



Joint Submission of the UN Country Team of Uzbekistan, prepared on the occasion of the Fourth Universal Periodic Review (UPR) of Uzbekistan

March 2023

I. INTRODUCTION

1. This submission is a joint undertaking of the United Nations Country Team (UNCT) in Uzbekistan, covering the period between the end of 2018 and early 2023. It is not intended to be an exhaustive analysis of the current human rights situation in Uzbekistan. It highlights the main issues addressed by the UNCT and UN agencies, funds and programmes, in discharging their mandates and carrying out their activities in country.
2. The International Organization for Migration (IOM), the Joint UN Programme on HIV/AIDS (UNAIDS), the Office of the UN High Commissioner for Human Rights (OHCHR), the UN Children's Fund (UNICEF), the UN Development Programme (UNDP), the UN Educational, Scientific and Cultural Organization (UNESCO), the UN High Commissioner for Refugees (UNHCR), the UN Office of Counter-Terrorism (UNOCT), and the UN Population Fund (UNFPA) have contributed to this submission.

II. SCOPE OF INTERNATIONAL OBLIGATIONS AND COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS AND BODIES

Achievements/promising practices:

3. At the 2021 46th Session of the HRC, the President of Uzbekistan expressed the intent to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and invited the OHCHR to organize jointly the Global Forum on Human Rights Education. In June 2021, Uzbekistan ratified

the Convention on the Rights of Persons with Disabilities (CRPD).

4. In December 2022, the Global Forum on Human Rights Education was organized by the Government of Uzbekistan, with the support of OHCHR and the Uzbekistan UNCT. As a result, the Presidential Resolution on the adoption of the National Human Rights Education Programme in Uzbekistan was passed.
5. 2019 amendments to the Law on International Treaties of the Republic of Uzbekistan enshrined the principle that international treaties, along with generally recognized principles and norms of international law, are an integral part of the legal system of the Republic of Uzbekistan.

Main issues/gaps:

6. Despite a commitment to ratify OPCAT, Uzbekistan is not yet party to this instrument. The Government has not taken steps towards ratification of the third Optional Protocol to the Convention on the Rights of the Child (CRC) on a Communications Procedure. To date, Uzbekistan has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). In ratifying the CRPD, Uzbekistan made a reservation to Article 12, on equal recognition before the law.
7. During the previous 2018 UPR review, Uzbekistan supported recommendations to ratify the 1951 Refugee Convention, 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. However, Uzbekistan is not yet a party to these instruments.

Recommendations:

- Ratify or accede to remaining human rights instruments to which Uzbekistan is not a party, including OPCAT, the CMW, and the third CRC Optional Protocol; the two UN Statelessness Conventions, the Refugee Convention and its Protocol;
- Withdraw Uzbekistan's reservation to Article 12 of the CRPD.

III. NATIONAL HUMAN RIGHTS FRAMEWORK

Achievements/promising practices:

8. The National Human Rights Institution (NHRI) of Uzbekistan, the Institute of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights, has benefitted from UN technical support. In 2020, the NHRI was accredited by the Global Alliance of National Human Rights Institutions (GANHRI) with B status and provided with recommendations by GANHRI.

Main issues/gaps:

9. Gaps remain in ensuring the NHRI meets the UN Paris Principles. These relate in particular to NHRI independence, transparency in the appointment of the Head of Institution, the consideration of individual cases.
10. While Uzbekistan has accepted most of previous UPR recommendations and has been more active in inviting Special Procedures, several systemic factors hamper the implementation of human rights recommendations. These include institutional and capacity constraints, the lack of a clear definition of responsibilities, adequate budgetary allocations, and human rights indicators in the implementation of human rights policies.

Recommendations:

- Ensure full compliance of the NHRI with the UN Paris Principles, and the implementation of 2020 GANHRI recommendations;
- In implementing recommendations by human rights mechanisms, ensure the allocation of adequate financial resources, a clear definition of bodies responsible for their implementation, and the consistent use of human rights indicators to measure progress.

IV. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Equality and non-discrimination

Main issues/gaps:

11. The LGBTI community faces frequent discrimination. Intimidation, harassment, violence and stigma against LGBTI persons are prevalent. The persecution of human rights defenders promoting the rights of LGBTI persons is reported.
12. Consensual same-sex sexual conduct between men is criminalized and punished by up to three years of imprisonment.
13. While the 2021-2022 Multiple Indicator Cluster Survey (MICS) points to a high level of stigmatizing views towards people living with HIV including women, the country has not utilized the Stigma Index tool to obtain data on stigma and discrimination against people living with HIV.

Recommendations:

- Ensure full protection of the rights of LGBTI persons, including from harassment, intimidation, violence and stigma;
- As part of the current Criminal Code reform, decriminalize consensual same-sex conduct between men;

- Using best practices and in cooperation with the UN, conduct research, including using the Stigma Index, to obtain sex disaggregated data on stigma and discrimination against people living with HIV.

Human rights and counter-terrorism

Achievements/promising practices:

14. Uzbekistan conducted five operations called ‘Mehr’ to repatriate its citizens from Syria, Iraq (Mehr I, II, III, and V) and Afghanistan (Mehr IV). In total, between 2019 and 2021, Uzbekistan brought back 531 individuals (379 children, 121 women, 24 men, and 7 foreigners). In 2022, Uzbekistan adopted its second national action plan on the rehabilitation and reintegration of returned women and children.

Main issues/gaps:

15. The definition in criminal law of “extremism” remains overbroad, allowing for the potential prosecution of acts that may not amount to violent extremist activities.
16. Efforts by the authorities to systematically and centrally collect disaggregated data on individuals returned to Uzbekistan from Syria, Iraq and Afghanistan remain inadequate.

Recommendations:

- Ensure that the Uzbekistan legal framework on countering terrorism and violent extremism is fully reflective of international human rights standards, including in its definition of terrorist and extremist acts, which should only be criminalized when violent;
- Ensure that disaggregated data by sex and age on individuals returned to Uzbekistan from Syria, Iraq and Afghanistan is systematically and centrally collected, also with a view to ensuring the effectiveness of rehabilitation and reintegration measures.

Right to life, liberty and security of person

Achievements/promising practices:

17. In 2021, a Presidential Resolution on Additional Measures to Improve the System for Identifying and Preventing Torture Cases was adopted. Inter alia, it established public groups under the NHRI to identify and prevent torture cases.
18. In 2022, the OHCHR Regional Office for Central Asia, in cooperation with the Academy of the Office of the Prosecutor General, launched a Teacher’s Manual on the investigation and documentation of torture. Measures have been also introduced to reflect the prohibition of torture in training for law enforcement.

Main issues/gaps:

19. Torture and other ill-treatment are reported as widespread, in particular in custodial settings, with impunity for such violations prevalent. Pre-trial detention, widely applied in criminal cases in lieu of non-custodial measures, increases the vulnerability of suspects to torture and ill-treatment. There were media reports that, in some cases, death in custody occurred as a result of torture. Most recently, allegations of torture and other ill-treatment were made in connection with detentions during the 2022 Karakalpakstan protests, which resulted in the death of at least 18 people.
20. Impunity for torture and other ill-treatment is largely the result of a lack of effective investigations in the criminal justice system. The absence of an independent police complaint mechanism is another factor promoting impunity. Despite the strengthening in legislation of the NHRI anti-torture mechanism, lack of transparency in the appointment and composition of its anti-torture monitoring groups hamper its abilities in this area.

Recommendations:

- Ensure the prompt, thorough and impartial investigation of all allegations of torture and other ill-treatment, with a view to bringing the perpetrators to justice;
- Establish an independent police complaint mechanism, tasked with receiving and investigating allegations of police misconduct;
- Strengthen the anti-torture mechanism under the NHRI, and in particular its transparency and independence.

Administration of justice, including impunity, and the rule of law

Achievements/promising practices:

21. Rule of law and corruption indicators (eg the World Justice Project Rule of Law and Transparency International Corruption Perception indexes), while remaining low overall, have gradually improved in the past few years.ⁱ

Main issues/gaps:

22. Concerns on the full application of fair trial guarantees are reported in Uzbekistan, compounded by gaps in ensuring the full independence of the judiciary. For example, there have been reports of inadequate application of the principle of equality of arms in proceedings, and lack of access by suspects to defence lawyers of their own choosing. Restrictions to the public nature of trials (including lack of access to the courtroom for journalists and human rights defenders) are also reported.

23. Lack of human rights education and awareness of vulnerable populations, including people living in remote/rural areas, persons with disabilities, at-risk youth; limited access to affordable and effective remedies, including access to free legal aid, representation, and justice services are additional factors limiting access to justice. Their negative impact is compounded by reports of corruption in the justice system.

Recommendations:

- Ensure the full independence of the judiciary, protecting judges from any external pressure;
- Ensure that proceedings before courts in Uzbekistan meet international fair trial standards, inter alia guaranteeing the full application of the principle of equality of arms; the right to a public trial; and the defendant's prompt access to a lawyer of their choosing;
- Strengthen legal and institutional frameworks and build the capacity of justice system actors and the NHRI, to combat corruption and improve the provision of free legal aid and people-centred justice services.

Fundamental freedoms and the right to participate in public and political life

Achievements/promising practices:

24. Uzbekistan legislation recognizes freedom of and to access to information. A 1997 Law on the Protection of Professional Activities of a Journalist provides for protection measures for journalistic activities.
25. The Public Foundation for the Support and Development of National Mass Media is tasked with providing support in the realization of the rights of representatives of the media community in Uzbekistan.

Main issues/gaps:

26. Despite legal safeguards, media freedom remains significantly restricted. About 30 cases of harassment, intimidation and imprisonment of journalists and bloggers are reported. Online freedom of expression is restricted, including through internet blockages of media outlets and civil society organizations.
27. The authorities have developed a new draft Information Code combining eight existing media related laws, while also introducing new provisions which would further restrict freedom of expression. These include restrictions on the dissemination of information deemed to be "insulting". The draft Code was submitted for public consultation between 14 and 29 December 2022, an inadequate time for a complex text having a potentially significant impact on human rights. It is expected that the draft Code will be summarized and submitted to international organizations, including UNESCO, for their expert

opinion.

28. Undue restrictions on freedom of peaceful assembly are imposed by the authorities, including as evidenced by their response to the 2022 Karakalpakstan protests. A draft Law on Rallies, Meetings and Demonstrations, published for public consultation in 2019, was widely criticized for its failure to meet international human rights standards. Its further review and revision was halted.
29. Burdensome registration procedures and Government interference in NGO financing constrain the activities of NGOs and political parties. The Justice Ministry continues to deny registration to independent groups. New October 2019 and July 2022 Cabinet of Ministers resolutions introduce additional obstacles for NGOs receiving international grants to operate freely.
30. In March 2022, Uzbekistan adopted legislative changes criminalizing online criticism of the President. Despite pledges to decriminalize defamation, Article 139 of the Criminal Code criminalizes defamation which, in case of repeated offence, is punishable by a fine of up to fifty “monthly wages”, or correctional labor of up to two years.

Recommendations:

- Ensure that all journalists and bloggers can work, online and offline, free from intimidation and from judicial and other forms of harassment;
- Ensure that any new legislation affecting the enjoyment of freedom of expression and freedom of peaceful assembly, including the new Information Code and the new Law on Rallies, Meetings and Demonstrations, fully conforms to international human rights standards;
- Abolish burdensome registration procedures for NGOs, political parties, and other independent groups, ensuring they can register, fundraise and operate free of interference;
- Decriminalize defamation and incorporate it into civil law.

Prohibition of all forms of slavery

Achievements/promising practices:

31. Significant progress was achieved in combating forced labour. In 2021, the country was considered as having eliminated systemic forced and child labour during the cotton harvest.
32. A revised Law on Combating Human Trafficking in Human Beings was adopted in 2020, establishing procedures to identify and refer victims at the national level. Victims can now receive comprehensive support, including employment opportunities and material support. Based on this legislation, the Cabinet of Ministers adopted regulations for the

establishment of a national database on trafficking crimes/cases.

Main issues/gaps:

33. In many instances, the authorities do not follow a victim-centered approach in combating trafficking and a mechanism to protect victims of trafficking from criminal liability is lacking (particularly for loss of documents or illegal border crossing). In addition, the identification procedure remains complicated, excluding potential victims.

Recommendations:

- Ensure the sustainability of the progress achieved in eradicating forced labour, including by guaranteeing freedom of association for civil society organizations and trade unions advocating against forced labour;
- Amend legislation to ensure trafficking victims are not penalized for any unlawful acts traffickers compel them to commit;
- Ensure that all authorities working on trafficking receive training in conducting victim-centered investigations, simplifying the identification process of victims.

Rights to social security and to an adequate standard of living

Achievements/promising practices:

34. Uzbekistan has adopted the national monetary poverty line and published data on the population share below the poverty line for 2021 (17%) and 2022 (14%). Work is underway on the national definition of multidimensional poverty, including of families and children.
35. The 2022-2026 Uzbekistan Social Protection Strategy commits the Government to improve social protection. The strategy envisages: the expansion of social support to all families and individuals in need of assistance, in accordance with vulnerability criteria; a shift from a medical to a social model of disability assessment; the provision of social services at the mahalla (local community) level; the further digitalization of assessment/provision of social protection.
36. A Registry of Social Protection was launched in the Syrdarya region in 2019 and rolled out nationwide in July 2021. The system is designed to digitalize all processes related to social allowances to low-income families, increasing its transparency. The digitalization of the system also boosted the capacity of the Ministry of Finance to undertake payments, increasing the total number of beneficiaries to up to 2.4 million families, covering 4.4 million children and 26% of all families in Uzbekistan. Through the Registry, the authorities have also introduced monthly cash benefits to caregivers of children with disabilities, benefiting 55,541 caregivers. They also launched a partial compensation scheme of maternity benefits for private sector employers of women, who will no longer

have to financially cover maternity benefits in full.

Main issues/gaps:

37. While a national monetary poverty line has been defined, official disaggregated poverty data is not available and/or utilized for policy-making.
38. As part of the ongoing public administration reform, some social protection functions were consolidated under the Ministry of Employment and Poverty Reduction. However, related roles, responsibilities and functions remain unclearly defined, leading to fragmentation in the social protection system and its disconnect from employment policies. Lack of institutional coordination has also resulted in the development of various social protection digital platforms, not fully integrated.

Recommendations:

- Ensure the collection and publication of deprivation and poverty-related statistics, disaggregated geographically and by age, sex, disability, to be used for poverty reduction measures, including with a focus on child poverty;
- Strengthen overall interagency and other institutional coordination in the provision of social protection;
- Establish a single national database and system of social protection through the integration of existing digital and other platforms.

Right to health

Achievements/promising practices:

39. In 2018, Uzbekistan embarked on a comprehensive health reform under three pillars, primary health care, health financing, and digitalization. Uzbekistan's 2022-2026 Development Strategy commits the authorities to improve the accessibility and quality of health services.
40. With a specific focus on adolescents, the 2022-2026 National Multisector Adolescent Health and Wellbeing Strategy addresses inter alia mental health issues, the prevention of non-communicable diseases, sexual and reproductive health.
41. The commitment to expand sexual and reproductive education in and outside of schools and provide youth-friendly services was reconfirmed by the Government at the 2021 Generation Equality Forum.

Main issues/gaps:

42. Many of the reforms launched require substantial funding, while current health sector funding is assessed to be inadequate. Such concerns are compounded by the effect of health expenditures on poverty.ⁱⁱ
43. These problems are exacerbated by reports of widespread corruption in the health sector.ⁱⁱⁱ At the same time, fear of criminal prosecution of medical professionals for malpractice leads to the over-referral of patients to secondary and tertiary level health care, increasing the strain on an under-resourced system.
44. Despite Government commitment to provide sexual and reproductive health services, according to the national SDG database,^{iv} the coverage of women of fertile age with modern contraceptives decreased from 51% in 2018 to 46.9% in 2021. If it continues, this trend will negatively impact rural and vulnerable women, in particular.
45. Stigma and discrimination against people living with HIV is significant and the discriminatory criminalization of HIV transmission and the failure to respect the principle of voluntary testing remain problems. In addition to HIV transmission, the behaviours of key populations (sex workers, people who inject drugs, men who have sex with men - MSM) are criminalized and persecuted. Police raids are conducted against sex workers and MSM communities. As a result, members of key populations do not utilize available services provided by the national health system. The number of specialized and stigma-free services is limited, resulting in avoidance of testing and treatment services. Migrants departing Uzbekistan do not receive adequate information on HIV transmission, prevention, and care. Reports indicate that HIV rates have substantially increased among migrants, but there is no specific data available on Uzbek migrants living with HIV (abroad or post-return) and their needs.

Recommendations:

- Ensure the adequate funding of the public health sector, and expand universal health coverage, ensuring that an evidence-informed essential health package is developed, available for free to the public;
- Combat corruption in the health sector, ensuring integrity in health system governance and delivery of healthcare services;
- Ensure that the fear of prosecution for potential medical malpractice does not create incentives for the over-referral of patients to specialized healthcare services;
- Decriminalize HIV transmission and ensure that HIV testing is strictly voluntary, in all circumstances;
- Establish and promote mechanisms for HIV counselling and testing services to be available through a wide range of service delivery models and approaches tailored to the

epidemiological context, in order to reach all populations, especially those who are currently being underserved by existing services;

- Ensure the availability and accessibility of quality sexual and reproductive health services for all, including family planning counselling services and modern contraception, with tailored services to especially vulnerable groups including migrants.

Right to education

Achievements/promising practices:

46. The 2019 Law on Preschool Education and the 2019-2023 Education Sector Plan improved universal access to quality preschool education. A newly developed preschool curriculum is being implemented, based on Early Learning Development Standards. Preschool enrolment has increased from less than 30% in 2017 to over 69% in 2022, with close to 2 million children benefiting from preschool education in 2022-2023.
47. 2021-2022 gross enrolment rate for grades 1-11 was 98% and 97.5% for boys and girls, respectively. Investment in public education has reached over 21% of national budget expenditures in 2022, equivalent to 5.4% of the GDP, in line with SDG 4 recommended targets. In addition to expanded access, the improvement of quality education has been the focus of the Government of Uzbekistan, through the adoption of new laws on Education (2020) along with the 2019-2023 Education Sector Plan. Curricular and assessment reforms were also initiated in 2019, further introducing teacher professional development strategies and quality assurance mechanisms.
48. Further, the President announced in 2022 plans to introduce new reforms in the public education system, focusing on the quality of education through the recognition of teachers' role, the expansion of teacher professional development, the upgrading of school facilities (including ICT), and the development of new curricula. In January 2023, the newly established Ministry of Preschool and School Education launched the development of a Roadmap (Partnership Compact) coordinating efforts towards quality improvements in education.

Main issues/gaps:

49. The MICS UNICEF conducted in 2022 showed that there are persistent gender disparities in preschool attendance. Around 51% of the boys and 41% of the girls in the 3- and 4-year-old age groups were attending a preschool.
50. Gaps remain in ensuring inclusive education for all, in particular for children with disabilities who have no or limited opportunities to participate in inclusive education in mainstream schools. Historical trend data suggest that children with disabilities, girls and those from remote areas and marginalized groups are over-represented among out-of-school children. Children of Afghan nationals who fled to Uzbekistan following the fall of the Government are also reported to be overrepresented in this group.

51. Other factors limiting attendance, particularly for girls, are uncondusive learning environments (eg because of lack of electricity and inclusive infrastructure) and poor WASH facilities in schools. A 2020 UNICEF analysis revealed that the majority of schools (63%) do not have access to drinking water, while 22% of schools do not have functional toilets, particularly in rural areas.
52. The quality of preschool and school education requires further improvement, with the majority of preschool teachers and facilitators (over 80%) still not having relevant higher education qualifications and teachers of basic education lacking competencies required by new curriculum reforms. The results of Early Grade Reading Assessment and Early Grade Mathematics Assessment, conducted by the Ministry of Public Education and USAID were released in March 2022. They confirmed the findings of the 2019 UNICEF learning assessments, which showed students underperforming in language comprehension and in certain numeracy skills.

Recommendations:

- Increase investment in inclusive education as a major driver behind increased learning for both those with and without disabilities;
- Improve WASH infrastructure in schools, in particular in the most marginalized areas;
- Continue expanding the focus on quality education and the use of technology in education, including by improving internet connectivity in schools.

Women

Achievements/promising practices:

53. 2018 presidential decrees and two new 2019 laws (On Equal rights and Opportunities of Women and Men and On Protection of Women from Harassment and Violence) improved the gender equality framework. Protection orders and rehabilitation centers (including shelters) were introduced for victims of gender-based violence (GBV). In March 2023, draft legislation was passed by the lower chamber of Parliament which, if eventually adopted, would reportedly criminalize domestic violence.
54. Uzbekistan reconfirmed its commitments during the 2019 International Conference for Population and Development Nairobi Summit to achieve zero maternal deaths, zero unmet need for family planning, and no GBV by 2030. In addition, at the 2021 Generation Equality Forum, Uzbekistan committed to fund service providers for survivors of violence (shelters, hotlines) meetings the needs of women and girls with disabilities; to allocate at least 40 million USD per year for the implementation of the National Gender Strategy, and to ensure that research is conducted on the prevalence of all forms of GBV and discrimination.

Main issues/gaps:

55. Despite improvements in legislation, domestic violence, which is not yet criminalized as a separate offence, remains largely unaddressed in Uzbekistan. Gaps in GBV statistics, including on femicides (of which there were high profile cases reported in the media in the last two years), remain a concern.
56. MICS data indicate the prevalence of gender stereotypes and harmful social norms. 41% of women aged 15-49 years believe a husband is justified in beating his wife. While the Government has taken measures to stop forced marriages by equalising the legal age for marriages for women and men, 3% of women aged 20-24 were reported as having first married or entered a union before age 18.
57. Women and girls, especially those with disabilities, continue to be overrepresented among individuals not in employment, education or training (NEET).^v
58. Men comprise over 70% of Uzbek migrants. When they no longer send remittances or abandon their families, women and children they leave behind can be pushed into poverty. Divorced women rarely receive alimony or child support from their ex-husbands once they have migrated.

Recommendations:

- Improve systematic data collection and analysis on GBV, including in relation to femicides;
- Ensure that domestic violence is criminalized as a separate offence, and investigated and prosecuted accordingly;
- Ensure the allocation of adequate financial and human resources to ensure implementation of the laws On Equal rights and Opportunities of Women and Men and On Protection of Women from Harassment and Violence;
- In particular, ensure the provision of free legal aid to victims of violence and harassment, and other forms of gender-based discrimination, especially for women from minority or vulnerable groups (ethnic minority, lesbian women, women with disabilities);
- Enforce the prohibition of child marriage, including through campaigns and programmes to raise awareness of its harmful effects on children, and women and girls in particular;
- Monitor the gender gap in education and among NEET individuals, to address such disparities;
- Adopt comprehensive legislation and allocate sufficient financial resources to protect migrants' families' rights before, during, and after migration, including the rights of partners and other family members of migrant workers to social protection and to receive child support and alimony, as appropriate.

Children

Achievements/promising practices:

59. Changes in the Laws on the Guarantees of the Rights of the Child and on Applications from Legal and Physical Persons provide for the right of children to apply to state bodies in case of violation of their rights. In 2021 the minimum age of criminal responsibility for children was raised from 13 to 14 years.
60. In 2021, the Child Rights Ombudsperson was granted independent status. UNICEF provided technical assistance on the draft Law on the Child Rights Ombudsperson, which has been submitted to Parliament but not approved yet.
61. The Government has developed a Strategy and Roadmap on the Deinstitutionalization of the Childcare System for 2023-2030, which is expected to be approved in March 2023.
62. Positive steps were undertaken by the authorities on child protection, including a review of the domestic legal framework to ensure better compliance with international standards. The authorities are currently developing a Law on the Protection of Children from All Forms of Violence and have prepared inter-sectoral Standard Operating Procedures on Child Protection, whose final approval was pending as of February 2023.

Main issues/gaps:

63. Access to and analysis of reliable child-related data is limited, including for violence against children, children mental health, children in street situations, children with disabilities, children belonging to minority groups, children in employment, children deprived of liberty and children in the justice system. Civil society and mass media are constrained in their ability to independently monitor child rights in Uzbekistan.
64. Children's participation in policy-making is mostly limited to the direct interaction between children and parliamentarians, which does not result in the genuine inclusion of children's voices in public decision-making.
65. Diversion and restorative justice models are not available for children in conflict with the law. Criminal and civil justice systems are not specialized to respond to the age, needs, gender and specific circumstances of children in contact/conflict with the law.
66. The authorities have closed childcare institutions, including all 4 "children's towns", 13 out of 16 children's orphanages, and 2 out of 11 "baby homes". However, access to community-based social support services to children and families at risk of family separation remains poor. There exist two Republican Educational Correctional Schools (closed-type schools), which continue to receive boys and girls at risk. Placement of children in these institutions is not utilized as a measure of last resort. Street children are at times placed in closed education facilities for reasons such as absences from school, while comprehensive measures for their protection are lacking.

67. While the authorities have committed to prohibiting corporal punishment, including by accepting relevant UPR recommendations, such prohibition is still to be codified in the home and alternative care settings, as well as in day care and schools.
68. Millions of children are left behind either in the care of other family members or as heads-of-household when one or both of their parents migrate for work. Research shows that these children face a higher risk of psycho-social challenges and in some cases miss school or routine healthcare procedures.

Recommendations:

- Adopt a child rights framework in data collection, utilizing key child rights indicators and strengthening the data collection system on child rights;
- Establish and protect an enabling environment for civil society and mass media monitoring and reporting on child rights violations;
- Establish a regular platform for children's meaningful participation in policy-making, for example by creating a dedicated parliamentary committee for children;
- Adopt the Law on the Child Rights Ombudsperson;
- Bring national legislation concerning children in contact with the law in compliance with the CRC and other international instruments, ensuring that any proposed amendments to the domestic legal framework are fully compliant with relevant standards;
- Ensure the development and adoption of a comprehensive strategy and programme of action on children's access to justice by the end of 2023;
- Finalize and adopt by the end of 2023 a law on the protection of children from all forms of violence, which provides definitions of violence in line with international standards;
- Adopt the inter-sectoral Standard Operating Procedures on Child Protection; ensure that relevant ministries (Ministry of Preschool and Public Education, Ministry of Health, Ministry of Interior) adopt internal procedures on violence against children by the end of 2023;
- Adopt the 2023-2030 Strategy on the Deinstitutionalization of the Childcare System and ensure national oversight and allocation of adequate financial, human and technical resources for its implementation;
- Ensure the prohibition of all corporal punishment and other cruel or degrading forms of punishment, in the home and all other settings where adults have authority over children; these include alternative care settings, day care, and schools;

- Develop systems that allow migrant workers to legally formalize the care of their children in their absence and ensure that relevant agencies, social protection institutions, and schools have adequate training and resources to assist child-headed-households and children left behind by migrant parents.

Persons with disabilities

Achievements/promising practices:

69. Since the ratification of the CRPD, the authorities have launched a gradual process of transformation of social service delivery for persons with disabilities. The Law on the Rights of Persons with Disabilities that came into force in 2021 has introduced the term “person with disability”, in line with the CRPD.
70. In 2022, the authorities introduced measures to simplify access to disability determination procedures. As a result of recent reforms, caregivers are now paid the equivalent of some 50 USD monthly, as an additional benefit for caring for a child with a disability (in addition to disability allowances).

Main issues/gaps:

71. There continues to be a lack of data on persons with disabilities and the upcoming 2023 census does not include disability-related questions (Washington Group questions). Organizations of persons with disabilities are unable to fully and equally participate in policy-making, implementation, and monitoring and evaluation. Lack of access to quality services, lack of affordable social services, lack of physical and informational accessibility for all persons with disabilities remain problems, exacerbated by a lack of disability inclusive budgeting.
72. Needs assessment on the availability, quality, accessibility and relevance of community-based services for GBV victims who are women and girls with disabilities, which was conducted in the Tashkent, Fergana and Samarkand regions of Uzbekistan, as well as pilot training sessions on disability inclusive services to GBV survivors, revealed that the overall capacity, expertise and awareness of rights of persons with disabilities in particular in the area of GBV and inclusive service delivery on GBV is extremely low.

Recommendations:

- Ensure the collection of disaggregated data on the situation of persons with disabilities, including during the upcoming 2023 census and utilizing Washington Group questions as appropriate;
- Ensure that organizations of persons with disabilities fully and equally participate in policy-making, implementation, and monitoring and evaluation;

- Carry out a full review of national legislation to assess and ensure its compliance with the CRPD, providing for inclusive social protection, employment and education policies and for community-based services to prevent institutionalization;
- Ensure the transition from a medical to a social model in disability determination and assessment;
- Improve accessibility and affordability of social services for persons with disabilities;
- Ensure the provision of disability inclusive services to GBV survivors.

Migrants, refugees and asylum seekers

Main issues/gaps:

73. Uzbekistan is not yet party to the 1951 Convention on the Status of Refugees or its 1967 Protocol and lacks a national framework and legislation on asylum. A 2017 Presidential Decree approved Regulations on the Procedure for Granting Political Asylum. However, the UN has never received a report of a successful asylum application under this Decree. Asylum seekers and refugees have temporary visitor status in Uzbekistan and fall under visa regimes that do not reflect their asylum status. Asylum seekers do not have access to registration, documentation and asylum-related legal status, limiting their access to rights and potentially forcing some to migrate irregularly to third countries. There are no effective safeguards protecting against possible refoulement.
74. Since August 2021, the Government of Uzbekistan has restricted movements from Afghanistan and no longer issues tourist visas. Thousands of Afghan citizens on short term visas remained in Uzbekistan following the fall of the Afghan Government. Today, many Afghan nationals in Uzbekistan have sought urgent assistance from the UN, reporting increasingly dire economic conditions linked to their legal status. The financial burden associated with visa renewals make access to humane and dignified shelter, adequate nutrition, education, and health services difficult or impossible for many. Decisions on visa extensions often appear ad hoc, opening opportunities for corruption and abuse.
75. While the UN is not aware of any forced returns to Afghanistan resulting from expired visa, individuals who failed to renew their visa report that they face threats from the police. They must also pay a substantial penalty for an exit visa. Moreover, it is nearly impossible for them to find housing, as landlords face heavy fines for renting to individuals without legal documentation.
76. With time, an increasing number of Afghans in Uzbekistan have welcomed newborns. While these children receive birth certificates, it is impossible for them to obtain a passport, leading to complications for international travel for resettlement or even return.

77. In August 2021, Uzbekistan returned 150 Afghan people to Afghanistan, based on an agreement with the Taliban de facto authorities. Uzbek Government officials stated that the return was voluntary and facilitated by both sides. However, UN organizations did not have access to returnees and could not verify the voluntary character of the return.
78. Uzbekistan hosts six mandate refugees who were individually recognized under UNHCR's mandate prior to the organization's departure from the country in 2006, all from Afghanistan. Due to their prolonged stay and strong links with the country, they are well accustomed to the local environment but do not hold any asylum-related status in Uzbekistan. As a result, they do not have access to many civil, social and economic rights.
79. Poverty, inadequate opportunities for decent work, environmental degradation, and low wages compel millions of Uzbek citizens to migrate abroad for work each year. To date, Uzbekistan has not ratified the CMW or developed comprehensive legislation outlining protections for migrant workers.
80. The Government has prohibited UN Agencies from collecting data on migrants or refugees and from providing direct assistance to Afghans. The Government has not released data on refugees/asylum seekers. In this context, it is impossible to articulate the specific needs of especially vulnerable refugees/asylum seekers (women, children-headed households, LGBTI refugees).
81. New 2022 regulations imposing burdensome administrative procedures on NGOs receiving foreign funding, including from the UN, limit the involvement of qualified NGOs in the provision of social and legal assistance to refugees and migrants.

Recommendations:

- Adopt national legislation on refugee protection, procedures for asylum applications and the integration of refugees, in line with Convention/Protocol standards;
- As an interim measure until an adequate national asylum system is established, ensure implementation of the existing Presidential Decree on Political Asylum to register and document persons seeking protection as asylum-seekers, inter alia to enable Afghan citizens already in the country to legalize their stay, access essential rights and services, protecting them from possible refoulement;
- Provide six mandate refugees with access to naturalization;
- Adopt comprehensive legislation and allocate sufficient financial resources to protect migrants' and their families' rights before, during, and after migration;
- Enhance international coordination and cooperation, including through the conclusion of international agreements, with a view to ensuring better protection of migrants from Uzbekistan in third countries;

- Ensuring the safety and wellbeing of asylum seekers, refugees and migrants, and with due regard for their privacy, collect and publish disaggregated data and statistics and allow for independent data collection on asylum seekers, refugees and migrants;
- Establish and protect an enabling environment for civil society providing social and legal assistance to refugees and migrants, including by abolishing burdensome administrative procedures on NGOs receiving foreign funding.

Stateless persons

Achievements/promising practices:

82. A new Citizenship Law was adopted in March 2020, and amended in 2021, conferring citizenship to stateless people (and their children), who were granted permanent residence in Uzbekistan before 1 January 2005. In the last two years, over 41,000 stateless or undocumented persons received Uzbek nationality. The new law also includes other provisions to prevent statelessness and, for the first time, simplifies naturalization.
83. The Regulations of Civil Acts Registration was amended in 2018 to ensure universal birth registration, including of children born to undocumented parents, reducing the risk of childhood statelessness. In mid-2019, the Government completed a countrywide mapping that identified instances of unregistered births, marriages and deaths. As a result, more than 14,000 children were issued birth certificates.

Main issues/gaps:

84. As of January 2023, the Government reported 27,389 stateless people in Uzbekistan. UNHCR believes that the extent of statelessness is much greater in Uzbekistan, particularly given the lack of comprehensive safeguards to prevent statelessness in legislation.
85. Despite improvements, the Citizenship Law does not contain adequate safeguards to prevent statelessness, including in provisions on loss of citizenship. Residence abroad and non-registration at the Uzbek diplomatic representation for a period of seven years may result in loss of citizenship.
86. Uzbekistan has no dedicated procedure to determine statelessness.

Recommendations:

- Seek UN technical assistance in the development and implementation of a national legislative framework to ensure safeguards against statelessness;
- Establish a statelessness determination procedure in line with international standards.

ANNEX - List of submitting UN entities

International Organization for Migration (IOM)

Joint UN Programme on HIV/AIDS (UNAIDS)

Office of the UN High Commissioner for Human Rights (OHCHR)

UN Children's Fund (UNICEF)

UN Development Programme (UNDP)

UN Educational, Scientific and Cultural Organization (UNESCO)

UN High Commissioner for Refugees (UNHCR)

UN Office of Counter-Terrorism (UNOCT)

UN Population Fund (UNFPA)

ENDNOTES

ⁱ Available at: worldjusticeproject.org/rule-of-law-index/global/2022; transparency.org/en/cpi/2022

ⁱⁱ 2022 World Bank estimates indicate that nearly 14.4% of households in Uzbekistan incurred in catastrophic health expenditures. See: documents1.worldbank.org/curated/en/933471650320792872/pdf/Toward-a-Prosperous-and-Inclusive-Future-The-Second-Systematic-Country-Diagnostic-for-Uzbekistan.pdf

ⁱⁱⁱ Identified as one of the most corrupt government bodies by the National Anti-Corruption Council, the specially authorized government agency responsible for the formation and implementation of state policy in the field of preventing and combating corruption. See: anticorruption.uz/ru

^{iv} See: nsdg.stat.uz/en/goal/6

^v The NEET rate for young women increases rapidly once they are above 18 years of age and complete compulsory secondary education (from 1.7% to 69%). See: UNICEF (2020) *Youth of Uzbekistan: Challenges and Prospects*, available at: www.unicef.org/uzbekistan/en/youth-report