

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 30th Session

UZBEKISTAN

I. BACKGROUND INFORMATION

Uzbekistan remains the only country in Central Asia and the Commonwealth of Independent States (CIS) that is not a signatory to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). Furthermore, there is no national legislation, structure or mechanism in place to deal with asylum-seekers and refugees. Asylum-seekers and refugees in the country are therefore considered to be migrants, regulated by migration legislation.

Whilst Uzbekistan hosts a large number of stateless persons, it is not a party to the *1954 Convention relating to the Status of Stateless Persons* (the "*1954 Convention*") nor the *1961 Convention on the Reduction of Statelessness* (the "*1961 Convention*"). The relevant national legal and administrative framework has serious gaps in terms of prevention and reduction of statelessness.

UNHCR began providing humanitarian assistance to refugees in Uzbekistan in 1993, opening an office in response to the 1992-93 civil war in Tajikistan and conflicts in northern Afghanistan. In 1994, UNHCR undertook registration and refugee status determination (RSD) for persons in need of international protection, facilitated voluntary repatriation of refugees from Tajikistan and Afghanistan, and assisted resettlement of most of the remaining refugees, mainly from Afghanistan, to third countries.

Since its departure from the country in April 2006, UNHCR has continued its humanitarian activities based on the agreement between the Government of Uzbekistan and the UN Office through the United Nations Development Programme's Refugee Support Unit ("UNDP/RSU") in close cooperation with the UNHCR Regional Office in Almaty, Kazakhstan.

Refugees

There are 27 refugees in Uzbekistan as of 31 May 2017, all of whom were individually recognized under UNHCR's mandate prior to the organization's departure from the country in 2006. All are from Afghanistan except for two, who are from Azerbaijan. Since 2012, when there were 125 registered refugees, the majority have been resettled to third countries with UNHCR facilitation or have found a way to regularize their situation in Uzbekistan. The remaining refugee population are those who have not been accepted for resettlement or who wish to remain in Uzbekistan due to their prolonged stay in the country and/or strong links with the country (mostly acquired through marriage). They are all Russian speakers and well accustomed to the socio-cultural environment of Uzbekistan.

Some refugees have succeeded in obtaining residence permits in recent years. However, the legal framework is not conducive for them to attain wider rights, or to access to

citizenship/naturalization. No further resettlement is likely for those who are yet to find a lasting solution. After several attempts by UNHCR, these refugees have not found resettlement opportunities in third countries. Voluntary repatriation is facilitated only on a case by case basis, given that the majority of the refugees are from Afghanistan where security situations are volatile.

Stateless persons

Statelessness in Uzbekistan has mainly been a result of the dissolution of the Soviet Union and the citizenship legislation which does not effectively prevent statelessness or facilitate reduction of statelessness. Subsequent to Uzbekistan's independence in 1991, a number of persons could not satisfy the criteria established by the *Citizenship Law* to prove their legal link to the country. In the absence of legal links to any other country, these individuals were granted permanent residence permits, which provided them with a temporary yet renewable legal status. In 2010, the Government of Uzbekistan reported to the Committee on the Elimination of Racial Discrimination that approximately 87,000 stateless persons legally resided in the country¹.

Despite these figures, UNHCR believes that the true extent of statelessness is much greater in Uzbekistan, particularly given the lack of safeguards to effectively prevent statelessness in the *Citizenship Law*. Whilst UNHCR has been unable to initiate its work on statelessness in Uzbekistan, the experience of current activities in Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan indicate that robust engagement of the Government will be essential to benefit stateless persons and to work towards the prevention and reduction of statelessness.

II. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Legal framework for the protection of refugees

Linked to 2nd cycle UPR recommendation no. 136.20: "Ratify the 1951 Convention relating to the Status of Refugees and its Optional Protocol of 1967, and accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Uruguay)".

The absence of national legislation concerning refugees continues to have a negative impact on persons in need of international protection. In particular, the following protection challenges are faced by UNHCR's persons of concern in Uzbekistan:

1. The majority of asylum-seekers and refugees in Uzbekistan live in a precarious situation. Many lack valid national passports and/or Uzbek visas, and strict migration regulations make it extremely difficult for refugees to obtain visas. In most instances, only the head of family has some form of legal status if at all (residence permit or temporary visa), while their family members are unable to do so and remain illegal. As such, they are at constant risk of arrest, detention, deportation and *refoulement*.
2. While they are socially and culturally well integrated, most refugees do not have a secure legal status and as a result they cannot access employment and public services such as health care, which exacerbates their vulnerability. Refugees without legal status are not allowed to engage in formal income-generating activities and are unable to support themselves. No local integration prospects are available even for those refugees who

¹ Committee on the Elimination of Racial Discrimination, *Reports submitted by States parties under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination*, CERD/C/UZB/6-7, page 72; http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUZB%2f6-7&Lang=en.

are married to Uzbek nationals and who have children together with them. The *Citizenship Law* of Uzbekistan² does not contain any provisions that take into account specific circumstances of refugees. The main requirement for the acquisition of Uzbek citizenship is a minimum five-year legal residence in Uzbekistan. Renunciation of foreign citizenship prior to an application for naturalization is another condition. Both of these criteria are impossible for refugees to fulfil in general. Constant threat of arrest, detention and *refoulement* coupled with the lack of self-reliance often impact negatively on the right to family life and family unity.

On 29 March 2017, the President of Uzbekistan issued a “*Decree of the President of the Republic of Uzbekistan on the Approval of the Regulation on the Procedure for Granting Political Asylum in the Republic of Uzbekistan*”. Even though this piece of legislation does not refer to the provisions on asylum set out in the *1951 Convention*, UNHCR interprets it as a positive sign that the Government is working towards establishing a legislative framework on asylum. In this regard, UNHCR stands ready to provide support to Uzbekistan in the development and enactment of legislation, which would effectively implement the provisions of the *1951 Convention* and its *Protocol*, in line with international standards.

Recommendation:

UNHCR recommends that the Government of Uzbekistan:

- (a) Ratify the *1951 Convention Relating to the Status of Refugees* and its *1967 Optional Protocol*; and,
- (b) Seek the technical assistance of UNCHR in the development and implementation of a national legislative framework on asylum, in line with international standards.

Issue 2: Legal framework for the protection of stateless persons

Linked to 2nd cycle UPR recommendation no. 136.20: “Ratify the 1951 Convention relating to the Status of Refugees and its Optional Protocol of 1967, and accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Uruguay)”.

As noted above, whilst Uzbekistan hosts a large number of stateless people, it is not a party to the *1954 Convention* nor the *1961 Convention*. Furthermore, the current *Citizenship Law* of Uzbekistan does not contain adequate safeguards to prevent statelessness, including through provisions on the loss of citizenship which can occur even if the person does not have any other nationality. The Commission on Citizenship Issues headed by the President of Uzbekistan (the Commission) assesses and decides on individual applications of the four scenarios³ stipulated in the *Citizenship Law* whereby loss of citizenship could be executed, including the residence abroad and non-registration at the Uzbek consulate within the first three years.

² *Law of the Republic of Uzbekistan on Citizenship of the Republic of Uzbekistan*, 2 July 1992, available at: <http://www.refworld.org/docid/597f0bff4.html> (English); <http://www.refworld.org.ru/docid/597f13554.html> (Russian).

³ *Law of the Republic of Uzbekistan on Citizenship of the Republic of Uzbekistan*, 2 July 1992, available at: <http://www.refworld.org/docid/597f0bff4.html> (English); <http://www.refworld.org.ru/docid/597f13554.html> (Russian). Latest changes made on 17 March 2017. Article 21. Citizenship of the Republic of Uzbekistan shall be lost:

1. In result of joining military service, security bodies, police, judicial bodies or other state authority and administrative bodies in a foreign State;
2. Where a person permanently residing abroad has not registered without good reasons in a consular institution within three years;
3. Where citizenship of the Republic of Uzbekistan has been acquired on the basis of deliberately false information or forged documents; and
4. If the individual inflicted serious harm to the interests of the society and state, or by committing a crime against peace and security.

The decisions of the Commission on the loss of Uzbek citizenship continue to affect thousands of Uzbek nationals residing in the bordering countries and beyond. In the event of loss of citizenship, these individuals become stranded in foreign countries, unable to extend or obtain Uzbek passports or return to Uzbekistan. They are also unable to obtain statelessness status in their country of residence in the absence of written confirmation from Uzbek authorities that they are no longer considered Uzbek citizens, since responses to inquiries on their citizenship status are subject to long delays or are not answered by the Uzbek authorities. The elimination of provisions on the loss of citizenship due to prolonged residence abroad without consular registration would greatly alleviate issues of statelessness in the region. Moreover, loss and deprivation of nationality should only take place with full procedural guarantees in accordance with international standards, including the right to a fair hearing. It is essential that the decisions of the body concerned be binding on the executive power.⁴

UNHCR stands ready to collaborate with the Uzbek authorities to promote the necessary legislative changes that will help solve the situation of stateless persons in the country and reduce the risks of statelessness, including for Uzbek nationals residents abroad.

Recommendation:

UNHCR recommends that the Government of Uzbekistan:

- (a) Accede to the *1954 Convention Relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*; and,
- (b) Seek the technical assistance of UNCHR in the development and implementation of a national legislative framework on statelessness, in line with international standards.

Additional protection challenges

Issue 3: Undertake an assessment on statelessness

In 2010, the Government of Uzbekistan reported to the Committee on the Elimination of Racial Discrimination that approximately 87,000 stateless persons resided in the country⁵ (officially registered and documented by the authorities).

In December 2016, the new Uzbek President granted nationality to 179 stateless persons⁶ and naturalized additional 99⁷ stateless persons in February 2017. UNHCR interprets these unprecedented gestures as a sign of progress and welcomes these initial steps taken by Uzbekistan. In order to support such efforts of the State, UNHCR would also welcome a statistical update on the number of registered statelessness persons. Uzbekistan's information and support for the initiatives of the international community to reduce and prevent statelessness worldwide would be highly appreciated by their immediate neighbours and other countries that host a substantial number of Uzbek nationals. UNHCR is ready to provide technical assistance to the Government of Uzbekistan to initiate a thorough analysis to determine the extent of statelessness on the territory of Uzbekistan and continue with reduction efforts including naturalization of stateless persons.

⁴ Expert Meeting, Interpreting the 1961 Statelessness Convention and Avoiding Statelessness resulting from Loss and Deprivation of Nationality, Summary Conclusions Tunis, Tunisia, 31 October-1 November 2013, paragraph 26.

⁵ Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination CERD/C/UZB/6-7, page 72; http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUZB%2f6-7&Lang=en.

⁶ Gazeta Website, *179 people accepted for citizenship of Uzbekistan: President Shavkat Mirziyoyev signed a decree on admission to the citizenship of Uzbekistan 179 people*. December 20, 2016, available at (in Russian): <https://www.gazeta.uz/ru/2016/12/20/citizenship/>.

⁷ Gazeta Website, *About 100 people received citizenship: President Shavkat Mirziyoyev signed another decree on admission to the citizenship of Uzbekistan*, February 22, 2017, available at (in Russian): <https://www.gazeta.uz/ru/2017/02/22/citizens/>.

Recommendation:

UNHCR recommends that the Government of Uzbekistan:

- (a) Update its assessment of the magnitude and situation of stateless persons in the country and share this information with UNHCR.

Issue 4: Resumption of UNHCR's work in the country

UNHCR stands ready to assist the Uzbek authorities in developing its legal framework and engage in operational activities jointly with the Government of Uzbekistan. The protection of refugees and the reduction and prevention of statelessness would benefit from a closer relationship while ensuring the legitimate national interests of Uzbekistan.

Recommendation:

UNHCR recommends that the Government of Uzbekistan:

- (a) Invite UNHCR to resume its work in Uzbekistan and facilitate the Office's activities in pursuance of its mandate on refugee protection as well as the prevention and reduction of statelessness.

UNHCR
October 2017

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

UZBEKISTAN

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Uzbekistan.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ⁸	Recommending State/s	Position ⁹
Refugees and asylum-seekers		
136.20. Ratify the 1951 Convention relating to the Status of Refugees and its Optional Protocol of 1967, and accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness	Uruguay	Noted
Trafficking in persons		
133.48. Take further efforts to promote and protect women's rights, including measures to prevent and combat trafficking in women	Malaysia	Supported
133.49. Enhance its efforts in combating the phenomena of trafficking in persons, particularly women and children, and raise awareness of its dangers	Qatar	Supported
133.50. Take appropriate measures and further actions to combat trafficking in women and children and impose appropriate punishment for it on perpetrators	Bahrain	Supported
133.53. Increase international, regional and bilateral cooperation to prevent human trafficking and prosecute and punish traffickers	Moldova	Supported
Groups with specific needs		
133.28. Strengthen national mechanisms for the protection of the rights of socially vulnerable groups of the population, including women, children and persons with disabilities	Russia	Supported
133.38. Keep on its effective measures for further promotion and protection of the right of child	Iran	Supported
133.39. Continue to pursue its measures to curb incitement to violence, brutality and child pornography	Bangladesh	Supported
133.80. Continue its efforts on current national action plans for job creation, quality education, health care and social security, with more focus on vulnerable groups of women, children, persons with difficulties, migrants and ethnic minorities	Viet Nam	Supported
133.81. Strengthen the application of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, with special attention to children, women, persons with disabilities, the elderly and families with limited resources	Ecuador	Supported

⁸ All recommendations made to Uzbekistan during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Uzbekistan" (5 July 2013), A/HRC/24/7, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UZIndex.aspx>.

⁹ Uzbekistan's views and replies can be found in: *Addendum* (28 August 2013), A/HRC/24/7/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UZIndex.aspx>.

133.92. Further strengthen efforts to ensure equal access of girls and women to all levels of education	Sri Lanka	Supported
133.95. Further promote inclusive and accessible education to children with disabilities at ordinary schools	Thailand	Supported
Racism, discrimination and xenophobia		
133.29. Actively combat any form of racism, xenophobia and intolerance	Russia	Supported
134.17. Consider effective measures to prevent any unreasonable restrictions on the freedom of religion or belief as well as any related discriminatory treatment	Republic of Korea	Supported
135.5. Intensify efforts to safeguard the rights of women and eliminate discriminatory practices against them	Nigeria	Supported
135.6. Continue its efforts to eliminate discrimination against women, especially those living in the rural areas	Singapore	Supported
136.37. Ensure religious minorities, including other Christians, are not discriminated against based on their faith	Namibia	Noted
SOGI		
136.49. Adopt measures with a view to combating discrimination and intolerance from which the LGBT population suffers	Argentina	Noted
136.50. Eliminate from the Criminal Code the criminalization of same-sex sexual relationships and at the same time redouble efforts to end discrimination against the LGBT group	Spain	Noted
136.52. Revise penal legislation which criminalizes sexual orientation with a view to ensuring conformity with article 26 of the International Covenant on Civil and Political Rights	Uruguay	Noted

II. Treaty Bodies

Committee on the Rights of the Child – Optional Protocol on the involvement of children in armed conflict

Concluding Observations, (8 July 2013), [CRC/C/OPAC/UZB/CO/1](#)

Training

10. The Committee appreciates the current training programmes on the provisions of the Optional Protocol. However, the Committee is concerned that these do not include all relevant professionals working with and/or for children, in particular military personnel, border and immigration personnel, social workers, and medical professionals.

11. The Committee recommends that the State party organize training programmes on the provisions of the Optional Protocol for all relevant professionals working with and/or for children, in particular military personnel, border and immigration personnel, social workers and medical professionals.

Measures adopted to protect the rights of child victims

18. The Committee notes with appreciation the fact that the State party has accepted a significant number of refugees from conflict areas in the region, and the humanitarian assistance provided to them. However, the Committee is concerned that there is no legislation, systematic programme, or training of professionals for ensuring early identification, rehabilitation and social integration for all children living within the State party who may have been victims of offences under the Optional Protocol.

19. The Committee recommends that the State party pay special attention to the early identification of refugee and asylum-seeking children who may have been involved in conflict or subject to conflict-related trauma and displacement and

provide them with special support and assistance, including psychological treatment. In doing so, the Committee recommends that the State party provide systematic training on the early identification of children who may have been involved in conflict or affected by it to all professionals working with or for children, particularly border control and immigration personnel, the military, education professionals and medical professionals. It further calls upon the State party to take all necessary measures to ensure that all children, including those who may not enjoy refugee status, be entitled to a special protection status if there is any danger that they might become victims of offences under the Optional Protocol.

Committee on the Rights of the Child

Concluding Observations, (10 July 2013), [CRC/C/UZB/CO/3-4](#)

Birth registration

28. While noting the State party delegation's assurances that birth registration is universal, the Committee remains concerned at the existence of fees for the issuance of birth certificates, which hinders the birth registration of children, especially those in socio-economically disadvantaged, refugee and/or other situations of vulnerability. Furthermore, the Committee is concerned at reports of there being discrepancies between the numbers of new-born babies and birth certificates issued.

29. **The Committee urges the State party to take all necessary measures to ensure that children are registered immediately after birth, that the national legislation regulating birth registration is in accordance with the provisions of article 7 of the Convention, and that birth registration and issuance of birth certificates are free of charge. The Committee also urges the State party to establish a mechanism for its Ministry of Health and Ministry of Justice to systematically cross-check its records to identify and address discrepancies in birth registrations in a manner that is compliant with the Convention and does not prejudice the rights of the children affected.**

Asylum-seeking and refugee children

61. The Committee notes with appreciation the significant measures taken by the State party to improve the situation of internally displaced persons in its territory. However, the Committee is deeply concerned about the situation of asylum-seeking children. In this context, the Committee is concerned that:

- (a) There have been instances where the State party has deported persons with refugee status, including entire families and those at risk of persecution and torture, for "illegal" stay without valid visa or residency permit;
- (b) Persons and families resident in the State party with internationally recognized refugee status lack access to basic socio-economic rights, including public services, health care, the justice system and legal employment; and,
- (c) Persons who are in a refugee situation and married to Uzbek nationals are denied marriage registration and residency permits resulting, *inter alia*, in violation of the rights of their children.

62. **The Committee recommends that the State party:**

- (a) **Ensure that its laws and procedures fully respect the principle of non-*refoulement* in accordance with international refugee and human rights standards and abandon the practice of forcibly returning child refugees and asylum seekers and their families to their countries of origin where there is a risk of their being subject to torture or persecution;**

- (b) Consider extending a temporary protection regime to child refugees and their families in Uzbekistan who are unable and/or unwilling to return to their country of origin and whose third country resettlement applications have been rejected multiple times, *inter alia* through the provision of residence and work permits;
- (c) Consider granting legal status and an opportunity for local integration to mandate refugees who have been married to Uzbek nationals, and whose children were born in, and are citizens of, Uzbekistan; and,
- (d) Consider reopening the United Nations High Commissioner for Refugees (UNHCR) office in its territory and consider acceding to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol*, the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

Children in situations of migration

63. The Committee is concerned that there are substantial numbers of children with one or both parents employed as migrant workers in other States, subjecting them to situations of particular vulnerability and with no special protection measures.

64. In light of its recommendations from the 2012 day of general discussion on the rights of all children in the context of international migration, the Committee recommends that the State policy ensure that its policies, programmes and measures on the protection of children from poverty and social exclusion include children affected by migration including those left behind. In doing so, the Committee recommends that the State party undertake targeted measures for strengthening the capacity of its national social protection systems to prevent and address situations of vulnerability occurring due to migration with specific provisions to support, including through community-based social services, families and caregivers in migration situations in order to facilitate their child-rearing responsibilities. These should also include special services for children in alternative care and focus on mitigating the psychosocial impacts of migration on children.

Committee against Torture

Concluding Observations, (10 December 2013), [CAT/C/UZB/CO/4](#)

Situation of refugees and *non-refoulement*

23. The Committee is particularly concerned at allegations that some individuals extradited from neighbouring countries have been subjected to torture and others detained incommunicado. The Committee is also concerned that nearly 200 refugees recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR) who reside in Uzbekistan are considered to be migrants and their specific protection needs are not recognized because of the absence of a refugee law in line with the international standards for the protection of refugees (arts. 2 and 3).

The State party should ensure that individuals extradited to face trial in its courts are awarded the full protection of the Convention. The State party should adopt a refugee law that complies with the terms of the Convention. The State party should invite UNHCR to return and assist in protecting the refugee population. It should consider becoming party to the *Convention relating to the Status of Refugees of 1951* and its *1967 Protocol*.

Committee on the Elimination of Racial Discrimination

Concluding Observations, (14 March 2014), [CERD/C/UZB/CO/8-9](#)

Rights of ethnic minorities

10. The Committee is concerned at the absence of framework legislation for the protection of the rights of ethnic minorities in the State party. The Committee is also concerned about the insufficient support given to the promotion of minority languages, including the Tajik language, and at the decrease in the number of schools providing education in minority languages. The Committee further notes with concern reports that education in minority languages at all levels, including preschool education, is not adequately supported by the State party's authorities (art. 5).

The Committee calls upon the State party to adopt framework legislation which defines the rights of persons belonging to ethnic minority groups and establishes mechanisms of dialogue, and to take measures to promote the use of their languages by those ethnic minority groups. The Committee also requests the State party to provide information in its next periodic report on:

- (a) Measures taken to promote and support education in minority languages;**
- (b) The extent to which measures taken under the 2006 Cabinet Decision on the improvement of the system of retraining and advanced training of teachers benefit education in minority languages;**
- (c) The framework for guaranteeing access to education for the children of migrants, internally displaced persons and refugees.**

Luli/Roma

11. While welcoming the information that members of the Luli/Roma community in the State party are able to preserve their traditional lifestyle, the Committee is concerned that other findings of the survey undertaken by the State party on their socioeconomic status depict a marginalized and discriminatory situation: they fare below the national average in educational achievement, they are concentrated in low-paying employment and a large majority of them are recipients of public welfare benefits. It is also concerned that their situation has not been perceived as a form of racial discrimination. The Committee is further concerned at reports of stigmatization and negative attitudes on the part of the public as well as in the portrayal of Luli/Roma in the media (arts. 2 and 5).

The Committee calls on the State party to adopt a strategy and plan of action for addressing the situation of the members of the Luli/Roma community in the areas of education and employment, and in other relevant fields, taking into account the measures enumerated in the Committee's general recommendation No. 27 (2000) on discrimination against Roma. The Committee requests that the State party include in its next periodic report information both on their access to basic services and on their actual enjoyment of economic, social and cultural rights. Furthermore, the Committee calls on the State party to take appropriate steps to combat prejudice and negative stereotypes regarding Luli/Roma.

12. The Committee is alarmed at reports of the forced sterilization of Roma women and women defenders of human rights in the State party (art. 5).

The Committee urges the State party to investigate all allegations of forced sterilization of women, provide effective remedies to victims and prevent the future occurrence of sterilization without full and informed consent.

Meskhethian Turks

13. The Committee regrets the lack of information on the situation of Meskhetian Turks who remain in the State party. The Committee is also concerned at reports of difficulties experienced by this group (art. 5).

The Committee calls on the State party to conduct research with a view to assessing the real situation of Meskhetian Turks on its territory and to provide such information, as well as information on any measures taken by the State in relation thereto, in its next periodic report.

Compulsory residence registration system (*propiska*)

18. The Committee remains concerned at the disproportionate impact of the compulsory residence registration system (*propiska*) in the State party on the economic and social rights and opportunities of disadvantaged members of ethnic groups residing outside the capital city. The Committee regrets that the State party did not provide disaggregated data on residence registration applications and decisions in its report (art. 5).

The Committee once again requests that the State party include in its next periodic report statistical data on residence registration applications and decisions, disaggregated by region and ethnic origin of applicants. The Committee also requests the State party to supply information on the impact of the 2011 Law on “the list of categories of persons-citizens of the Republic of Uzbekistan to be permanently registered in Tashkent city and the Tashkent region” on the enjoyment of rights and freedoms by disadvantaged members of ethnic groups residing outside the capital city.

Trafficking in persons

19. The Committee is concerned about reports of continuous trafficking of women and children, both nationals and foreigners (art. 5).

The Committee recommends that the State party:

- (a) **Redouble its efforts to prevent, control and sanction all cases of trafficking of women and children;**
- (b) **Ensure the adequate protection of all victims of such trafficking;**
- (c) **Provide in the next periodic report data about perpetrators and victims, including their ethnic origin, the sanctions applied and the support given to victims.**

Stateless persons

20. The Committee is concerned about the situation of stateless persons and regrets that the State party has not taken concrete measures to facilitate their acquisition of Uzbek citizenship (art. 5).

The Committee recommends that the State party:

- (a) **Urgently take measures to address statelessness, including by improving the transparency of and expediting the naturalization procedure;**
- (b) **Include in its next periodic report statistics on the acquisition of Uzbek citizenship;**
- (c) **Supply information on the impact of the 2012 Cabinet Decision on the “procedures for permanent and temporary registration of foreign nationals and stateless persons in the city of Tashkent” and of the 2011 Cabinet Decision on “a stateless person’s travel documents” on the rights of stateless persons and the reduction of statelessness;**
- (d) **Inform the Committee of any envisaged amendments to the legislation or the procedure for granting citizenship to stateless persons.**
- (e) **Moreover, the Committee reiterates its invitation to the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Refugees

21. The Committee remains concerned at the absence of a legislative framework for the protection of refugees in accordance with international standards (art. 5).

The Committee calls upon the State party to ensure that the draft law on refugees conforms to international standards and to expedite its adoption as well as the development of a refugee status determination procedure. The Committee also reiterates its invitation to the State party to ratify the *1951 Convention relating to the Status of Refugees* and its *1967 Optional Protocol*.

Committee on Economic, Social and Cultural Rights

Concluding Observations, (13 June 2014), [E/C.12/UZB/CO/2](#)

Non-discrimination and equality

9. The Committee is concerned that national legislation does not provide full protection against discrimination on all the grounds prohibited by the Covenant. It is also concerned about the absence of legislative and policy frameworks for the protection of the rights of ethnic minorities and nomadic people, and about the implications of the compulsory residence registration ("*propiska*") for access to employment, housing and health care by internal migrants. It is further concerned that stateless persons and refugees residing in the State party reportedly lack access to basic economic and social rights, including health care, education and legal employment (art. 2 (2)).

The Committee requests the State party to:

- (a) **Ensure that its laws effectively prohibit and provide appropriate mechanisms to protect against discrimination in all fields of economic, social and cultural rights, in line with the Covenant provisions, and that effective administrative and judicial remedies are available in cases of discrimination;**
- (b) **Adopt legislative and policy frameworks to ensure the full enjoyment of the Covenant rights without discrimination by all persons residing on its territory, irrespective of their ethnic and national background, in line with the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;**
- (c) **Take effective measures to ensure that a *propiska* does not limit access to economic, social and cultural rights and consider experience of States that have replaced the *propiska* system with systems which comply with international standards in the area of freedom of movement;**
- (d) **Take practical steps, including through legislative measures as appropriate, to ensure that stateless persons and refugees enjoy economic, social and cultural rights, including access to legal employment, health care and education;**
- (e) **Accede to the *Convention relating to the Status of Refugees of 1951* and the *Protocol relating to the Status of Refugees of 1967*, as well as to the *Convention relating to the Status of Stateless Persons of 1954* and the *Convention on the Reduction of Statelessness of 1961*.**

Labour migration

15. The Committee is concerned about the reports that, despite the efforts undertaken to combat human trafficking, substantial numbers of the population of Uzbekistan, especially women and young persons, work abroad in hazardous conditions, including with insufficient remuneration and rest and the lack of social protection, health care and adequate housing (arts. 7 and 9–11).

The Committee urges the State party to:

- (a) **Assess the root causes and extent of labour migration from Uzbekistan, including by conducting a nationwide survey, with a view to taking effective measures to address the phenomenon, such as the development of decent employment opportunities within the State party;**
- (b) **Strengthen the role of the External Labour Migration Agency, under the Ministry of Labour and Social Welfare, in providing information Uzbek citizens prior to their departure, as well as the role of bilateral agreements and consulates in protecting the rights of migrant workers in host countries;**
- (c) **Ensure the reintegration of Uzbek migrant returnees, particularly by providing employment opportunities and including the period of work abroad in the period qualifying for the retirement pension.**

Human Rights Committee

Concluding Observations, (17 August 2015), [CCPR/C/UZB/CO/4](#)

Non-discrimination and gender equality

6. The Committee, while noting that the prohibition of discrimination is proclaimed in article 18 of the Constitution and is reflected in a series of legislative acts, is concerned that the prohibited grounds for discrimination appear to differ from one law to another and existing legislation does not afford protection against discrimination on all the grounds prohibited under the Covenant (arts. 2 and 26).

The State party should take all the measures necessary to ensure that its legal framework:

- (a) **Provides full and effective protection against discrimination in all spheres, including in the private sphere, and prohibits direct, indirect and multiple discrimination;**
- (b) **Contains a comprehensive list of grounds for discrimination, including colour, political or other opinion, national origin, property, birth or other status, and sexual orientation and gender identity; and,**
- (c) **Provides for effective remedies in cases of violations.**

7. The Committee remains concerned about reports of discrimination, harassment and violence, including by law enforcement officials, against lesbian, gay, bisexual and transgender individuals. It is further concerned that consensual sexual activities between adult males continue to be criminalized under article 120 of the Criminal Code (arts. 2, 7, 17 and 26).

The Committee reiterates its previous recommendation (see CCPR/C/UZB/CO/3, para. 22). The State party should take effective measures to combat any form of social stigmatization, hate speech, discrimination or violence against persons based on their sexual orientation or gender identity. It should ensure the investigation, prosecution and punishment of such violent acts and should repeal article 120 of the Criminal Code in line with its obligations under the Covenant.

8. The Committee is concerned about the lack of progress in adopting a law on equal rights and opportunities for women and men. It is further concerned about cases of forced and early marriage and bride abductions, especially in rural areas, and persistence of *de facto* polygamy, despite the legal prohibition against such practices (arts. 2, 3, 23, 24 and 26).

The State party should adopt, without undue delay, a law on equal rights and opportunities for women and men and take more robust measures to ensure gender equality, both in law and in practice, including by:

- (a) **Developing strategies to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and society at large;**

- (b) **Strengthening efforts to achieve equitable representation of women in the judiciary, and legislative and executive bodies, including in decision-making positions, within specific time frames;**
- (c) **Ensuring effective enforcement of legal provisions prohibiting forced and early marriage and bride abductions;**
- (d) **Eliminating all forms of polygamy.**

Committee on the Elimination of Discrimination against Women

Concluding Observations, (24 November 2015), [CEDAW/C/UZB/CO/5](#)

Trafficking and exploitation of prostitution

19. The Committee notes the adoption of an action plan to combat trafficking in persons for 2015-2016 and a programme of cooperation for 2011-2013 between States members of the Commonwealth of Independent States on combating trafficking in persons. It is concerned, however, at:

- (a) The lack of information on the number of complaints, investigations, prosecutions and convictions relating to trafficking in, and exploitation of the prostitution of, women and girls and on victim support and rehabilitation programmes;
- (b) Discrimination against women in prostitution, the absence of shelters and crisis centres for women in prostitution adapted to their needs and the lack of exit and reintegration programmes for women who wish to leave prostitution.

20. The Committee recommends that the State party:

- (a) **Seek international assistance, if appropriate, to conduct studies on trafficking and the exploitation of women in prostitution, including by collecting data, disaggregated by age and ethnicity, to identify and address the root causes of trafficking and include such data in its next periodic report;**
- (b) **Adopt a comprehensive approach to addressing the phenomenon of prostitution, provide shelters and crisis centres, exit and reintegration programmes and alternative income-generating opportunities for women who wish to leave prostitution, and take measures to reduce the demand for prostitution.**