

**MONITORING AND COORDINATION OF  
IMPLEMENTATION OF THE CRC, ICECSR  
AND CEDAW IN UZBEKISTAN**

**Informal briefing paper on the event**

May 2023

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This briefing paper addresses the monitoring and coordination of the implementation of findings and recommendations of UN Treaty Bodies following State reporting procedures. It draws upon the discussions held during the International Expert Discussion in Tashkent on 28 February 2023, convened by the International Commission of Jurists (ICJ), the Nationwide Movement “Yuksalish”, the UN High Commissioner for Human Rights Regional Office for Central Asia (OHCHR ROCA) and the National Centre for Human Rights of the Republic of Uzbekistan (NCHR). The paper is informed by key findings from the ACCESS<sup>1</sup> and EQUAL<sup>2</sup> projects of the ICJ, supported by the European Union Delegation in Uzbekistan. Additionally, recent Concluding Observations by three UN Treaty Bodies on Uzbekistan were used in the preparation of this document.

Although the briefing paper has benefited from the discussions at the event, the opinions presented are summarized by the ICJ and may not necessarily reflect the consensus views of all participants. Consequently, it does not necessarily represent the views or legal policies of the ICJ, the event organizers, or the European Union.

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<sup>1</sup> “Accessing Economic and Social Rights in Uzbekistan (ACCESS)” is a completed project (2018-2021) implemented by ICJ aimed to advance civil society engagement for the protection of ESC rights in Uzbekistan.

<sup>2</sup> “Enhancing the Quality of Uzbekistan’s Application of international Law (EQUAL)” is a current project implemented by ICJ aimed at promoting equal protection of ESC rights for groups particularly vulnerable to discrimination in Uzbekistan by supporting civil society.

## I. REPORTING PROCEDURE UNDER UN HUMAN RIGHTS TREATIES

By ratifying treaties, States undertake to implement them<sup>3</sup>. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) specifies that, by ratifying it, the State Party “undertakes to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the Convention”.<sup>4</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulates that the State Party shall undertake “to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures”.<sup>5</sup>

Upon ratifying UN human rights treaties under which a Treaty Body is established, States also undertake to engage in a regular reporting cycle on how they implement their legally binding obligations under the respective treaties. For instance, the ICESCR stipulates that States parties to the Covenant “undertake to submit [...] reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized [...]”.<sup>6</sup> The reporting cycle encompasses a procedure wherein States periodically submit written reports and, subsequently, State delegations visit the relevant Committees to present their reports in person before the Committee members.<sup>7</sup>

The reporting process is vital for the effective implementation of treaties, as it allows a State Party to conduct a comprehensive assessment of the measures it has adopted to harmonize its national legislation and policy with the provisions of the treaties to which it is a party.<sup>8</sup> Following the assessment of State reports, each Treaty Body issues Concluding Observations. Concluding Observations are public and official UN documents produced by the Treaty Bodies at the end of every session for every State under review.<sup>9</sup> They include an assessment of the implementation, identifying gaps in law and in practice, and provide recommendations regarding the implementation of treaties.

<sup>3</sup> Article 26 of the Vienna Convention on the Law of Treaties reads: “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.” Vienna Convention on the Law of Treaties, concluded at Vienna on 23 May 1969, article 26. See the full text at: [https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

<sup>4</sup> UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 1979. Available at: <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>5</sup> UN General Assembly, International Covenant on Economic, Social, and Cultural Rights, 1966, article 2. Available at: [https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch\\_iv\\_03.pdf](https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch_iv_03.pdf)

<sup>6</sup> ICESCR, article 16; See also CEDAW, article 18; CRC, article 44; ICCPR, article 40; CERD, article 9, CAT, article 19, etc.

<sup>7</sup> UN General Assembly, International Covenant on Civil and Political Rights, 1966, article 40. Available at: [https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch\\_iv\\_04.pdf](https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf) See also HRC, General Comment No. 30: Reporting Obligations of States Parties under Article 40 of the Covenant, 18 September 2002, CCPR/C/21/Rev.2/Add.12, available at: [https://digitalibrary.un.org/record/475894/files/CCPR\\_C\\_21\\_Rev.2\\_Add.12-EN.pdf](https://digitalibrary.un.org/record/475894/files/CCPR_C_21_Rev.2_Add.12-EN.pdf)

<sup>8</sup> Compilation of guidelines on the form and content of reports to be submitted by states parties to the international human rights treaties. HRI/GEN/2/Rev.63 June 2009, Chapter 7, para. 3 Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=FhOD6sgqgzAhFXD9F%2FeKalSumUaYuEfrBwahXRI3RQs03XEP7vSyGCAYNchM3nT4wdgcfyBkkcGBY%2F5KppB0id8PMi%2FUZAFBflaxsUCd8Qjc%2B%2FFPRvtBJ9plu%2Fh8ISkc>

<sup>9</sup> See <https://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-concluding-observations/>

“Concluding observations refer both to the positive aspects of a State’s implementation of the treaty and to areas of concern, where the treaty body recommends that further action needs to be taken by the State.”<sup>10</sup>

Typically, a reporting cycle spans four years.<sup>11</sup> During this period, States are expected to implement the recommendations outlined in the earlier Concluding Observations and prepare a new report detailing the progress made towards their implementation. This approach helps States not only to produce more accurate periodic reports but also to undertake significant efforts between reporting cycles. Consequently, this leads to a more effective implementation of international human rights obligations.

## II. UZBEKISTAN’S REPORTING

Uzbekistan is a party to most of the key UN human rights treaties<sup>12</sup>, including the International Covenant on Civil and Political Rights (ICCPR)<sup>13</sup>, the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>14</sup>, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)<sup>15</sup>, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)<sup>16</sup>, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>17</sup>, the Convention on the Rights of the Child (CRC)<sup>18</sup>, the Convention on the Rights of Persons with Disabilities (CRPD)<sup>19</sup>.

To date, Uzbekistan has submitted a total of 42 state reports. In 2022 only, Uzbekistan reported before three UN Treaty Bodies the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women and submitted one written report to the Committee on the Elimination of Racial Discrimination.

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<sup>10</sup> See the Glossary of treaty body terminology available at: <https://www2.ohchr.org/english/bodies/treaty/glossary.htm>

<sup>11</sup> Ibid. 9

<sup>12</sup> Uzbekistan is a party to 7 out of 9 core international human rights instruments: Convention for the Protection of All Persons from Enforced Disappearance and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, were not accessed by Uzbekistan. See UN OHCHR: Treaty Body Database. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=189&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=189&Lang=EN)

<sup>13</sup> Ratified by Uzbekistan on 28 September 1995

<sup>14</sup> Ratified by Uzbekistan on 28 September 1995

<sup>15</sup> Ratified by Uzbekistan on 28 September 1995

<sup>16</sup> Ratified by Uzbekistan on 28 September 1995

<sup>17</sup> Ratified by Uzbekistan on 19 July 1995

<sup>18</sup> Ratified by Uzbekistan on 29 June 1994

<sup>19</sup> Ratified by Uzbekistan on 28 June 2021

### III. GENERAL ISSUES IMPEDING IMPLEMENTATION OF UN TREATY BODIES' RECOMMENDATIONS

Despite Uzbekistan's extensive history of reporting, it lacks a strong and independent monitoring mechanism, resulting in difficulties in effectively monitoring and coordinating the implementation of recommendations. General issues which impede an effective implementation of the recommendations of the UN Treaty Bodies, include domestic application of international treaties by courts, discrepancy between law and practice, and corruption

#### *Use of international treaties by courts*

Under the Law of the Republic of Uzbekistan on International Treaties, "International treaties of the Republic of Uzbekistan, along with generally recognized principles and norms of international law, are an integral part of the legal system of the Republic of Uzbekistan".<sup>20</sup> Moreover, the law recognizes the primacy of ratified international treaties, even if national law prescribes otherwise.<sup>21</sup> However, for years, Uzbekistan's practitioners and academics have struggled to understand and identify the clear role of international treaties within Uzbekistan's legal system.<sup>22</sup>

As clear mechanisms detailing how this should function are still lacking, international treaties in Uzbekistan remain largely theoretical and are not applied in practice. Judges rely exclusively on national legislation when making decisions and court rulings are effectively never informed by international law.

The UN Treaty Bodies have repeatedly recommended that courts directly apply the respective treaties in their practice. In its 2022 Concluding Observations, the CESCR "[w]hile noting that the Covenant forms an integral part of the national legal framework according to the Constitution and that courts are competent to refer to the Covenant, [...] remained concerned that provisions of the Covenant are rarely invoked in courts".<sup>23</sup>

In its 2021 report, the ICJ observed that "[i]n general, the use of international law in the Uzbekistan justice system, remains weak and underdeveloped. International law is to a high degree theoretical for most legal practitioners, an approach that appears to

<sup>20</sup> The Law of the Republic of Uzbekistan on International Treaties of 6 February 2019, № LRU-518, article 3. The full text is available at: <https://lex.uz/docs/4830084>

<sup>21</sup> Ibid. 21, article 2.

<sup>22</sup> ICJ recommended Uzbekistan previously "as a matter of ordinary practice apply international human rights treaties, as interpreted by the relevant UN Treaty Bodies, to protect ESC rights, as a means of interpreting national legislation, as well as to scrutinize the compatibility of national legislation both with Uzbekistan's Constitution and its international law obligations". See ICJ, Accessing Economic and Social Rights in Uzbekistan: An Analysis of Selected Laws and Practices, 2021, p.78 Available at: <https://www.ici.org/wp-content/uploads/2021/05/Access-to-justice-for-ESC-ENG-002.pdf>.

<sup>23</sup> The Committee recommended the State party to raise public awareness about the Covenant and provide capacity-building programmes for judges, prosecutors and lawyers, to allow them to invoke and apply economic, social and cultural rights in domestic courts. It also drew the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant. See E/C.12/UZB/CO/3: Concluding observations on the third periodic report of Uzbekistan. Published 04 March 2022 Available at: <https://www.ohchr.org/en/documents/concluding-observations/ec12uzbco3-concluding-observations-third-periodic-report>

have its roots in legal tradition and culture, lack of political will and a lack of concrete programmes of measures to make progress in this regard. In practice, judges, prosecutors and lawyers continue not to be exposed to international law on ESC rights, and usually do not apply it in their work directly.”<sup>24</sup>

Based on field research on human rights education for judges conducted by the ICJ, the main reasons judges refrain from basing their decisions on international treaties include a lack of knowledge in international human rights law, apprehension that their judgments may be overturned since references to ratified international instruments in decisions are not a widespread practice, and language barriers.

### *Discrepancy between law and practice*

The discrepancy between the text of the law and its enforcement in practice remains one of the primary issues in Uzbekistan. This is often encapsulated by the maxim, “our laws are good but their implementation is poor”. Such a situation is indeed antithetical to the rule of law from the standpoint of international human rights law. Previously, the ICJ concluded that “the lack of consistent enforcement of laws in practice appears to be a significant problem. The general acceptance as normal of the continued discrepancy between written law and practice is striking. Reforms should therefore focus on adherence to and implementation of the law in practice, and equal access to justice and remedies to enforce it. Laws should not be treated as mere good intentions, but should be enforced, including by the courts, in their letter and spirit, which in their turn must conform to international human rights obligations.”<sup>25</sup>

In this context, it was emphasized that the implementation of recommendations should not be viewed solely as the need to adopt more laws or additional national plans of action, but rather as the actual implementation of national laws in practice. This includes ensuring that written laws reflect practical reality and are consistently and predictably enforced.

### *Corruption*

Corruption is another issue that impedes the effective implementation of UN Treaty Bodies’ recommendations. In its recent Concluding Observations, CESCR expressed concern that “corruption remained prevalent.”<sup>26</sup> It was mentioned that corruption severely undermines the effective functioning of State bodies, courts and law enforcement agencies, leading to violations of ESC rights. Housing rights were highlighted as being particularly affected by corruption, with the improper interpretation of the law by courts, due to corruption, resulting in violations of housing rights. CESCR also regretted “the reports about the expropriation of property, the demolition of houses and forced eviction in the light of urban development projects,” and shared concerns

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<sup>24</sup> Ibid 23, page 10.

<sup>25</sup> Ibid 23, page 77.

<sup>26</sup> Ibid. 6, para. 12.

about reports of non-compliance with the national legal framework on property deprivation, particularly the absence of prior consultation with affected residents and the lack or inadequacy of compensation and alternative housing.<sup>27</sup>

#### IV. MONITORING AND COORDINATION BY STATE BODIES

##### *National mechanism for reporting and follow-up*

In 1996, Uzbekistan established the National Centre for Human Rights (NCHR), a dedicated body responsible for monitoring and coordinating the implementation of obligations under UN mechanisms and procedures.<sup>28</sup> In 2018<sup>29</sup>, its mandate was expanded to include the National Mechanism for Reporting and Follow-up.<sup>30</sup> Today, the NCHR is tasked with ensuring “the monitoring of the implementation of recommendations of international and regional structures for the protection of human rights, the preparation of national reports to UN Treaty Bodies, and cooperation with international and regional organizations for the protection of human rights”.<sup>31</sup> Its mandate also includes the development of National Plans of Actions based on the recommendations from the Treaty Bodies. In 2022, three National Plans were developed to implement the latest recommendations from CESC, CEDAW and CRC.

This established model<sup>32</sup> has enabled Uzbekistan to report to UN mechanisms in a timely manner; to date, Uzbekistan is among the States with no overdue reports.<sup>33</sup> However, the Centre has shared that there are difficulties in collecting data for proper reporting due to high employee turnover in relevant State bodies.

At the same time, concerns have been raised regarding the NCHR’s bureaucracy, which is typical of State bodies, and its lack of openness to public. Moreover, concerns have been raised about the absence of a consistent practice of consultation with civil society representatives and human rights defenders (HRDs).<sup>34</sup> Additionally, it was noted that

<sup>27</sup> Ibid. 6, para. 42

<sup>28</sup> Decree of the President of the Republic of Uzbekistan, № УП-1611, 31 October 1996 “On the establishment of the National Center for Human Rights of the Republic of Uzbekistan”. The text of the Decree is available at: <https://lex.uz/docs/177813>

<sup>29</sup> The establishment of national mechanisms for reporting and follow-up was recommended by the High Commissioner for Human Rights in 2012. See the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution of June 2012, 66/860.

<sup>30</sup> Resolution of the President of the Republic of Uzbekistan, No. ПК-4056, 11 December 2018 “On improving the activity of the National Center for Human Rights of the Republic of Uzbekistan”. The text of the Resolution is available at: <https://lex.uz/uz/docs/4098056>

<sup>31</sup> See the official website of the NCHR. Available at: <https://insonhuquqlari.uz/en/menu/zadachi-i-funksii->

<sup>32</sup> The similar model of the national mechanism designated as the entity within the government in charge of human rights-related issues is set in Morocco, the Bahamas, the Philippines, Italy, Portugal, Serbia and Yemen. See more at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/332/88/PDF/G2233288.pdf?OpenElement>

<sup>33</sup> See the List of States parties without overdue reports at:

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/LateReporting.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx)

<sup>34</sup> The consultation capacity implies fostering and leading consultations with the country’s NHRI(s) and civil society.



the NCHR should enhance its monitoring by regularly collecting information from government agencies involved in the implementation of recommendations and by interacting with Parliament during the implementation stage, for example, by periodically holding briefings with the relevant commission. Lastly, it was suggested that the translation and publication of recommendations and decisions are not always carried out, which may also hinder effective communication and exchange.

### *Independent institutions*

Independent national human rights institutions (NHRIs) play a vital role in promoting and protecting the fundamental rights of individuals. They do this through monitoring and reporting on the human rights situation, providing advice on the implementation of international human rights standards at the national level, investigating human rights violations, and supporting victims in seeking justice and redress.<sup>35</sup> Moreover, they “contribute to effective Parliaments, dynamic civil society organizations, and alert and responsive media”.<sup>36</sup>

According to the Global Alliance of National Human Rights Institutions (GANHRI), a global network of NHRIs headquartered in Geneva, NHRIs are awarded two types<sup>37</sup> of status:

Status A signifies that an NHRI is in complete accordance with the Paris Principles and  
Status B denotes partial compliance with the Paris Principles.<sup>38</sup>

NHRIs holding Status A have independent participation rights at the UN Human Rights Council, its subsidiary bodies and some General Assembly bodies and mechanisms.<sup>39</sup>

In 2020, the Ombudsman (Authorized Person on Human Rights of the Parliament of the Republic of Uzbekistan) was accredited Status B by the GANHRI<sup>40</sup>, meaning it was recognized as partially compliant with the Paris Principles. Uzbekistan’s Ombudsman plans to obtain Status A by September 2024. However, it should also be noted that under the Action Plan prescribed in Presidential Decree of 10 September 2021 No. UP-6312, Status A was to be obtained by September 2022.<sup>41</sup> While these plans are welcome

<sup>35</sup> See the official website of the Global Alliance of National Human Rights Institutions (GANHRI) <https://ganhri.org/nhri/>

<sup>36</sup> See <https://www.ohchr.org/en/countries/nhri>

<sup>37</sup> Before October 2007, there were 3 types: non-member & non-compliant with the Paris Principles were granted C category where the Institution was deemed to not be in compliance with the Paris Principles; it is no longer in use by GANHRI, however it is maintained only for institutions that were accredited with this status.

<sup>38</sup> According to the Principles Relating to the Status of National Human Rights Institutions’ (Paris Principles), NHRIs must meet the minimum standard to be considered credible and to operate effectively. See the full text of the Paris Principles at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>

<sup>39</sup> Read more at: <https://ganhri.org/accreditation/>

<sup>40</sup> Global Alliance of National Human Rights Institutions (GANHRI) is the international association of national human rights institutions (NHRIs) from all parts of the globe. See more at: <https://ganhri.org/>

<sup>41</sup> Decree of the President of the Republic of Uzbekistan: “On measures to improve the activities of the Authorized Representative of Oliy Majlis of the Republic of Uzbekistan”, № УП-6312, 11 September 2021. The full text of the Decree is available at: <https://lex.uz/docs/5625271>

and Uzbekistan may become the first Central Asian country whose NHRI possesses A Status, the following requirements must be met to achieve this:

- ✓ **broad mandate and functions** – The NHRI should be able to promote and protect human rights by providing advice, reporting and monitoring, handling complaints and offering human rights education, among other responsibilities;
- ✓ **independence from government** – A stable mandate must be ensured through the adoption of an official act that establishes the appointments of the members of the national institution and specifies the duration of their mandate.
- ✓ **pluralism** – The ‘pluralist representation of civil society’ should be ensured.
- ✓ **adequate powers** – The NHRI should have the capacity to initiate inquiries and investigations, gather necessary evidence and documents, consult with NGOs and State institutions and publicise its reports, findings and recommendations;
- ✓ **adequate resources** – The NHRI should have sufficient funding, staffing, infrastructure and institutional capacity to perform its functions and discharge its responsibilities;
- ✓ **cooperative work** – Collaboration with other State institutions, NGOs and civil society groups should be ensured;
- ✓ **international engagement** – The NHRI should contribute its knowledge and expertise to international and regional human rights bodies and mechanisms.<sup>42</sup>

The lack of independence from government and inadequate funding and staffing are among the factors preventing the achievement of Status A. Moreover, in 2022, the CESCRC recommended that Uzbekistan adopt measures to bring the Office of the Ombudsman into full compliance with the Paris Principles, including by further strengthening its independence and providing it with adequate financial and human resources to effectively and independently carry out its mandate, including the promotion and protection of economic, social and cultural rights.<sup>43</sup>

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<sup>42</sup> See the Principles Relating to the Status of National Human Rights Institutions’ (Paris Principles). Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>

<sup>43</sup> Ibid. 24, para 9.

## V. THE ROLE OF CIVIL SOCIETY ORGANIZATIONS (CSOS)

The participation of civil society is vital in monitoring human rights situations within countries and can significantly contribute by presenting an accurate portrayal of the situation to Treaty Bodies through alternative reports.<sup>44</sup> UN Treaty Bodies rely on the participation of civil society actors, acknowledging that they have “a key role to play in assisting the Committee to fulfil its mandate effectively”.<sup>45</sup> According to CESCRC Rules, “non-governmental organizations in consultative status with the Council may submit to the Committee written statements that might contribute to the full and universal recognition and realization of the rights contained in the Covenant.”<sup>46</sup> Moreover, NGOs are provided with an opportunity “to submit relevant oral information to the members of the working group”.<sup>47</sup> CEDAW Rules also provide that “representatives of non-governmental organizations may be invited by the Committee to make oral or written statements and to provide information or documentation relevant to the Committee’s activities under the Convention to meetings of the Committee or to its pre-sessional working group”.<sup>48</sup>

It has been noted that civil society in Uzbekistan appears to play an insufficiently active role, although CSOs have confirmed that they regularly try to put forward recommendations for the amendment of legislation. In 2022, only one local NGO (the Association of People with Disabilities of Uzbekistan) submitted an alternative report to CESCRC, and three local NGOs submitted reports to CEDAW, while CRC did not receive any reports from local NGOs<sup>49</sup>. Among the wide range civil society actors, NGOs are usually those “familiar with and active in the reporting system of the human rights treaty bodies”<sup>50</sup>. However, it has been observed, that NGOs in Uzbekistan lack training on alternative reporting.

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<sup>44</sup> See The Reporting Cycle of the Committee on the Rights of the Child A guide for NGOs and NHRIs “It is extremely important for the Committee to receive specific, reliable and objective information from NGOs and NHRIs in order to make a comprehensive and independent assessment of the progress made and difficulties encountered in the implementation of the CRC.” Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/GuideNgoSubmission\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/GuideNgoSubmission_en.pdf)

<sup>45</sup> CESCRC: Guidelines for civil society, NGOs and NHRIs. Available at: <https://www.ohchr.org/en/treaty-bodies/cescr/guidelines-civil-society-ngos-and-nhris>

<sup>46</sup> CESCRC: Rules of procedure of the Committee. Provisional rules of procedure adopted by the Committee at its third session (1989), rule 69, para 1. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G93/183/98/PDF/G9318398.pdf?OpenElement>

<sup>47</sup> Ibid. 47, rule 69, para 2.

<sup>48</sup> See CEDAW: Rules of procedure of the Committee on the Elimination of Discrimination Against Women, rule 47. Available at: [https://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW\\_Rules\\_en.pdf](https://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW_Rules_en.pdf)

<sup>49</sup> See UN Treaty Body Database. Reporting Status for Uzbekistan Available at:

<sup>50</sup> See Working with the United Nations Human Rights Programme, A Handbook for Civil Society, OHCHR, 2008. Available at: [https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook\\_en.pdf](https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf)

## Registration of NGOs

The small number of registered NGOs is a well-known issue in Uzbekistan, which has been raised on multiple occasions.<sup>51</sup> However, according to information provided on the website managed by the Ministry of Justice (MJO) of the Republic of Uzbekistan, there are currently 10787 registered NGOs in the country<sup>52</sup>. Concerns have been raised about a possible misrepresentation of the actual situation regarding NGOs as this number includes mostly organizations which cannot be qualified as NGOs,<sup>53</sup> thus artificially inflating the real significantly smaller number of actual NGOs.

One of the key problems in this regard is the registration process for NGOs, which is not transparent and does not eliminate arbitrariness in decision-making for registration.<sup>54</sup> In 2022, CESCR expressed concern about the administrative and procedural burdens for registering new civil society organizations, their inability to operate freely due to restrictions, and the low number of newly registered organizations, despite recent reforms.<sup>55</sup> A case that vividly illustrates the problem of registration is the one decided by the UN Human Rights Committee. In 2006, a citizen of Uzbekistan, Nikolai Kungurov, initiated a case alleging a violation of his right to association and expression after his attempts to register an NGO "Democracy and Rights" were denied twice, with the public body returning his application 'without consideration'. The reasons cited included stylistic and grammatical shortcomings, the structure of the organization, and issues with certain proposed activities, which were seen as "defects" justifying the refusal to consider the application<sup>56</sup>. In 2011, the HRC adopted Views confirming that using substantive<sup>57</sup> and technical shortcomings as grounds to leave the application without consideration constituted de-facto restrictions. The Committee stated that Uzbekistan "should

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<sup>51</sup> In 2020, the HRC in its latest Concluding observations noted with concern "the small number of independent self-initiated NGOs registered in the State party [and] the high number of rejections for registration. See HRC: Concluding observations on the fifth periodic report of Uzbekistan, 2020. p. 48 See the full text at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/108/46/PDF/G2010846.pdf?OpenElement>; Ibid. 24. In 2022, CESCR shared its concern the low number of newly registered organizations.

<sup>52</sup> See the official website run by the Ministry of Justice <https://e-ngo.uz/?lang=ru> [As of 26 April 2023]

<sup>53</sup> According to the law of the Republic of Uzbekistan "On self-governing bodies of citizens", self-government of citizens is carried out throughout the territory of the Republic of Uzbekistan: in settlements, kishlaks, auls and mahallas. Article 4, 6. The full text is available at: <https://lex.uz/acts/2156897>

<sup>54</sup> Ibid. 52. In 2020, the HRC in its Concluding observations shared concern that "current legislation continues to impose restrictions on the right to freedom of association, including: (a) unreasonable and burdensome legal and administrative requirements for registering NGOs and political parties; (b) an extensive list of reasons to deny registration; (c) the requirement for NGOs to obtain de facto approval from the Ministry of Justice when travelling abroad or receiving funds from foreign sources; and (d) the prohibition of NGOs from participating in "political activities".

<sup>55</sup> Ibid. 24, para 10.

<sup>56</sup> For example: the title of the statutes should have been typed in Latin letters and the word „societal“ needed to be changed to „public“; the dates of birth of the initial members of „Democracy and Rights“ were missing from the submitted list containing their names; certain abbreviations needed to have been written out in full; See L. Communication No. 1478/2006, Kungurov v. Uzbekistan (Views adopted on 20 July 2011, 102nd session) Available at: <https://www.un-ilibrary.org/content/books/9789210567732s001-c012>

<sup>57</sup> Ibid. 57. Substantive shortcomings were seen in the following: the „existence of branches“ in regions other than Tashkent had not been demonstrated; paragraph 1.1 of the statutes, providing that „Democracy and Rights“ would act in the territory of the Republic of Uzbekistan, „contradict[ed]“ paragraph 4.1, providing that „Democracy and Rights“ may create „affiliates of the society in various districts of Tashkent without mentioning other territories“, and was in violation of article 21 of the NGO Law; and the „Human Rights Protection Ministry“, mentioned in part 3 of the statutes, did not exist.

reconsider the author's registration application in light of Article 19 and Article 22, and ensure that the laws and practices regulating NGO registration and the restrictions imposed are compatible with the Covenant"<sup>58</sup>. In 2022, the organization was finally registered.

Today, ensuring the right to association remains a pressing issue preventing civil society from actively participating in public affairs through association<sup>59</sup>. Discussion participants emphasized the importance of eliminating burdensome registration requirements for NGOs. It was also reiterated that Uzbekistan should support national NGOs, facilitate their registration, and allow them be a part of discussions on national and international levels.

## VI. CONCLUSIONS

Uzbekistan is among the countries that timely and consistently report before the UN Treaty Bodies which is commendable and sets a positive trend for future engagement with Treaty Bodies. However, significant challenges remain in terms of coordination, implementation, and the full realization of international human rights standards in the country.

One of the primary concerns impeding the realization of international human rights obligations is the discrepancy between the text of laws and their enforcement in practice. While the country has made commendable strides in adopting legislation that complies with international human rights law, the implementation of these laws remains inconsistent. This issue is further exacerbated by the prevalence of corruption, which undermines the effectiveness of state bodies, courts, and law enforcement agencies.

Moreover, there is a need to strengthen the monitoring and coordination efforts by state bodies. While the NCHR has been successful in reporting to UN mechanisms, it faces challenges due to bureaucracy, lack of consistent consultation with civil society representatives, and high employee turnover in state bodies responsible for providing the statistics required for proper reporting. Additionally, the role and independence of national human rights institutions, such as the Ombudsman, should be enhanced to ensure that they effectively promote and protect human rights.

Lastly, fostering a more active and inclusive civil society is crucial for the overall success of implementing UN Treaty Bodies' recommendations. Despite some progress, civil society organizations (CSOs) still face significant barriers in terms of registration and active engagement in the monitoring and reporting processes.

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<sup>58</sup> See Ibid.57

<sup>59</sup> According to the article 1 of the Declaration on Human Rights Defenders "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>

## VII. RECOMMENDATIONS

The following recommendations were mentioned during the Expert Discussion, aiming to address the key human rights challenges facing Uzbekistan, as identified during the exchanges. While not comprehensive, they capture some of the important points raised during the discussions:

**Strengthen the rule of law and bridge the gap between legislation and practice:** Uzbekistan should prioritize enhancing the capacity of law enforcement agencies, courts, and state bodies to effectively implement and enforce human rights laws. This could involve regular training programs for officials, promoting transparency and accountability, and ensuring that all stakeholders are aware of and committed to upholding international human rights standards.

**Address corruption:** The government should take concrete measures to combat corruption, which undermines the enforcement of human rights and the functioning of State institutions.

**Enhance the monitoring and coordination role of the NCHR:** The NCHR should improve its engagement with civil society organizations and human rights defenders, ensuring that they are included in consultations and decision-making processes. The NCHR should also enhance its monitoring capacity through regular data collection and interaction with relevant government agencies and Parliament.

**Strengthen the independence and mandate of the Ombudsman:** To comply with the Paris Principles and achieve Status A accreditation, the government should ensure the Ombudsman's independence, provide it with adequate resources, and expand its mandate to effectively promote and protect human rights. This could involve granting the Ombudsman the power to initiate inquiries and investigations, as well as engaging with international and regional human rights bodies and mechanisms.

**Foster a more inclusive and active civil society:** The government should simplify the registration process for NGOs, ensuring that genuine civil society organizations can operate without undue restrictions. This would involve providing a clear and accurate representation of the actual number and nature of NGOs in the country. Additionally, capacity-building programs should be provided for CSOs to enhance their knowledge and skills in monitoring human rights situations, engaging with UN Treaty Bodies, and submitting alternative reports. It is crucial to review the process of involving civil society and holding consultations at different stages of interaction with the mechanisms including posting on the website and collecting comments when developing an action plan and preparing reports.