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REPUBLIC OF UZBEKISTAN
PERMANENT MISSION TO THE
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INTERNATIONAL ORGANISATIONS
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Route de Pré-Bois 20, P.O. Box 1853, 1215 Geneva 15 Tel: (41-22) 799 43 00 Fax: (41-22) 799 43 02

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STATEMENT

by

H.E. Dr. Akmal SAIDOV,

**Chairman of the National Committee of the Republic of Uzbekistan
on Human Rights**

**at the general debate of the High Level Segment of the
61st session of the UN Commission on Human Rights**

**Geneva
17 March 2005**

Distinguished Mr. Chairman,
Distinguished High Commissioner for Human Rights,
Ladies and Gentlemen,

Allow me to congratulate you, Mr. Chairman, on your election to this important post. We are confident that under your guidance the work of present session of the UN Commission on Human Rights will be effective and fruitful.

We also welcome the successful start of activity of Mrs. Louise Arbour as the UN High Commissioner for Human Rights.

Mr. Chairman,

Today a dynamic process of reforms in all fields of the society, development of political and ideological pluralism, spiritual revival and affirmation of democratic values are taking place in Uzbekistan. Consecutive process of construction of democratic legal state and formation of civil society is going on.

We realize that it is not possible to provide the irreversibility of democratic reforms without fundamental transformation of thinking and attitude toward democratic values, taking into account that during seven decades of totalitarian Soviet regime several generations were brought up in the spirit of absolute non-recognition of democratic values.

Democratic processes in Uzbekistan have gained in progressive and irreversible nature.

Mr. Chairman,

Human rights issues have the priority position in the foreign policy of Uzbekistan.

We attach great importance to realization of the international cooperation in the sphere of human rights. These efforts are carried out on the basis of fundamental principles and measures developed by the United Nations Organization. Based on this, Uzbekistan has established close relations with charter and treaty bodies, and as well as with special mechanisms of the United Nations.

Being a member of more than 60 international documents on human rights, including six basic instruments of the United Nations, Uzbekistan consistently implements its international obligations, accordingly develops its own policy in this sphere.

In accordance with our Constitution, the international norms on human rights have a priority above the national legislation.

Multilateral dialogue with Member States of the United Nations opens for us huge opportunities for familiarizing with invaluable democratic experience and universal values of democracy and human rights gained by countries in the past through uneasy path of democratic development on a way of establishment of a legal state and civil society.

Mr. Chairman,

The Commission on Human Rights is in a critical stage of its development, since the experience and achieved results in its work make for us a ground to speak also

about accumulated problems in the activity of the Commission in the course of the United Nations reforms.

For almost 60 years of its existence the Commission, as to one of few bodies, was able to implement continuously the charter objectives of the United Nations in promotion and protection of human rights.

Highly assessing the Report of the High Level Panel on Threats, Challenges and Change of the United Nations «A more secure world: our shared responsibility», we would like to emphasize the following:

Firstly, we support the provision of the Report that one of the central objectives of the United Nations is protection of human rights, and also importance of those functions, which are assigned to the Commission on Human Rights. We express hope that reforms of the Commission on Human Rights will promote efficient activity of this body in order to enable it to fulfill its mandate and functions better. It is appropriate to expand membership of the UN Commission on Human Rights in order to make it a universal body on membership.

For the last years the international community becomes the witness of growing politicization, ideological confrontation and a priori selective approach towards certain states in the work of the Commission. There is a direct serious damage on principles of objectivity, mutual trust and impartiality in the activities of all structures and special procedures of this main human rights protection body of the United Nations. In this connection we support all effective steps to strengthen the prestige and efficiency of activity of the UN Commission on Human Rights.

We also especially emphasize the importance of maintaining a fair geographical distribution in the structure of the Office of UN High Commissioner for Human Rights.

Secondly, we support the idea about creation of effective national institutions on human rights. National institutions on human rights - a major bridge for implementation of universally recognized principles and norms of the United Nations on human rights in national legislation and law-enforcement practice. In this connection we express hope that the reform of the UN Commission on Human Rights will allow to give more attention to national institutions on human rights. In these efforts we shall support the UN Secretary-General and High Commissioner for Human Rights.

Thirdly, we once again would like to note the necessity of joint elaboration with UNESCO and approval of an International Declaration on Education in the Field of Human Rights. Education in the field of human rights should become an integral part of the general strategy of the United Nations: «Education For All». Therefore Uzbekistan supports the realization of the World Programme on Education in the Field of Human Rights. Education in the field of human rights is an investment with a view of building of harmoniously advanced person and a legal state.

Mr. Chairman,

Uzbekistan fulfills the following on implementation of its international obligations and recommendations of charter and treaty bodies of the United Nations.

First. Legislative foundation in the sphere of protection of human rights has been created for a short historical period in Uzbekistan. Parliament has adopted over 300 laws regulating human rights and fundamental freedoms. Only for a last year a new edition of the law about Ombudsman to expand powers of parliamentary Ombudsman was adopted; a clause was entered into the Criminal Code, containing definition of the term of "torture" in accordance with Article 1 of the Convention Against Torture;

laws on public funds and elections of chairpersons of self-governance institutions of citizens were passed.

Second. By implementing the provisions of the Vienna Declaration and Programme of Action we have established the institutional foundation of protection of human rights. Alongside with the traditional law-enforcement system, including court, legal profession, prosecutor's office, there are functioning such national institutions on human rights, as parliamentary Ombudsman, Constitutional court, National center on human rights, Institute of monitoring of the current legislation, Special Department on human rights under the Ministry of Justice, the interdepartmental commissions and groups.

Third. Uzbekistan has created the educational system in the sphere of human rights within the framework of the United Nations Decade in the Field of Education on Human Rights. Training courses entitled "Human Rights" have been introduced at all schools and universities. Special faculties on human rights are functioning in a number of higher educational institutions. The topic on human rights protection is included into the programme on the improvement of professional skills of officers of law-enforcement bodies (judges, lawyers, police, offices of prosecutors). The National Programme for development of legal culture of a society is successfully being implemented.

Fourth. Wide information-educational activity in sphere of human rights is being conducted within the framework of the UN World campaign on public information in the field of human rights. For example, more than 100 basic international legal documents on human rights have been translated into Uzbek language and published in big circulations. More than 40 juridical newspapers and magazines on human rights protection issues are being published. All mass-media sources pay special attention to issues of protection of human rights. The basic literature on human rights is distributed among students of schools, universities and non-governmental organizations, and as well as among officers of law-enforcement bodies.

Fifth. Based on the rule of law our country established the system of working with complaints on illegal activities of officials, which includes institutional-legal mechanism.

Certainly besides successes achieved in this sphere, one should range a complex of problems and factors affecting human rights situation in Uzbekistan.

Main problems, first of all, are relating to law-enforcement activity. Human rights protection mechanisms and procedures are now being formed, human rights legislation is improved. The state is facing for the first time with problems of implementation of international legal norms into national legislation. This complex mechanism, which includes the activity of many state bodies, has started to establish.

It should be mentioned a low level of knowledge on law by overwhelming majority of the population, which was caused by the rapid and total changes in the legislation of the country during the years of independence.

Level of legal culture of officers of law-enforcement bodies is very low.

Mr. Chairman,

Our cooperation with various bodies of the United Nations has a multilateral character and is being conducted in the following directions.

First direction - regular submission of national periodic reports and cooperation with treaty bodies of the United Nations. Only for the last year after 60th session of the Commission on Human Rights, in particular, we have presented all six next national periodic reports to treaty bodies of the United Nations. Monitoring on

realization of the recommendations of treaty bodies of the United Nations is carried out on a regular basis. Draft National Plan of Action on implementation of recommendations of the treaty bodies of the United Nations was elaborated in cooperation with the UNDP Representative Office in Tashkent.

Second direction - cooperation with the Office of the UN High Commissioner for Human Rights. Last year Professor Rein Mullerson, Regional Adviser of the High Commissioner, visited Uzbekistan four times and conducted with us more than 10 events.

Third direction - in October of the last year the Government of Uzbekistan invited Mr. L.Huseynov, Independent Expert of the UN Commission on Human Rights. In this connection the Government of Uzbekistan attaches great importance to continuation of the Regional project of the Office of UN High Commissioner for Human Rights on technical cooperation in the field of human rights in Central Asia.

Fourth direction - realization of the recommendations of Mr. Theo Van Boven, UN Special Rapporteur on torture. Last year the Government adopted the Programme aimed at prevention of torture on the basis of the Convention Against Torture, which includes all 22 recommendations of the Special Rapporteur. Up to now 18 recommendations have been fully implemented. Moreover, USA, Germany, United Kingdom, Russia, Switzerland, Italy, Netherlands, Poland and Sweden have provided to us sizeable assistance in the implementation of recommendations of Mr.Theo Van Boven.

Fifth direction - cooperation within the framework of UNDP Project entitled «Building-up capacity of the Government and civil society groups» aimed at expansion of partnership relations between state bodies and non-governmental organizations in human rights protection activity.

We would like to emphasize particularly the enhancement of activity and growth of number of civil society institutions in the field of protection of human rights. The state, by performing policy of social partnership, promotes the development of non-governmental organizations among which certain part conducts human rights activity. For the last 5 years the quantity of non-governmental organizations increased twice, and their total number today exceeds 5 thousand. The non-governmental Institute of Civil Society Studies was established.

Mr. Chairman,

Uzbekistan introduced a completely new concept of judicial - legal system.

In the field of criminal proceedings the following significant measures were taken to maintain the real independence of courts:

- Specialization of courts on criminal, civil and economic cases;
- Establishment of institutes of appeal and cassation for consideration of judicial cases;
- The law reduced periods of investigation and detention of people, rigid term for legal proceedings in courts was established;
- Introduction of democratic legal mechanism for selection and approval of judicial staff;
- Functioning of the Department on execution of court judgments, and courts are exempted from functions unusual for them;
- Ensuring the principle of competitiveness, which means equality of the rights of public prosecutor and lawyer.

In the field of criminal and penal legislation:

Classification of crimes was completely changed, structure of criminal offences falling under a category of less heavy crimes and crimes not causing social danger is essentially expanded. As a result of such approach only for last 2,5 years about 5 thousand persons who have committed offences not causing big social danger, have not been imprisoned and have contributed material compensations of more than 11 billion soums;

- Conditions for serving the punishment in places of deprivation of liberty are improved: regime and conditions of confinement in colonies were softened. As a result, a share of persons who are serving punishments in colonies-settlements has increased from 7 % in 1990 up to 21 % of persons confined in penal institutions;

- Increase of clauses, which provide the right of parole. Today by quantity of prisoners (39 thousand persons) on per capita basis Uzbekistan holds best, i.e. last place, among the CIS countries. In other words in Uzbekistan the quantity of prisoners for every 100 thousand people makes up 158 persons;

- Institute of reconciliation was introduced into the legislation as a form of administration of justice. Enforcement of this institute has enabled to release from the criminal liability over 26 thousand persons.

The major directions of further liberalization of judicial-legal system were presented in the Statement of Mr. Islam Karimov, President of the Republic of Uzbekistan, on the first joint session of a just recently established two-chamber parliament on 28 January 2005. We shall specify two basic directions.

First direction – strengthening of the judicial review of processes of preliminary investigation and pre-trial proceedings. It is being elaborated a draft law introducing the institute of «**habeas corpus**», i.e. transfer to courts legal proceedings for issuing sanctions on detention, arrest, and also application of other measures of remedial compulsion.

Second direction – exclusion of death penalty from the system of punishment. First of all, it is necessary to specify that in Uzbekistan death penalty is not applied against women, minors and persons older than 60 years old. Instead of declaration of a moratorium on execution of capital punishment we would like to abolish it completely,

Finally, once again we would like to state from this high podium on our commitments to the universally recognized principles and norms of the international law on human rights, consistently to implement our international obligations in this area and to deepen cooperation with all bodies and mechanisms of the United Nations.

I thank for attention.