the extent of the problem.
26. The Committee notes with regret the lack of information about forced evictions and the number of homeless persons in the State party. However, the Committee is aware of the persistent reports that evicted persons generally do not obtain adequate compensation for lost housing or alternative accommodation.
27. The Committee is deeply concerned that 28 per cent of the population - or about 6.7 million people - are living below the poverty line and are unable to meet their basic food needs, two thirds of whom live in rural areas.

28. The Committee is concerned about the degree of environmental degradation in the country, which has an extremely negative impact on the health of the whole population, in particular women and children.
29. The Committee is concerned that the transition from a free to a prepaid health system and the introduction of private insurance-based medical care in the State party may impact negatively on low-income groups and the rural population.
30. The Committee is concerned that the annual per capita spending on public health has been in decline despite the rise in GDP.
31. The Committee is concerned about the high incidence of malnutrition in the State party, in particular in Karakalpakstan.
32. The Committee is concerned about persistent reports that, in addition to being a country of transit, the State party is increasingly becoming a country of destination and consumption of illegal drugs, and that illicit preparation, storage and sale of narcotics have been on the rise since 1991.
33. The Committee is concerned that the incidence of HIV/AIDS is on the increase in the State party.
34. The Committee is concerned about the absence of adequate health care and the poor hygienic conditions in prisons that lead to frequent tuberculosis infections of detainees.
35. The Committee is concerned about the frequent use of confinement in psychiatric institutions in the State party, as a means of treatment of mental health problems, without review bodies, including courts, systematically reassessing confinement.

E. Suggestions and recommendations

36. The Committee draws the attention of the State party to its general comment No. 9 on the domestic application of the Covenant and invites the State party to include information concerning case law on the application of the Covenant in its next periodic report.
37. The Committee stresses the importance of an independent judiciary for the enjoyment of all human rights, including economic, social and cultural rights. The Committee strongly urges the State party to take all necessary measures to ensure the independence and integrity of the judiciary and the availability of effective remedies in cases of violation.
38. The Committee recommends that the State party consider establishing a national institution for human rights in accordance with the Paris Principles (General Assembly resolution 48/134, annex).
39. The Committee strongly recommends that the State party consider the possibility of becoming a party to the 1951 Convention relating to the Status of Refugees and its Optional Protocol (1967), given the large number of refugee persons and their families living in the State party.

40. The Committee encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

41. The Committee encourages the State party to take all measures necessary to ensure that all persons under its jurisdiction enjoy the economic, social and cultural rights enshrined in the Covenant without discrimination. The Committee further calls upon the State party to ensure that the compulsory residence registration system (*propiska*) does not infringe upon the enjoyment of economic, social and cultural rights.

42. The Committee recommends that the State party adopt specific anti-discrimination legislation and increase awareness about international anti-discrimination standards among judges and other members of the legal profession.

43. The Committee calls upon the State party to adopt a law on gender equality, and to take all effective measures, including through the use of media and education, to overcome the traditional stereotypes regarding the status of women in the public and private spheres and to ensure in practice equality between men and women in all fields of life, as provided for in article 2, paragraph 2, and article 3 of the Covenant. In this regard, the Committee draws the attention of the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights. The Committee also encourages the State party to provide the Women's Committee of Uzbekistan with adequate human and financial resources to effectively carry out its mandate.

44. The Committee requests the State party to provide, in its next periodic report, detailed information, including statistical data disaggregated by age, gender and ethnic group, on the progress made in the field of gender equality.

45. The Committee recommends that the State party take all necessary measures to reduce employment in the informal sector by adopting a National Employment Plan and strengthening programmes to reduce unemployment, targeting on a priority basis the most affected groups, including through the creation and stimulation of small and medium-sized enterprises, and the establishment of an obligatory quota for employment of disabled persons. The Committee requests the State party to provide detailed information in its next periodic report on progress made in the field of employment stimulation.

46. The Committee recommends that the State party consider ratifying the ILO Unemployment Convention No. 2.

47. The Committee encourages the State party to adopt effective measures to stimulate rural development, inter alia, through the ongoing agrarian reform, as well as by encouraging local employment initiatives and ecotourism, and ensuring special training and retraining measures.

48. The Committee encourages the State party to ensure that women and men enjoy equal access to all paid positions, and requests the State party to submit comparative statistical data on this issue in its next periodic report, in order to allow for an evaluation of progress of the measures undertaken.

49. The Committee encourages the State party to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is thoroughly enforced. The Committee further encourages the State party to establish an effective system of indexation and regular adjustment of the minimum wage to the cost of living.

50. The State party is urged to take all necessary measures to ensure the protection of minors against economic and social exploitation and to enable them to fully enjoy their right to education and an adequate standard of living. The Committee strongly recommends that the State party consider ratifying ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

51. The Committee recommends that the State party provide labour inspections with adequate human and financial resources, to enable them to effectively combat abuses of workers' rights.

52. The Committee encourages the State party to take measures to enable the development of independent trade unions that are better able to defend their members' interests. In this regard, the Committee strongly encourages the State party "to adopt national legislation on a procedure for settling collective labour disputes concerning the introduction of new, or the alteration of the existing, working conditions" (State party's report, para. 176).

53. The Committee recommends that the State party strengthen the role of pensions as a safety net for pensioners living alone and for those who have no other source of income, by increasing minimum State social insurance pension amounts. The Committee also recommends that the State party increase personal coverage of unemployment benefits. The State party is also encouraged to undertake periodic review of the amounts of both pensions and unemployment benefits to bring them in line with the cost of living.

54. The Committee calls upon the State party to ensure that targeted social assistance depending on family income is guaranteed to all disadvantaged and marginalized persons and families, and that such assistance does not fall below the subsistence level. It also requests the State party to ensure that those responsible for social assistance payments comply with criteria of equal treatment and transparency.

55. The Committee encourages the State party to adopt specific legislation on domestic violence, and to consider domestic violence as a criminal offence. The Committee further encourages the State party to promote information campaigns in order to increase public awareness, and to take all necessary measures to protect victims of domestic violence, including through sensitization of law-enforcement officials and the judiciary to the rights and needs of victims, and the establishment of counselling services and temporary shelters.

56. The Committee urges the State party to criminalize trafficking in persons, and to continue to take other measures to combat this phenomenon, including through sensitization of law-enforcement officials and the judiciary to the rights and needs of victims, and the provision of medical, psychological and legal support for victims. The Committee further requests the State party to provide, in its next periodic report, statistics disaggregated by age, gender, and ethnic group, on trafficking in persons.

57. The Committee urges the State party to take effective measures to provide all evicted persons with adequate compensation for lost housing or with alternative accommodation, in accordance with the guidelines adopted by the Committee and its general comment No. 7. The Committee also recommends that the State party take the necessary measures to guarantee the right to adequate housing to all persons residing under its jurisdiction and to address the problem of the lack of adequate social housing units in the most expedient manner possible. In this connection, the Committee draws the State party's attention to its general comment No. 4 on the right to adequate housing. The Committee further requests the State party to provide, in its next periodic report, detailed information on the number and nature of forced evictions and on the extent of homelessness in the State party. The Committee also requests the State party to provide, in its next periodic report, disaggregated data on persons on waiting lists for municipal social housing and information on progress made to improve the housing situation.

58. The Committee urges the State party to integrate economic, social and cultural rights into its poverty reduction strategy, and to allocate sufficient funds for its implementation. In this regard, the Committee draws the State party's attention to its statement on "Poverty and International Covenant on Economic, Social and Cultural Rights", and to continue to seek international technical assistance, as provided for in article 2, paragraph 1, and article 23, of the Covenant. In this connection, the Committee calls upon the State party to ensure that its international human rights obligations are taken fully into account when it enters into technical cooperation and other arrangements with international organizations.

59. The Committee urges the State party to continue its efforts to find a regional solution to the Aral Sea catastrophe, including through international technical cooperation, in line with the provisions of article 2, paragraph 1, of the Covenant, and to take all necessary measures to ensure that the population affected is given full possibility to enjoy economic, social and cultural rights under the Covenant, and in particular the right to health.

60. The Committee recommends that the State party take all necessary measures to ensure universal access to affordable primary health care and to provide the recently established village health-care centres with adequate equipment and human resources.

61. The Committee urges the State party to continue its efforts to improve its health services, including through the allocation of increased resources and measures to address the significant rural and urban disparities in health-care provision. The Committee requests the State party to include, in its second periodic report, information and comparative statistical data on how the recently adopted health laws and policies have been implemented and on the progress made, in particular in rural areas.

62. The Committee urges the State party to take all necessary measures to ensure access to essential food which is sufficient, nutritionally adequate and safe for everyone living in the State party, in particular in Karakalpakstan.

63. The Committee urges the State party to take effective measures to combat the inflow and consumption of illicit drugs and to provide adequate treatment and rehabilitation for drug users.

64. The Committee recommends that the State party take urgent measures to prevent and to combat the spread of HIV/AIDS. In this relation, the Committee draws the attention of the State party to its general comment No. 14 (2000) on the right to the highest attainable standards of health.

65. The Committee calls upon the State party to take measures to improve the hygienic conditions in prisons and to ensure that the right to health of all detainees in the State party is respected, in accordance with article 12 of the Covenant.

66. The Committee encourages the State party to provide alternative forms of mental health treatment, in particular, outpatient treatment. In cases where confinement in a psychiatric institution is the only alternative, the Committee calls upon the State party to ensure full respect for human rights of those interned, through a periodic review process on a case-by-case basis, and effective judicial control of psychiatric confinement.

67. The Committee encourages the State party to strengthen its efforts to provide education in the seven languages referred to in its report, including through the provision of an adequate number of schools that use those languages, and the development of adequate learning materials and the qualification of teachers in such schools.

68. The Committee requests the State party to disseminate widely the present concluding observations among all levels of society and, in particular, among State officials and the judiciary. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of its second periodic report.

69. The Committee notes the statement of the delegation that a Plan of Action will be adopted as a follow-up to the present concluding observations. In this regard, the State party is encouraged to provide detailed information on the implementation of that Plan and on its practical effects on the enjoyment of economic, social and cultural Rights in the State party, in particular by disadvantaged and marginalized groups.

70. The Committee requests the State party to include, in its second periodic report on the implementation of the Covenant, all available information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

71. The Committee requests the State party to submit its second periodic report before 30 June 2010.
