

Shadow report
to the Committee on the Elimination of
Discrimination against Women (CEDAW)

Coalition of Uzbek women's rights NGOs
Coordination by the Bureau of Human Rights and Rule of Law
Uzbekistan and Women's Fund for Women's Rights

Tashkent 2009

Contents

Country Information	3
Executive Summary	4
Recommendations:	6
Article 1 Definition of discrimination against women	9
Article 2 Obligations on elimination of discrimination	10
Article 3 Development and promotion of women	14
Article 4 Temporary Special Measures	16
Article 5 Sex Roles and Stereotypes	17
Article 7 Political and Public Life	Error! Bookmark not defined.
Article 8 – International representation and participation	21
Article 10 Education	27
Article 11 Employment	29
Article 13 Social and economic benefits	33
Article 14 Rural Women	34
Article 15 Equality before the law	35
Article 16 Marriage and Family Life	39
General Recommendation 19: Violence against Women	12

Country Information

After attaining independence and being recognised as such by the international community, Uzbekistan joined the Universal Human Rights Declaration on September 30, 1991.¹ As of present, Uzbekistan has signed and ratified the majority of international covenants, treaties and framework conventions regulating relations in the sphere of human rights protection at the international level. By doing so, Uzbekistan assumed certain obligations with regard to the observance of the provisions of these international acts. The ratifications include the International Covenant on Civil and Political Rights (ICCPR)², the International Covenant on Economic, Social and Cultural Rights (ICESCR)³, the Convention Against Torture and other cruel, inhuman and degrading treatment and punishment (CAT)⁴, the International Convention on the Elimination of all forms of Racial Discrimination (CERD)⁵, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁶ and the Convention on the Rights of the Child (CRC)⁷. No reservations or declarations were made on CEDAW by the Uzbek Government.

On September 28, 1995, Uzbekistan ratified the Optional Protocol to ICCPR that determines the procedure for individual complaints from private persons. Nevertheless, it has not yet recognised the competence of the CERD and the CAT Committees to consider similar individual complaints as determined by Article 14 of CERD and Article 22 of CAT, nor signed the Optional Protocol of CEDAW regarding the recognition of the competence of its Committee for the submission and examination of individual complaints from individuals and groups.

According to Article 89 of the Constitution of the Republic of Uzbekistan, the President is the head of state and holds executive power. Article 93 of the Constitution lays down the powers of the President including that of nominating the General Prosecutor of the Republic of Uzbekistan, forming of the Cabinet of Ministers, and others. The President of the Republic of Uzbekistan also nominates Prime Minister who is the head of the Cabinet of Ministers with further approval by the Parliament (the “Government”). Separation of powers between President and Prime Ministers was introduced into the Constitution in 2003 but has not been realized yet in practice and still the President chairs the Government until the moment when newly elected Parliament would approve President’s nominee to this position.

In the past few years, the Uzbek government has come under increased pressure from the international community to improve its human rights record. It has responded with positive but halting steps – extending a long-overdue invitation to the Special Rapporteur on torture to visit the country, and registering two independent human rights organizations, in March 2002 and March 2003 respectively. However, none of the UN Special Rapporteur on Torture's 22 recommendations has been fully implemented. A government action plan against torture has had little impact on the reality of the criminal justice system. Human rights defenders and ordinary people who speak out against local or central authorities face harassment or arrest from law enforcement agencies. Special Rapporteur on Violence against women, aware of the situation with women human rights violations, repeatedly tried to get an official invitation from the government to visit the country, with no result.

¹ Resolution of the Supreme Soviet of the Republic of Uzbekistan No. 366-XII.

² Ratified on September 28, 1995.

³ Ratified on September 28, 1994.

⁴ Ratified on September 28, 1995.

⁵ Ratified on September 28, 1995.

⁶ Ratified on July 19, 1995.

⁷ Ratified on June 29, 1994.

Opposition parties have been denied registration, their members face harassment and sometimes arrest, and there is increasing pressure on NGOs and civil society generally. In a worrisome development, the Uzbek government has begun imposing new, unjustifiably burdensome registration requirements on international nongovernmental organizations.

Freedom of expression remains extremely limited. Despite the removal of formal censorship, newspapers and broadcasting remain almost exclusively under state control, and journalists work under constant pressure from the authorities.

Executive Summary

Human rights had been the urgent issue for Uzbekistan since the collapse of the Soviet Union. Straight after Soviet Union collapse on September 1st 1991 Uzbekistan proclaimed itself as an independent secular state and declared respect for human rights. However, having strong totalitarian heritage, government lacked necessary reforming, in some cases blocked the development process which resulted in strong criticism from west. To suppress opposition and even simply alternative thinking government used cruel methods of authoritarian regime.

The situation with women human rights has not achieved any visible progress since the last revision of Uzbekistan state report with the Committee on Elimination of All Forms Discrimination against Women. The Law on Equal Rights and Opportunities for Women and Men has been drafted before the last revision of Uzbekistan with the CEDAW. It included introduction to Uzbek legislation of the important terminology and definition of the following: direct and indirect gender-based discrimination, gender, gender equality, gender statistics, gender expertise, sexual harassment and etc. However, to the date this law was not adopted and not in force.

Women are poorly represented in managerial positions in governmental agencies. There are no comprehensive programmes in developing women-leaders and promotion of the image of women-leaders in mass media.

The situation with the representation of women issues by the nongovernmental organization is drastic. In the recent years Uzbekistan introduced legislation significantly limiting activities of independent NGO and persecuted and forced to close organisations critical to the policies and practices of the government the most critical organizations. The voices of women are not heard as they are not represented by independent NGO; registration of the nongovernmental organisation aimed to sensitive issues is next to impossible. Sensitive issues for the Government include: human rights violations, the rights of women and children, violence against women (including domestic), gender equality, and other critical issues on the rights and freedoms of people. Women human rights defenders are not allowed to work freely, they are persecuted, jailed and forced to flee the country.

In the light of Government failure to address women's issues, the nongovernmental organisations were the only mean to raise them properly. By the policy of fighting against independent nongovernmental organisation the Government significantly limited such possibilities for women. Consequently, their problems are not represented adequately and even more they are silenced, tabooed and those raising them are persecuted.

Along with proclaimed equality and non-discrimination for women, the Government contradicts to these principles by the policy of preserving Uzbek national identity and values, where the role and the image of Uzbek woman is limited to the responsibilities of a good housewife, mother and hearth keeper. This policy encourages stereotypes lowering the status of women in the country,

promote gender inequality. National values policy is mainly carried out by state controlled mass media and mahalla⁸.

The policy of preserving national identity and values is accepted and introduced through the official document the “Programme on measures to increase national spirituality and preventing practices alien to the way of life and mentality of our people”. In this document government strictly opposes any ideas conflicting with the policy of preserving national culture. In general, it is aimed to promote pudency and prevent immorality/dissoluteness without defining of this terminology allowing authorities to interpret them freely. Consequences of this document are believed to be faced mainly by **women and girls** and increase discrimination against them. Particularly this Programme request measures against tattoo, piercing and haircuts, not peculiar to our national culture, prohibition of Internet and SMS services for acquaintances and love, limiting free access of underage persons to information on entertainment; to sexual education and **prohibition of the sale of contraceptives to persons below 16 and etc.** It is obvious that prohibition of the sale of contraceptives to minors will not stop them from making sex, but rather increase the level of unwanted pregnancies, abortions, transfer of sexually transmitted diseases. This programme proposes creation of Special Working Groups on controlling and implementing above mentioned measures.

In Uzbekistan mass media plays active role in promoting gender stereotypes. Analysis of broadcasting and publications for 2008-2009 show the general tendency in welcoming traditional role and promoting the image of woman as shy and modest, whose role is limited to being good housekeeper, mother and hearth keeper. Images and examples of businesswomen are mainly those who run small homebased business.

Educational opportunities are rather poor for women. Increasing poverty, unemployment, instability and high cost of college and university education leads to the clear preference of educating boys rather than girl children. There is no mechanism for gender expertise of textbooks and curriculum. Primary, secondary and higher institutions (excluding Law courses) do not include studying the Convention on Elimination of All Forms of Discrimination against Women.

Women carry the whole burden of responsibilities of unpaid housework childcare. This in addition to traditional stereotypes that women should not work significantly limits opportunities for further study and career development. Women pursuing their education and career still have to take the responsibility over the housework and bringing up children. There is a tendency of female concentration of lower-paid and lower-status jobs.

Unemployment is rather high among women, by the end of 2007 according to the official statistics female unemployment was 60% compared to the 40% of the male⁹. Situation with rural women is far more difficult. Recent reforms in agricultural sector, particularly measures to enlarge farming businesses led to decrease in the number of women-heads of farms from 8 % in the beginning of 2008 to 5,5% by the August of 2008.¹⁰

There is no recognition of the urgent problem of domestic violence and gender-based violence. It is not included in the legislation though it is becoming more widespread including through the practice of polygamy and the State legally supported early marriages (marriageable age for girls

⁸ Mahalla is a self-governance body, based on the certain neighbourhood . In Uzbekistan it is given large powers in terms of control of citizen's lives. It acts as a watchdog of preserving the national culture and mentality.

⁹ Social Development and population life standards of Uzbekistan 2008, Statistical Bulletin, State Statistics Committee, 2009

¹⁰ Information from Association of Farmers and Dehkan economies of Uzbekistan

is set at 17 years). Strong patriarchal stereotypes still exist in the country, which are also fed by the activities of Government and Mass Media.

Recommendations:

1. Adopt Law on Equal Rights and Opportunities for Women and Men with necessary amendments to the penal provisions of Uzbekistan. Introduce definitions of direct and indirect discrimination on the basis of gender.
2. Ratify the Optional Protocol to the Convention on Elimination of All Forms of Discrimination against Women.
3. Launch special comprehensive state programme for judges, lawyers, law enforcement and prosecutors so that they can appropriately apply the CEDAW and corresponding national legislation in their daily job.
4. Abolish discriminatory provision of marriageable age for girls. Currently it is set at 17 years (which can be lowered to 16 with the decision of local governor). It is necessary to make marriageable age the same for both sexes and set it at 18 years when citizens attain the full active capacity by the law of Uzbekistan.
5. Open the issue of domestic violence for public discussions.
6. Conduct official state research, monitoring and collect statistic on the scale and consequences of domestic violence with further publications.
7. Adopt Law on domestic violence and include appropriate amendments to the existing penal provisions; introduce definitions to all forms of domestic violence in the penal provisions, including psychological, economic and sexual.
8. Within the structure of the Ministry of Interior establish the separate department working on the cases of violence against women.
9. Conduct separate trainings on the issue of domestic violence for law enforcement, medical personnel, forensic expertise specialists, judges, lawyers, journalists, mahalla committees and school staff for coordinated response to domestic violence to prevent and combat it.
10. Provide quota of at least 30% women's representations in all governmental agencies, including law-enforcement and Parliament members as well as in governmental management positions and head of diplomatic missions.
11. Provide incentives for rural schoolgirls for participation at the school.
12. Provide quota for enrollment of graduates of orphanages and boarding schools; provide scholarships for their education in the universities.
13. Revise policies enhancing traditional stereotypes about the roles and images of women and men in minds of people and call mass media to present only gender correct media articles, TV and radio programs.
14. Introduce amendments to legislation on media, implying sanctions for sexist approaches in highlighting gender issues.

15. Stop pressure on independent journalists, mass media editors for opening urgent issues on violence and discrimination against women.
16. Encourage mass media create and promote positive images of highly professional women-leaders successful in politics, management, business and social spheres; conduct public discussions of gender inequality problems, including overcoming gender stereotypes.
17. Revise the Programme on preserving spirituality and preventing hostile to the national culture phenomena and activities on the topic of compliance with the international obligations of Uzbekistan, in particular ICCPR, CEDAW and CRC.
18. Adopt the Law on “Public Service” determining the general principles of selection and placing female personnel, non discrimination of women and etc.
19. Provide trainings and workshops for Government officials at all levels in areas covered by CEDAW and recommendations of CEDAW Committee. The systematic training programme and course modules should be also established and coordinated through Academy of State and Social Construction under the President of the Republic of Uzbekistan.
20. Revise and simplify the order of the NGO registration including foreign representations and introduce respective amendments into legislative acts weakening control on the part of the state controlling organs and the Ministry of Justice; Change the character of NGO registration from permissive to informative.
21. Abolish the practice of tight control of the activities of NGOs by the Ministry of Justice, in particular, necessity of obtaining permission from the Ministry on conducting the educational activities, conferences, round-tables and etc.
22. Eliminate the practice of checking the appropriateness of grants allocated to the NGO on the issue of necessity to Uzbekistan by the commission within the banks. Stop freezing grants allocated to NGO and returning them to the international donors.
23. Eliminate censorship of NGO publications, and stop persecution of individuals involved in developing and publishing materials of nongovernmental organisations, including textbooks, leaflets, and public services announcements on women’s issues.
24. Stop persecution of leaders of women NGO, women human rights defenders, journalists and activists.
25. Monitor and prohibit unofficial costs practiced in schools and colleges, such as “renting books”, payment for the school guards, cleaning, repair and renovation of the school.
26. Reintroduce correspondence course for women pursuing higher education, promote the development of distance – learning courses.
27. Abolish the system of penalizing families for not sending their children to school, instead introduce incentives, and develop strategies supporting poor families in sending girl children to school, colleges and universities.

28. Provide incentives and scholarships for girls entering Engineering, Law, Industry and Construction, Transport and Communication, Agriculture university departments.
29. Provide incentives for women pursuing scientific career and research.
30. Provide gender-expertise of textbooks to identify and eliminate gender discriminative stereotypes in their content.
31. Develop and introduce study of the provisions of Convention on Elimination of All Forms of Discrimination against Women in addition to the existing classes on “Constitution of Uzbekistan”, incorporate gender courses in school, colleges and universities curriculum.
32. Abolish the institute of residence registration (propiska) and permission to exit the country for the citizens of the Republic of Uzbekistan as discriminating practice, worsening lives of women.
33. Ratify International Convention on the Protection of the Rights of All Migrant Workers and Their Families and develop special strategy to protect the rights of Uzbekistan migrant workers in the destination countries. Enhance the role of the embassies and consulates in destination countries.
34. Cooperate with the government of the destination countries in developing strategies on legalizing the work of migrants and their protection.
35. Criminalise the sexual harassment by including it to the existing penal provisions.
36. Provide tax incentives for employers hiring women and for businesses having women on managerial positions.
37. Ensure transparency and accountability of mahalla activities. Publish annual reports of mahalla activities in terms of distribution of social care benefits.
38. Provide effective mechanisms for complaining and appealing against the decisions of mahalla committee on social care benefits.
39. Eliminate the practice of checking the family welfare in the cases of allocating maternity allowances.
40. On the regular basis calculate the basket of consumer goods and bring social care allowance in compliance with the amount of consumer basket.
41. Conduct awareness raising campaign on gender equality with the focus on gender aspects of rural development among key state officials responsible for reforming of agriculture, including Ministry of Water Resources and Agriculture, Ministry of Economy, Ministry of Finance, Ministry of Labour and Social Care, local governments.
42. Support the initiative of rural businesswomen in creation and registering associations and unions.
43. Organise capacity building trainings for rural women-entrepreneurs in starting business, legal knowledge, management, marketing, agro technical knowledge and etc.
44. Develop strategies for supporting women entrepreneurs in rural areas, particularly, special crediting programmes (with low deposits and interest rates), insurance, leasing and microfinance opportunities.
45. Conduct gender training and enhance the knowledge of judges, law enforcement officials, procurators and other personnel involved in the criminal process, on the provision of the

Convention on Elimination of All Forms of Discriminations against Women, encourage judges to use CEDAW provisions in their verdicts.

46. Bring the legislation in conformity with the Beijing Rules and the UN Rules for the Protection of Juveniles Deprived from Liberty.
47. The Government of Uzbekistan should open its files, in particular statistical and legislative information, on minors within the judicial system to the work of non-governmental organisations, i.e. independent bodies, to assess the situation.
48. Establish a Juvenile Justice system in the Republic of Uzbekistan by means of the establishment of separate courts for juveniles and amending the legislation in order to bring it in compliance with international standards in this area.
49. Introduce into practice the principles of restorative justice as an alternative to traditional punishment in the form of imprisonment.
50. Establish rehabilitation centers for women and girls, delinquents, torture and domestic violence victims, functioning within the framework of restorative justice.
51. Allow visit and monitoring of detention conditions by the local and international NGOs. Grant full access to the International Red Cross and Crescent Society to visit and monitor prison conditions and consider implementation of their recommendations.
52. Introduce the complex strategy of preventing early marriages, including incentives at pursuing higher education for girls, raising awareness of women rights issues and negative consequences of early marriages and inequality.
53. Introduce amendments to the corpus delicti in the case of polygamy include cohabitation with two or more women in separate houses to the article 126 of the Criminal Code of the Republic of Uzbekistan.
54. Abolish the practice of compulsory revision by reconciliation committee of the divorce issues to be done in voluntary basis.
55. Transfer the responsibilities and tasks of reconciliation committees to arbitrary courts. Include in the reconciliation committee paid position of a qualified lawyer, psychologist, specializing on family affairs.
56. Conduct trainings on the provisions of CEDAW and gender awareness for members of mahalla staff and reconciliation committees.
57. Introduce to the legislation the practice of divorce compensation.

Article 1 Definition of discrimination against women

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field

While noting the State party's assertion that all provisions of the Convention have been completely incorporated into national law, the Committee is concerned that the State party could not confirm that the draft law on equal rights and equal opportunities submitted to Parliament in

2004 contains a definition of discrimination in line with article 1 of the Convention, as recommended by the Committee in its previous concluding comments¹¹

The current legislation in force does not provide definition of discrimination against women, however, the principles of equal rights are provided in different legislative acts. The Constitution of Uzbekistan literally stipulates: “*Women and men shall have equal rights*”¹² and “*All citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before the law, without discrimination by sex, race, nationality, language, religion, social origin, convictions, individual and social status*”¹³.

Even though the word “discrimination” is used in the text of the Constitution there are still no further documents defining this term in the legislation in force. *The draft of the Law on “Equal rights of men and women” supposed to be providing one is not adopted yet by the Parliament and therefore this gap in the legislation is not fulfilled yet.*

Article 2 Obligations on elimination of discrimination

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- g) To repeal all national penal provisions which constitute discrimination against women.*

While the Constitution of Uzbekistan, the draftlaw on “Equal rights and opportunities for men and women”, Codes provide equal rights between men and women, there is no actual mechanisms of calling to responsibility on the cases of discrimination against women and along with means of protection against it, apart from those provided in the Labour Code related to the discrimination at the workplace. In addition absence of the definition of discrimination in the legislation of Uzbekistan creates further obstacles for courts to determine the facts of such.

Contradictory to the provisions of CEDAW the Family Code of Uzbekistan stipulates different marriageable age at 18 for men and 17 for women (in exceptional circumstances may be lowered, by decision of the hokimiyat, but by no more than one year¹⁴). Furthermore, discriminative provision of marriageable age is closely linked to the problem of early marriages. To the perception of common people government silently supports early marriages which in turn lead to the number of following limited possibilities for young women.

¹¹ CEDAW/C/UZB/CO/3 Concluding comments of the Committee on the Elimination of Discrimination against Women: Uzbekistan, clause 11

¹² Article 46 of the Constitution of 8 December 1992 with amendments,

¹³ Article 18 of the Constitution of 8 December 1992 with amendments, <http://www.gov.uz/apru/library/consru.htm>

¹⁴ article 15 of Family Code of 1 September 1998

Judicial mechanisms for elimination of discrimination

Although the separation of power is stipulated in the Constitution¹⁵, the executive power visibly dominates the judiciary. Such influence on judges is largely rooted in the mechanism of appointment and dismissal of judges. Indeed the role of the courts as well as the professional qualification of judges is of a rather low standard. Moreover, corruption is widespread among judges and prosecutors, linked to the lack of political independence and low salaries. The situation analysis as well as citizens' and detainees' complaints reveal a number of human rights violations at all stage of the judicial process.

Referencing to CEDAW Convention or other international mechanisms of human rights protection is not welcomed by judges. Lawyers attempting to cite Convention face negative attitudes seen in the form of interruption and calling to stop demagogy.

There is no information in the publications of the Supreme Court about the cases on civil suits against discrimination, including gender based discrimination. Since 1999 such data was excluded at all from the publication. A transgressor can only be called into account in cases of financial harm and physical abuses committed against victim.

Law enforcement officials are reluctant to accept complaints on the cases of domestic violence and there are number of reasons for this:

- absence of Law on Domestic Violence;
- lack of relevant provisions in the criminal legislation;
- lack of adequate trainings on the issues of gender and violence against women;
- widespread stereotype of not interference in "family conflict".

Non-judicial mechanisms for complaining against discrimination

The Institute of Human Rights Commissioner was introduced in February 1995 by the Law "On the Parliamentary Human Rights Commissioner (the Ombudsman)" adopted on April 24, 1997, according to which the Ombudsman is elected by the Parliament among its Members by the way of open voting and plain majority of votes, and must resign from his/her political mandate. Human rights Commissioner accepts and examines communications regarding human rights violations. Based on the thorough check-up of the validity of claims the Commissioner notifies complainant in writing and forwards her recommendations to the relevant state organ. However, these do not have judicial statues and therefore are not mandatory for the State, but also Ombudsman to the date failed to yake significant steps in protection of human rights. For these reasons this Instutition has been largely ignored by the potent organs and caused disappointment among citizens. Furthermore, it has been informally called "post officer" for inability to act rather than posting and mailing letters. It's noticeable that the Ombudsman is a female and despite the legal status, with NO visible decision making power and/or influence to impact the situation with women human rights in the country.

National machinery on women issues

Women's committee of Uzbekistan legally has a status of a public organization headed by Deputy Prime-Minister. On every regional and district level Women's Committee is represented by one female person who also holds the position of a deputy khokim (head of local government).

¹⁵ Article 11 of the Constitution of 8 December 1992 with amendments, <http://www.gov.uz/apru/library/consru.htm>

In fact the role and powers of Women's Committee are basically limited to coordination and control of the activities of women's NGOs, rather than directed to implementing and mainstreaming gender sensitive and equality state policy. This happens because Women's Committee does not have real power in decision and policy making. Women's Committee itself is under a strict control of male power elites and security bodies. Being registered as a non-governmental organization Women's Committee is formally subordinate to the Ministry of Justice. Neither has it its budget for gender equality goals.

Most of the activities directed to democratic reforms on the status of women from 2007 – 2009 conducted under the name of Women's Committee have been initiated, organized and funded by UNDP/CEDAW Implementation Project which was launched in response to CEDAW Committee concluding observations, 2006. The Women's Committee role in implementing this project has been limited by giving "green light" to its activities.

Women's Committee refrains from using gender related internationally accepted terminology, like gender equality, discrimination, domestic violence, sexual harassment, etc. There is also confusion in terminology when gender equality is replaced by women's issues with all related consequences: the issues are not accepted seriously; males are excluded from the discussion and process; males are reluctant and refrain to participate in resolving "women's issues" and delegate them to Women's Committee and its affiliations. Women's issues have basic coloring of child and maternity protection. In practice the Women's committee was widely viewed as ineffective and at times even obstructed the work of NGOs promoting women's rights¹⁶.

Violence against Women – General Recommendation 19

While noting the creation of 25 crisis centres supported by the State to assist women victims of domestic violence, the Committee continues to be concerned about the prevalence of violence against women, the absence of a specific law protecting women and the lack of prosecution and punishment of perpetrators of domestic violence. The Committee also expresses concern about the lack of information and statistics provided on the incidence of various forms of violence against women.

On the basis of the Convention and in accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls...¹⁷.

The problem of domestic violence is urgent in Uzbekistan especially due to the fact that it is still not recognized by authorities in Uzbekistan. To the current date no law on Domestic Violence was adopted in Uzbekistan. The term "domestic violence" is also not included in the penal provisions.

Silencing the problem of domestic violence under the international law and correlation of treaty bodies adds to the gravity of the crimes committed as domestic violence. While not all violence against women can be qualified as torture within the meaning of the Convention Against Torture (CAT), domestic violence in many cases conforms to the definition of torture in the above-mentioned Convention.

Under the conjunction of the different international instruments on domestic violence against women and on torture as well as a positive evolution of the interpretation of these texts, the fact

¹⁶ <http://www.state.gov/g/drl/rls/hrrpt/2007/100623.htm>

¹⁷ CEDAW/C/UZB/CO/3 Concluding comments of the Committee on the Elimination of Discrimination against Women: Uzbekistan; Clause 22

that the perpetrator is a private individual rather than a State does not mean that the State does not have any obligation to act. To the contrary, today the international norms that are compulsory for Uzbekistan make the State responsible for acts committed by private individuals which it did not prevent from occurring or, if need be, for which it did not provide appropriate remedies for the victim.

It is rather common in Uzbekistan that a husband and his parents prohibit the wife to work, force to beg even for the living essentials (medicines, dairy produce, fruits and vegetables and etc) and take away woman's own money. Many of housewives have received higher education and were working before marriage, but the fear of wife's economic independence and the related status in society serves a motive for prohibition to work, dependence and violence.

Yet, most of the women experiencing physical, psychological and sexual violence are reluctant to go to law enforcement bodies. There are several reasons for that including: the fear of offender's relatives' revenge, disbelief that offender will be caught and get deserved punishment, economic dependence and also fear to damage their reputation. Frequently, women feel guilty for what is happening to them, pity over the children, and finally the social pressure prevents them from speaking to aliens.

Existing remedies for protection from domestic violence are scarce and can be used only in cases of physical abuse. Criminal Code of Uzbekistan provides crimes against health in articles 104-111. *Marital rape* is not provided in the legislation as a separate crime and can be only qualified under the article 118 of Criminal Code – Rape.

Furthermore, the literate translation of “domestic violence” is not used in Uzbek official language as words “gender”, “discrimination”, “violence” etc are not allowed to be used in official vocabulary, therefore not recognized, thus producing institutional effect on the ground: no vocabulary – no problem existing – no measure need to be taken – no institutions dealing with these issues - no budgetary allocations to combat the problem. Instead of the term “domestic violence” government uses “family conflicts” wording which is differently perceived by people as something private, normal and natural like the notion of family itself.

Law enforcement officials often remain ignorant to complaints on the violence in families and fail to take appropriate action, preferring not to intervene into “family conflicts”. Unwilling to harm their crime rates statistics with numerous family related issues. The police disregards massive amount of this work and thus “improving” statistics and situation on numbers. Every year NGO record large number of women attempted or committed suicide as a result of domestic violence. However the exact number of such is unreported and the official sources are restricted and closed. NGOs assisting survivors of suicide attempts reported inconsistent cooperation from officials and neighborhood committees.¹⁸

Lack of terminology and definitions of “gender based discrimination”, “violence against women” in national legislation leads to further expansion of violence against women. For the majority of law makers, law enforcement, judges and lawyers that terminology is vague and they do not apply to it in practice.

Violence against women continues. In the majority of cases the woman seizes to believe in protection and justice and gives up the idea of divorce. She realizes that she should tolerate the violence for the sake of family and children in order not to make them orphans and avoid stigmatization of a divorced woman status.

¹⁸

<http://www.state.gov/g/drl/rls/hrrpt/2007/100623.htm>

Lack of state response to the needs of women adds to the limitation or even annulment of access to justice for women. Free rehabilitation services organized and provided to women by state institutions are scarce. Those provided by NGOs are very limited as most of them were closed down after campaign against nongovernmental organisations following Andijan events in May 2005.

In its previous report in 2006 the government reported to the CEDAW Committee that 25 crisis centers were established to provide assistance for women's rights protection. In fact those 25 crisis centers were opened by grass root NGOs with the help of international donor organizations. Almost all of them were shut down after the crack downs of civil society since 2004.

Since 2007 3 social adaptation centers for women (in fact these centers should have similar functions like crisis centers) were established under regional women's committee with UNFPA technical assistance and funding. The government provided with free premises and initial salaries for administrative staff of the centers. Later the state funding for administrative expenses was seized, and UNFPA has no mandate for operational needs of these adaptation centers. So the functioning of the latter is vague. Some of these centers are now used not for primary goal as a rehabilitation centers rather they turned into the places for administrative gatherings of local government.

Article 3 Development and promotion of women

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Law on equal rights and opportunities

Even though there is a relatively good legal framework in place, the problem of compatibility with international standards, harmonization between existing laws, improvement of some segments of national legislation and implementation/ enforcement of legislation still remain the biggest challenge in Uzbekistan.

Despite the fact that: equality of men and women is declared in the Constitution and other legal documents; a number of international covenants, including CEDAW were ratified there is still a considerable gender gap in many spheres of social life, politics and economy.

For fundamental changes and achievement of gender equality, complex changes on policy level and strong control mechanisms over policy implementation are necessary.

In its previous report in 2006 and the latest report submitted for the review in the 45th CEDAW session the government reported on drafting the Law on equal rights and opportunities. Although a draft law on equal rights and opportunities was presented to the Parliament over 5 years from now it still has not been considered. In addition to the Law on equal rights and opportunities there were numerous attempts from the side of international community to prepare amendments to major legal codes (Criminal, Criminal Procedural, Administrative, Civil, Family, Housing Codes) to introduce terminology of discrimination and violence against women. The developed legislative package provided definition of domestic violence and gender based discrimination

and included further procedural norms to address these issues. The first draft was developed in 2003 and revisited in 2007-2008. It was presented to legislative bodies for review where it just stuck. None of the suggested amendments have been introduced to the current legislation so far mostly due to the lack of political will to adopt these legislative initiatives reasoning that they will damage traditional family which is considered a national value.

Adoption of the Law on equal rights and opportunities as well as amendments on gender based discrimination and violence against women into all legal codes will create the legal basis to raise these issues and proceed with actions and introduce appropriate terminology to the official vocabulary.

The absence of legal framework for gender equality produces further institutional and structural consequences: no law – no implementation strategies –no institutions and procedures to implement the law – no budget allocations – no progress in advancing gender equality principles.

For example, the budget reform currently being implemented in Uzbekistan does not consider gender approach to budget planning and management because of the lack of political will and as a logical result – lack of specialists who have knowledge and skills of gender budgeting, low level of awareness about the impact of gender sensitive budgets to achieve gender equality goals.

While incorporating gender perspective in the state budget can ensure that resources are allocated towards women's priorities to eliminate gender gaps in all spheres: social, economic and political cultural.

Recommendations to the Articles 1-3

- Adopt Law on Equal Rights and Opportunities for Women and Men with necessary amendments to the penal provisions of Uzbekistan. Introduce definitions of direct and indirect discrimination on the basis of gender.
- Ratify the Optional Protocol to the Convention on Elimination of All Forms of Discrimination against Women.
- Abolish discriminatory provision of marriageable age for girls. Currently it is set at 17 years (which can be lowered to 16 with the decision of local governor). It is necessary to make marriageable age the same to women and men and set it at 18 years when citizens attain the full active capacity by the law of Uzbekistan.
- Open the issue of domestic violence for public discussions.
- Conduct official state research, monitoring and collect statistic on the scale and consequences of domestic violence with further publications.
- Adopt Law on domestic violence and include appropriate amendments to the existing penal provisions; introduce definitions to all forms of domestic violence in the penal provisions, including psychological, economic and sexual.
- Within the structure of the Ministry of Interior establish the separate department working on the cases of violence against women.
- Launch special comprehensive state programme for judges, lawyers, law enforcement and prosecutors so that they can appropriately apply the CEDAW and corresponding national legislation in their daily job.

- Conduct separate trainings on the issue of domestic violence for law enforcement, medical personnel, forensic expertise specialists, judges, lawyers, journalists, mahalla committees and school staff for coordinated response to domestic violence to prevent and combat it.

Article 4 Temporary Special Measures

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

It is necessary to introduce temporary special measures in accelerating de facto equality between men and women, especially in the spheres of education, employment and representation of women in all branches of power. It is also necessary to introduce special measures for the vulnerable group of women – graduates of orphanages.

As a result of widespread early marriages and poverty, especially in the rural areas enrollment and attendance of girls in the higher education is estimated to be lower compared to boy's. Monitoring of female students drop out from the higher institutions is not provided by the Government. Despite the fact that the secondary education of 8 years school is compulsory the drop out of female students still exist in the rural areas.

Even though the school education is free, there is a number of costs parent unofficially have to pay, in particular, the cost of “renting books”, school uniform, renovation of school, “present” to teachers. Parents driven in poverty cannot afford paying high costs of their daughters going to school and are forced to prevent them from attending it. On the belief that in future, sons will be breadwinning; the choice is always with the boy children.

Not attending compulsory education assumes heavy penalties on parents, this policy is not proving to be effective. It is rather more effective to introduce incentives for sending girls to the school rather than penalizing.

Another group of girls that need special measures are graduates from orphanages. Graduating at the age of 16 they are unable to enter higher educational institutions. According to unofficial information of local NGO in 2009 only 2 graduates of orphanages of Tashkent were able to pass university exams, but could not study being not able to pay the tuition fee.

Currently the Law “On Elections to the Oliy Majlis of Uzbekistan” provide 30% quota for women nominees for the election to the Legislative House from political parties. Currently 17,5% of women are members of Oliy Majlis (Legislative House) of Uzbekistan Parliament.

As a temporary special measure to eliminate discrimination against women and promote women development and participation it is necessary to introduce 30% quota for women representation in all governmental agencies and diplomatic mission. Additionally to the Law “On Elections to the Oliy Majlis of Uzbekistan” introduce 30% quota of **elected women parliament members**.

Recommendations to Article 4

- Provide a female quota of at least 30% in all governmental agencies, including law-enforcement and Parliament members as well as in governmental management positions and head of diplomatic missions.
- Provide incentives for rural schoolgirls for participation to the school.
- Provide quota for enrollment of graduates of orphanages and boarding schools and provide scholarships for their education in the universities.

Article 5 Sex Roles and Stereotypes

States Parties shall take all appropriate measures:

- a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*
- b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

The Committee urges the State party to address directly stereotypical attitudes about the roles and responsibilities of women and men, including the hidden cultural patterns and norms that perpetuate direct and indirect discrimination against women and girls in all areas of their lives. Such measures should include awareness -raising and educational campaigns addressing women and girls, but in particular men and boys, and community, spiritual and religious leaders, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society.¹⁹

Stereotypes, including an open recognition by the member-state of the fact that the primary duty of women is to bring-up children, take care about family members and preserve moral principles of society pose a serious obstacle to the realization of provisions of the Convention and are the major reason for an unequal state of women in many regions.

In today's Uzbek society, women are suffering from violations of their rights to a greater extent than men, regardless of the declaration on gender equality that exists in the 1992 Uzbek Constitution. The reason for this is more likely to be social phenomena of the post Soviet Uzbekistan than the deficiency of legislation: firstly, a general lack of respect to legislation inherited from the Soviet State, and secondly the growth of patriarchal ideology and its increasing role in society due to the restoration of religious values. Gender inequality is interpreted as a vital part of national culture, opposed to the expansion of western gender equality ideas with its "perverse" influence on "tender and modest, highly moral oriental woman". Early marriages, polygamy, domestic violence are interpreted as woman protection, or otherwise as a punishment she deserved for not respecting patriarchal patterns of behavior.

"The Program on increasing national spirituality and protection from ideas and phenomena alien to our people's mentality and way of life" was adopted in April 2009. According to this Program a number of special commissions were established aimed at screening all print matter and

¹⁹ CEDAW/C/UZB/CO/3 Concluding comments of the Committee on the Elimination of Discrimination against Women: Uzbekistan

publications, media programs and products and revealing the “alien” ones. Then the repressive measures were exercised toward the authors and publishing houses.

A significant contribution to preservation of discriminative norms and practices is made by **mass media**, especially Uzbek speaking media which widely multiplies traditional values and gender stereotypes and strengthens them in public opinion.

For example, newspaper “Khalq sozi”, the founders are the Supreme Assembly of the Republic of Uzbekistan and the Uzbek Cabinet of Ministers. Articles under the headlines: “You are mother, sister, wife”, “Mother’s heart like a river”, “Respectful old woman” in issue No.48 of 8 March 2008 feature women as a mother carrying a positive creative beginning, as a source of kindness, charity and sympathy that is seen from the very headlines. The reports about women are three times less than those about men.

Heroines of reports about developing small businesses are featured as active women, knowledgeable and skilful and making achievements in their spheres. But the covered spheres of entrepreneurship where women make success are clothes-making enterprises, home-based carpet weaving, national crafts, small private trading stations, national dance and music groups headed by women. An article published in issue No.35 of 20 February 2008 “Do not underestimate us” about the development of medium-size and small business in the republic sets an example of various small business subjects:

- a woman: “she began with embroidering, then started a gold-embroidering shop, then opened a clothes making enterprise. We both supply the population with our goods and annually train 30-40 apprentices”.

- a man: “We brought from Iran a technological line worth of 72000 USD to make and pack macaroni. Our products have substituted for imported goods and now we are thinking about exporting our products”.

These examples show that often stereotyped themes and standard approaches are used to feature woman-heroines. Usually men are engaged in more man-caused kinds of expanding their business while women use small “woman type” production and have no opportunity to introduce serious and expensive technical innovations into their business. Thus women remain in the sphere of mini and small business without any chance to turn that business into at least a medium-size one.

In the independent Youth newspaper “Turkiston” of the Kamolot” Youth Movement (GONGO) the editor-in-chief and editorial board members are all males.

Some examples.

A negative image of a woman who married on her own will is given in the article “Unhappy eyes” (No.13-14, 16 February, 2008). It is a story of a girl from countryside who married a man she chose for herself. After the marriage it came out that her husband was unemployed, and also a careless and scandalous man. They divorced when they already had two children. The heroine became a single mother. She works and has to maintain two children. “A once smiling woman does not smile any more and her eyes are unhappy”, the author writes. The logical conclusion coming out from the article is that the woman would have been luckier, if she had married a man recommended by her parents.

The woman-author of the report “Woman’s smile decorates the world” (No.20-21 of 7 March) says that “oriental women not always and not to everyone tell about their problems and miseries. They smile though their hearts may cry. Not every husband can understand that kind of a sacrifice and this is the major problem of such women. Men only from time to time and on

special occasions try to please their wives, mothers, daughters and sisters. They think it enough but women need attention and understanding every day”.

Practically all heroines of the items about the fate of women are famous women. For example, report “Guli loving beauty” (No.16, 23 February 2008) is about the journalist Guli Ikramova; “Spring lives in her heart” (No.17-18, 1 March 2008) about actress and producer Nodira Mahmudova, “May life become a legend” (No.19, 5 March 2008) about singer Afsona, “Where does water flow to?” One of the most frequent questions put in these interviews is how women combine their major duties in the family with their professional status. Here the implicit question is: “Does your work not hinder your family duties?”

Newspaper “Oila va Jamiyat”: "Oila va Jamiyat" is mainly engaged in social themes and problems of women. It is a republican women's weekly. The founders are Uzbek Women's Committee, Children's Fund and the International “Soghlom avlod uchun” (“For healthy generation”) Fund. As a rule in women's print media editors-in-chief are women, this relates to "Oila va Jamiyat" too. In many of its articles the newspaper promotes the image of an ideal “eastern woman” (usually a young bride or girl) who behaves in the frames of traditional norms, whose major merits are patience, obedience, submissiveness. From early ages a girl's upbringing is focused on being a good bride, housekeeper, mother, wife, daughter-in-law, sacrificing herself for the sake of her family.

One of the acute problems is the woman's right of choice of a match. Journalists do not protect that right, on the contrary, they think marriage through match-making is quite normal and desirable. There are cases of forceful marriages, like in a story “I have a child, but...” (No. 6, 7-13 February 2008) or in a sad story “My honour was slandered” (No. 8, 21-27 February, 2008). The father thought as follows about his daughter's study:

“Only an idiot allows his daughter to study, they learn and then push you around”. After finishing the school the heroine was forcibly married out. After the marriage the bride groom said the girl was not a virgin. Even a gynaecological reference about her virginity did not work since the groom wanted to get rid of her. Her father and parents –in-law did not trust the medical reference. Now they want to marry their daughter to an adult man. “My father gave his consent. And I am thinking. If I agree it would mean that I admit my viciousness. I have no will and no strength to counter my father's will. The father says he will drive out me and my mother if I do not agree, and will marry a young woman who will give birth to obedient children”. Unfortunately, media do not give any assessment or analysis of such phenomena and thus such situation happens to be acceptable in the society.

By their plot and basic idea “Turmush chorrahilari” TV plays presented by “Ozbekiston” channel 1 of the National TV and Radio Company of Uzbekistan do not differ very much from the above newspaper items. The program is based on the similar stories of everyday family life. Very often their authors impose their own gender stereotypes on the viewers depicting certain images of men and women. They are approximately as follows.

Brutal mother-in-law hates and makes suffer her daughter-in-law and the son takes his mother's side. The wife as a rule does not work and is engaged in house-keeping and upbringing of children. If a woman works and earns much the author depicts her as an evildoer, oppressing her husband, who is a teacher, decent and respectable but earning little money. For example a TV play on 5 March 2008. It is a story of a family with a husband working at an Institute and a wife keeping the house and upbringing two daughters in the initial years of their marriage. The man is depicted as an honest and kind person while the wife is imprudent woman unsatisfied with her own life.

Reproaching her husband with neediness she starts petty-trading and opens her own shop. She earns much and does not appreciate her husband's leading role. She spoils her senior daughter giving her money and allowing to do anything else. Her junior daughter is a student and goes with a post-graduate student, but the mother is against their relations saying that her daughter must not marry a poor man like her father. They move to a new house and the woman drives her husband away. In a quarrel with her senior daughter the woman loses consciousness and gets hospitalized. The diagnosis is fatal. Before death the woman feels sorry for being unjust to her husband, apologizes to him and dies. The program denounces the heroine who becomes a prototype of materially sufficient but vicious woman.

Watching "Turmush chorrahalaria" editions, it can be said that a woman fighting for her rights very often irritates her co-citizens. TV programs lack realistic portraits and fates, free from patriarchal blinders. Society is not interested in a woman speaking out about her rights. In society where man dominates such woman may easily turn into anti-heroine. She looks scandalous, foolish, uneducated and arrogant, because she does not want to observe common rules. This causes public sanctions in the form of denunciation by relatives, neighbours and community, where the major argument is the assertion that she demands her rights to be respected whereas she does not fulfil her duties. Here again the reasons for problem are considered to lie in education: she is a spoiled daughter of rich parents, as described in an edition of "Turmush chorrahalaria" of 24 February. It is about a family quarrel in which the daughter-in-law is blamed of laziness and brutality. Her negative image is strengthened by a European style of clothing and use of Russian phrases. She is described as arrogant and scandalous. Her family is opposed to her husband's family, respectful to traditions and preserving their family prestige. Her husband is described as a kind and honest man who even does not want to punish his wife for fighting for her right to live her own way of life. The woman's demands to protect her own rights are presented in a sarcastic and reproaching form.

Media reflects the official policy. Such policy does not contribute to respect of women's dignity, self-esteem, social activism, professional growth, and in the end leads to justifying women's human rights violations.

Recommendations to the Article 5

- Revise its policies enhancing traditional stereotypes about the roles and images of women and men in minds of people and call mass media to present only gender correct media articles, TV and radio programs;
- Introduce amendments to legislation on media, implying sanctions for sexist approaches in highlighting gender issues in the light of this.
- Stop pressure on independent journalists, mass media editors for opening urgent issues on violence and discrimination against women.
- Encourage mass media create and promote positive images of highly professional women-leaders successful in politics, management, business and social spheres; conduct public discussions of gender inequality problems, including overcoming gender stereotypes.
- Revise the Programme on preserving spirituality and preventing hostile to the national culture phenomena and activities on the topic of compliance with the international obligations of Uzbekistan, in particular ICCPR, CEDAW and CRC.

Article 7 Political and Public Life

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Women are underrepresented in all three branches of power: executive, judicial and legislative. Mechanisms, procedures and criteria for promotion and career development of women are not provided in the legislation of Uzbekistan.

In 2004 the government of Uzbekistan introduced 30% quoting for women nominees in the political parties' lists. On the result of elections in 2004 the total number of women MPs elected to Oliy Majlis (Parliament) reached the highest number of almost 17% since independence of the country. Officially new campaign on election of parliament members has started on September 22, 2009. Date of elections is appointed to the first Sunday of the third decade of December – 27.12.2009. The results will be announced by January 7, 2010.

The number of women members of political parties proves their low representation and gender imbalance. The official statistics show the following figures of women's representation: 45.6% in the Democratic Party of National Revival "Mililiy Tiklanish", 40.7% - National Democratic Party "Fidokorlar", 38% in the Social Democratic Party "Adolat", 34.2% in People's Democratic Party and 33.1% in Liberal Democratic Party²⁰. Comparing these figures to those who are actually further elected to the Parliament of Uzbekistan it is clearly seen the underrepresentation of women in this branch of power. Currently, the total number of women elected to Oliy Majlis was 16.6% (17.6% to Legislative House and 15.3% to the Senate); 10.5% in the Parliament of the Republic of Karakalpakstan²¹.

The number of women in executive power authorities also leaves much to be desired: 3.4 % in the Cabinet of Ministers of the Republic of Uzbekistan, 11.1% of High level officials, 0% of Ministers and Chairmen of State Committees, 23.5% in Constitutional Court, 23.3% in the Supreme Court, and 13.8% in the Supreme Arbitrage Court²².

If women's employment in managerial positions is clustered by sectors we can see the same picture. For instance in industry – 18.6%, 4.2% – in agriculture and forestry (considering that 60% population is engaged in agriculture), 13.7% - transport, 33% - communication, 18.4% – construction, 21.3% – trade, catering, sale and procurement, 13.8% - housing, public utilities and personal services, 21.8% – finance, credit and insurance, 27.2% – science. Women occupy managerial positions more or less equally to men in three sectors: 36.1% in healthcare, physical culture and social security; 45.7% - education; and 44.6% - arts and culture. Still their number decrease when considered top management positions, For instance, in higher education the number of teachers women is relatively high, while only 2 women occupy university rector's position in 76 universities and institutes registered in Uzbekistan²³.

²⁰ "Women and Men of Uzbekistan:200-2005" State Customs Committee of the Republic of Uzbekistan.

²¹ Ibid

²² Ibid

²³ Cited from <http://www.edu.uz/modules/wfchannel/index.php?pagenum=11> on 18.11.09

There is a number of reasons for underrepresentation of women in branches of power. Firstly, lack of leadership training for women. The official institution on educating public leaders for top management in various branches of national economy and politics is the Academy of State Construction under the President of Uzbekistan. The female students, in that institution, are underrepresented though there is official gender disaggregated statistics on that institution is not available. There is no gender related syllabus in the curriculum of the Academy as well as gender is NOT a cross-cutting or mandatory approach in any of the subjects taught in the Academy.

Secondly, the stereotypes and patriarchal norms existing in the society limit the role of women to being housewife and mother. The endeavour of women for career development and leadership is not welcomed by the society. Furthermore it contradicts the norms shown in the “Programme on preserving spirituality and preventing hostile to the national culture phenomena and activities” such as pudency and morality, interpreted by common people as attributes of women being shy, modest and in no way take the tasks of a leader.

Thirdly, the possible platform for leadership development of women is participation and management of nongovernmental organisations. However, this chance is simply being lost as civil society work is seriously hampered by the campaign against NGO. The Government sees NGO as opposition and threat to its power for the ability to criticise and question policies carried out by the State.

It is obviously seen here the ineffectiveness of measures taken by the government to increase the status of women. Or consequently here we can see the results of the government’s purposeful policy driven to reviving national values where women are limited to be active only in the family frame. It is a hard process the existing gender imbalances in the power systems because of the lack of political will to do so, as well as the existing authoritarian power. To open up and name the issue is directly connected with the democratic developments of institutions, as well as political culture of the society which actually lack in the country.

Obstacles to women’s participation in non-governmental organisations and associations

The Committee requests the State party to review its funding criteria and practice relating to women’s non-governmental organizations in order to ensure a plurality of constructive efforts towards the implementation of women’s human rights through the civil society sector²⁴.

Existing patriarchal norms together with the overall governmental policy of control and limitations towards NGOs seriously hampers participation of women in non-governmental organisations. In the absence of sufficient state resources and failure of the Uzbek Government to adequately respond to needs of women and their problems, the role of the nongovernmental organizations is crucial, necessary and, in most cases, the only possibility to address their issues. While no oppositional party, adequately raising gender and human rights issues, is registered or even allowed to exist, nongovernmental organizations were of very few means to make women’s voices heard to public and to the State and lobby for a change.

From the early days of independence government had negative and suspicious attitude towards NGO and this is also shown in the Constitution adopted on the December 8th 1992 where freedom of associations and assembly is limited by reference rule. Independent women’s movement is not welcomed by the state officials. Furthermore, they are blamed for bringing so called “westernized values” and breaking traditional basis. Protection from domestic violence,

²⁴ CEDAW/C/UZB/CO/3 Concluding comments of the Committee on the Elimination of Discrimination against Women: Uzbekistan; Clause 18

non-discrimination and gender are included in the list of “westernized values” and perceived to be breaking traditional values of our country and therefore are tabooed in the official vocabulary.

In the recent years government introduced a number of legislative acts to control the work of independent NGO. For instance, all women’s NGOs are supposed to pass re-registration in governmental legal bodies before November 1, 2004, provided they have a reference letter from the Women’s Committee of Uzbekistan in order to eliminate independence of NGOs and forced to be subordinate to Women’s Committee. All these measures were aimed at the destruction of non-governmental organizations created by women at the grass-roots level as they were proclaimed to be the agents of the West, which propagandize ideas “alien to the national mentality”.

Stereotypes and “traditional values” related to the image of shy and modest women highly propagandized by the mass media and government, and existing patriarchal families do not encourage initiative and public activities of women. However, **in addition** to mentioned difficulties for women initiative the process of NGO registration and complications on this way further prevents women in playing more active role in public life, raising urgent issues such as violence against women, conditions in prisons, torture, questioning gender stereotypes and traditional role of women.

The process of NGO registration itself takes **permissive** character, rather than nominal inclusion into the state register. It is required to present large number of documents obtain a registration, including the Charter of the future organization, with aims and objectives, mission, and limited activities, area of work and beneficiaries. State officials can easily refuse registration if organization plans to work on sensitive issues – human rights violations, violence against women, gender equality and etc.

Government perceives such independent civil society organisations as enemies damaging the image of the state by raising urgent problems both locally and in the eyes of international society. Therefore, it created a number of legislative acts to control and limit activities of non-governmental organization.

According to the Decree No. 56 of the Cabinet of Ministries of Uzbekistan, issued in early 2004, ‘On Measures for Effective Calculation of Funding for Technical and Humanitarian Aid and Grants Received from International and Foreign Governments and Non-Governmental Organizations’: “In order to prevent the possibility of and to close the channels for money laundering, all funds from international grants must be transferred to the Uzbekistan National Bank or Asaka Bank.”. Uzbek legislation requires all local NGO to keep their funds only in one of the two state banks, within which there is a special commission that reviews the necessity and applicability of the specific NGO grants. Upon this review commission decides whether to allow NGO to access their funds. Largely the decision of this commission depends on personalities involved in the work of NGOs and issues they are raising. In the majority of cases, scarce funds allocated to NGO are simply returned to donors (especially, if these are the funds coming from foreign/international sources) and organization is not able to conduct their activities. It should be noted that if working in legal framework, NGOs have no right to get funds from foreign donors if the latter are not accredited in the country. In its turn it’s practically impossible for an international donor other than a UN agency, to get accreditation.

It is worth noting, that funds allocated to local NGO and public organisations from international development organizations, including UN agencies are also frozen and returned to senders, if issues touched in the projects are sensitive or preferred to be silenced by the Government.

After well-known Andijan events in May 2005 government started a wave of NGO “voluntary” closures. According to the unofficial data more than 200 NGOs (most of them being women NGOs) were closed being pressured by the Ministry of Justice officials or through ordered court rulings. Many closed NGO continue their work without registration which in turn has consequences of being criminally or administratively prosecuted²⁵.

In December 2005 Parliament adopted law “On introducing amendments to Criminal Code of Uzbekistan and Code of the Republic of Uzbekistan on Administrative Responsibility” which provides the following: according to the article 239 given to NGO, it is obliged to receive permission of registering body to conducting any event, present a report on their activity, including the documents confirming use of property and money resources. Failure to do so shall be penalized by enormous fines imposed on the managers and directors of an NGO.

The Code of Administrative Liability provides responsibility for “involving others in illegal NGOs”²⁶, which raises serious concerns:

- It is not clear, however, what is understood by ‘illegal’ NGOs. Does the term include only those NGOs which were forcefully liquidated or suspended by court - or does it include any NGO that is not registered? In the latter case, the provision is in violation of international standards.
- Of special concern is the lack of definition of the term “involving others in...” used in the article. In the absence of such definition, anyone holding a poster, for example, in a public place can be made liable under this provision, because they can be seen as “involving others” in something. Such an application of this article will be in a violation of international standards, in particular articles 21 (right to peaceful assembly) and 19 (freedom of expression) of the ICCPR.

The term “an illegal NGO” also involve criminal responsibility for its establishment and participation in it by the following articles:

- Article 216, Criminal Code: Illegal establishment or reactivation of illegal public associations or religious organizations as well as active participation in the activities thereof – shall be punished with fine from fifty to one hundred minimum monthly wages, or arrest up to six months, or imprisonment up to five years. (As amended by Law of 15.04.1999.)
- Article 216(1) Criminal Code: Inducement to participate in operation of public associations, religious organizations, movements or sects, which are illegal in the Republic of Uzbekistan, after imposition of administrative penalty for the same actions – shall be punished with fine from twenty-five to fifty minimum monthly wages, correctional labor up to three years, or arrest up to six months, or imprisonment up to three years. (As introduced by Law of 1.05.1998.) (As amended by Law of 15.04.1999.)

In January 2007 amendments were introduced to the Law on Mass Media, according to which Internet and bulletins were recognized as Mass Media with all implied consequences including the requirement for an NGO to obtain license in order to issue regular bulletins. Consequently, if

²⁵ Article 216 of the Criminal Code of the Republic of Uzbekistan and article 239 of the Code of the Republic of Uzbekistan on Administrative Responsibility

²⁶ Article 202 (1) “Involving others in illegal- non-governmental, non-profit organizations, movements, sects: involving others in illegal- non-governmental, non-profit organizations, movements, sects, which are illegal in the Republic of Uzbekistan is punishable by a fine ranging from fifty to one hundred minimum wages or by an administrative arrest of up to fifteen days.”

an NGO bulletin is aimed at critical issues such as violence against women, sexual exploitation, democratic values and ideas, it is doubtful to obtain a license for it. For some time, Internet was used to disseminate information for the population of Uzbekistan, with adoption of abovementioned amendments the requirement for the content of publications and therefore self-censorship started working for the web-pages. A number of oppositional web-sites, publishing critical information and being maintained from abroad is blocked for the access of common Internet users through Uzbek providers. Some of such web-sites joined the campaign against blocking web-sites in Uzbekistan and carry stamp: “Blocked in Uzbekistan”, such as www.ferghana.ru, www.uznews.net and some others. It should be mentioned that a lot of women’s thematic is discussed on these sites, but Uzbekistan readers are deprived from access to them. There is no access to the web-sites of international human rights organisations, such as Human Rights Watch.

Any publication produced by an NGO or international organization, including UN family, should get permission from the Centre on Spirituality and Education under the Cabinet of Ministers. This regulation acquired a special force in March, 2009 in the light of the newly adopted “The Program on enhancing national spirituality and struggle against phenomena and activities alien to the Uzbek way of living and mentality”. The implementation of that program began with screening of a bunch of publications of international organizations (UN Uzbekistan offices inclusive) by the Centre on Spirituality and Education. The screening is aimed to determine whether or not the publication is related to the issues and contains terminology of gender equality, domestic violence, feminism, safe sex, condoms, etc which are identified as “hostile to the national culture”.

The policy of fighting against phenomena alien to the Uzbek spirituality and mentality is clearly seen in the example of the first national textbook on gender studies “Introduction to gender relations: theory and practice in Uzbekistan” which was produced with the support of the UNDP under the programme related to implementation of CEDAW concluding observations on Uzbekistan. This textbook includes articles on the gender issues, domestic violence, feminism, legal aspects of non-discrimination and etc.

After the above mentioned commission articulated its internal verdict, that the issues covered by the textbook are “alien to national culture”, the “witch hunt” campaigns started on the book, its authors, and coordinators of the project. The General Prosecutor’s office and National Security Service started case against the publication, and it is currently banned for the use. The book is one of **four** publications in the criminal case being investigated by the Prosecutor’s office. It is unknown which individuals or organisations will be incriminated who are involved in writing and publications of the books. But it is well known that these individuals are in a serious danger to be prosecuted. Formally the Prosecutor’s office investigated whether there was an official permit given by the State Committee on print press (Goscompechat) under the Cabinet of Ministers to publish these books, and whether the publishing houses had all required documents to print. But the real cause was in the content of the above publications which were considered “alien and hostile to the national ideology, values and mentality”

Interestingly, in the State report submitted to CEDAW committee in 2006, the “Introduction to gender relations: theory and practice in Uzbekistan” textbook was indicated as one of the **national achievements on the way toward gender equality**, while in reality the textbook is banned for use.

As a result of this fight of the government against “uncomfortable” NGOs, the number of the latter decreased, activities carried out by such is not substituted by existing NGO or GONGOs,

especially on the issues on violence against women and children, anti-torture and human rights organisations.

Those who continue to work without state registration are extremely limited in their activities: they are unable to conduct trainings, publish materials and run campaigns. In their endeavors to destroy independent NGO movement, state officers forced to close even NGOs working on harmless for the government issues, e.g. those who were substituting unpracticed tasks of authorities, such as care and trainings for disabled persons, providing shelter for the victims of domestic violence, conducting effective trainings on international covenant and conventions and etc.

Women denouncing human rights violations and criticism of authoritarian regime, working against and attempting to prevent violence against women not only face disapproval and counteraction of family and neighborhood, but also become subject to psychological harassment and physical violence from the Interior organs and National Security Services. Many women HRDs were forced to flee the country. Only in the last three year three women–activists were jailed: Ms Umida Niyazova, Ms. Gulbahor Turaeva and Ms. Mutabar Tajibaeva. They all faced numerous harassments, and Ms Mutabar Tajibaeva faced cruelest forms of treatment and punishment while she was in prison.

As a result of government policy towards NGO, we have the following consequences:

- Women have less opportunity to register non-governmental organization as the process is very complicated and costly.
- Government managed to get rid of “uncomfortable” NGO working on urgent women rights issues.

Recommendations to the Article 7

- Adopt of the Law on “Public Service” determining the general principles of selection and placing female personnel, non discrimination of women and etc.
- Provide a female quota of at least 30% in all governmental agencies, including law-enforcement and Parliament members as well as in governmental management positions and head of diplomatic missions.
- Providing trainings and workshops for other Government officials at all levels in areas covered by CEDAW and recommendations of CEDAW Committee. The systematic training programme and course modules should be also established and coordinated through Academy of State and Social Construction under the President of the Republic of Uzbekistan.
- Revise the “Programme on preserving spirituality and preventing hostile to the national culture phenomena and activities” on the topic of compliance with the international obligations of Uzbekistan, in particular ICCPR, CEDAW and CRC.
- Revise and simplify the order of the NGO registration including foreign representations and introduce respective amendments into legislative acts weakening control on the part of the state controlling organs and the Ministry of Justice; Change the character of NGO registration from permissive to informative.

- Abolish the practice of tight control of the activities of NGOs by the Ministry of Justice, in particular, necessity of obtaining permission from the Ministry on conducting the educational activities, conferences, round-tables and etc.
- Eliminate the practice of checking the appropriateness of grants allocated to the NGO on the issue of necessity to Uzbekistan by the commission within the banks. Stop freezing grants allocated to NGO and returning them to the international donors.
- Eliminate censorship of NGO publications, and stop persecution of individuals involved in developing and publishing materials of nongovernmental organisations, including textbooks, leaflets, and public services announcements on women's issues.
- Stop persecution of leaders of women NGO, women human rights defenders, journalists and activists.

Article 8 – International representation and participation

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and discrimination, the opportunity to represent their Governments at the international level and to participate work of international organizations.

Among diplomatic employees only two women are holding the high in foreign diplomatic representatives: the Ambassador of Uzbekistan to the United Nations and the Representative of Uzbekistan to UNESCO.

Very few women participate in official negotiation or are included in the delegations of Uzbekistan.

Recommendations to the Article 8

- Apply 30% quota for women representation in diplomatic mission and official delegations of the Republic of Uzbekistan

Article 10 Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*
- The same opportunities to benefit from scholarships and other study grants;*
- The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
- The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*
- The same opportunities to participate actively in sports and physical education;*

- h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

Provision of equality between men and women in access to education in the domestic legislation is not sufficient and requires additional measures for prevention of discrimination and adequate representation of women. Comprehensive strategy and action plan is required to combat stereotypes against education of women and encourage women by creation of flexible opportunities for education.

Legislation of Uzbekistan provides compulsory primary and secondary school education, but there is a whole set of additional hidden costs. Parents have to pay for the “rent of books”, payment for school guards, payment for cleaning of the school territory, current repairs of classes and decoration all done without providing official receipts. Receiving low salaries teachers intentionally lower marks of students to force them to take private classes. Similar procedures and costs are applied in the colleges and lyceums.

From the current year schools students are forced to buy uniform at prices expensive for most of parents. One set of the school uniform for autumn cost up to 40 000 Uzbek soums, while the minimal monthly salary is 37 680²⁷, in winter parents will have to buy another set designed for this time of the year.

Colleges and vocational educational institutions in rural areas are located in remote areas with undeveloped infrastructure which demands additional costs for transportation.

Consequently, families with lower income prefer to send boy children for the higher education and even colleges. Another issue strongly affecting the decision to limit girls’ access to further education is belief that boy children in future are expected to be bread –winning for the family, while girls are supposed to get married and leave the house of parent. In addition, it proves to be economically ineffective to send girls to school, as parents can educate their daughters for basic home-based crafts by taking private classes such as sewing, cooking, embroidery and etc, which will immediately bring some minor income to the family.

It should be also emphasized the continuing use of corporal punishment in schools, orphanages and universities. The forced labour is the most frequently used form of punishment, in particular it includes cleaning the classes, the territory of the school.

Cultural stereotypes and traditions force families in choosing profession for their daughters to make preference for what is called “female” fields, such as healthcare work, teaching, embroidery, sewing, hairdressing and etc. Whereas for boy children families choose masculine specializations, which is consequently considered well paid jobs. This tendency is proved by official statistical information: in colleges female students prevail in education and healthcare - 81,3%, while men prevail in construction 64,3%, agriculture 69,8%, transport and communication 76,5%.²⁸

The same tendency is clearly seen in higher education institutions which further leads to gender segregation of women in labor market. Decrease of the number of female students continuing their education in the universities on the full-time basis is shown by the proportion of university students by sex: 37,5% women and 62,5% men on full-time courses compared to 68,4% women and 31,6% men in correspondence courses for the 2005-2006 academic year. In Universities,

²⁷ Set by the Decree of President of the Republic of Uzbekistan, as of 16 November 2009

²⁸ State Committee of the Republic of Uzbekistan on Statistics 2007: Women and Men of Uzbekistan 2000-2005

pedagogical sciences were the most popular among female students, 67,9% of women were studying on these courses in 2005-2006.²⁹

It should be also emphasized that correspondence courses were much preferable and comfortable for female students usually getting married on their first or second year of study and have to bear a number of responsibilities in husband's house and giving birth to children. However, the government cancelled correspondence courses in the universities giving no alternative for women overloaded with housework to pursue higher education, for instance distance-learning courses are still in the process of development and not introduced in practice.

Women constitute 38% of all scholars in all fields, among them – 8 academicians, 310 professors (16%), 3025 – candidates of science (33%). Women are underrepresented in the management of the higher education institutions, f.ex. 20 women – university deputy rectors, 2 – rectors, 34 – faculty deans, 390 – heads of sub-faculties.

Recommendations to the Article 10

- Monitor and prohibit unofficial costs introduced in schools and colleges, such as “renting books”, payment for the school guards, repair and renovation of the school.
- Reintroduce correspondence course for women pursuing higher education, promote the development of distance – learning courses.
- Abolish the system of penalizing families for not sending their children to school, instead introduce incentives, and develop strategies supporting poor families in sending girl children to school, colleges and universities.
- Provide incentives and scholarships for girls entering Engineering, Law, Industry and Construction, Transport and Communication, Agriculture courses.
- Provide incentives for women pursuing scientific career and research
- Provide gender-expertise of textbooks to identify and eliminate gender discriminative stereotypes in their content.
- Develop and introduce study provisions of Convention on Elimination of All Forms of Discrimination against Women in addition to the existing classes on “Constitution of Uzbekistan”, incorporate gender courses in school, colleges and universities curriculum

Article 11 Employment

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;*
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*

²⁹ Ibid

- (e) *The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
 - (f) *The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*
2. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*
- (a) *To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
 - (b) *To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
 - (c) *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*
 - (d) *To provide special protection to women during pregnancy in types of work proved to be harmful to them.*
3. *Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*

The labor legislation guarantees preferential rights for women in cases of termination of labor contracts in cases of redundancy, vacations, necessary leaves for baby-minding etc. However practically such rules have reverse affect making women more vulnerable in the profit –oriented economy labour market. In the private sector, these preferential rights of women are regarded as involving higher cost than for men, in other words since an employer envisaging future difficulties with extra guarantees for women prefers to hire male employees having less rights and thus being more comfortable.

According to the statistical data in the end of 2007 among officially registered unemployed the share of women was 69.65%, men – 30.3%.³⁰ Moreover, 40% fear to lose their job or be fired on the initiative of an employer³¹.

The most widespread problem for any women and especially those who are educated and young is to find a proper job in the view of their young age. Normally employers have less desire to hire young women for the reason of possible maternity and day-offs if the baby is sick. Often on the interviews employers are interested with the plans of women for pregnancy.

CEDAW require provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through a require to promote establishment and development of a network of child care facilities. Uzbekistan has developed a network of public child care facilities which work from 8.00 to 17.00, while in majority of cases working hours at offices end at 18.00 and it make women either not work, develop career, study or they need to look for flexible work hours with less payment and less career opportunities. It should be mentioned that the number of pre-school is not sufficient and the available ones are predominantly located in urban area while in rural area women practically have minimum opportunity to put her child to a pre-school institution.

These factors make women less competitive in the labor market than men; they get lower salaries and underemployed. Underemployment takes a form of part-time work, full-time work at low intensity and productivity, or full-time employment with low –intensity and low-productivity because of lack of skills, inputs or investments.³² According to EBRD Uzbek workers are paid

³⁰ Cited from http://statistics.uz/data_finder/2470/ on 12.10.09

³¹ Ubaidullaeva R.A. “Women in labor market: sociaological research”, “Ijtimoiy Fikr” Sociological Center. Materials of the international seminar “Women: labor market and employment”, Uzbekistan Trade Unions Federation, Tashkent, 2008.

³² UNDP “Growth and Poverty Reduction in the Next Decade, report to the Government of Uzbekistan” 2004, Chapter 3 “An Overall Strategy for Pro-poor” Growth Giovanni Andrea Cornia,

some of the lowest wages in the CIS around US\$40 per month in 2001 against US\$ 120 in Kazakhstan or US\$ 55 in Kyrgyz Republic).³³

Human Development Report 2007/2008 states that in Uzbekistan average annual income of women was 1547 US dollars composing 59,8% of male income of 2585 US dollars.³⁴

Residence Registration - Propiska and Illegal Employment

Economic hardships, unemployment and low salaries force a large number of rural population to move to the capital of Uzbekistan or regional centers in search for a job. Educated rural women, especially teachers or medical personnel either cannot find any job in their place of residence or those available are extremely low-paid.

The general lack of education represents a major obstacle for women to find an appropriate job. While women's literacy is high in Uzbekistan, traditional practices such as early marriages as well as the current belief that the place of women should be at home and within the family tend to have a negative impact on women's ability to receive training. Moreover, due to the economic crisis and poverty that is affecting the country many families do not have resources to guarantee education of all their children. Particularly, in rural areas girls stop their education at the level of 9th year of compulsory secondary education, thus potentially they are expected to find only low-paid temporary jobs.

Poverty and unemployment force men and women from both rural and urban areas to migrate looking for a job. While urban population mainly travels to the neighboring countries; rural population, in large, move to the capital and work as day labourers – *Mardikors*. The word “mardikor” is translated into English as “male work”, i.e. persons performing the heaviest job. *Mardikors* are hired for temporary and odd jobs with no official contract, on the verbal agreement with employer, therefore there is no legal mechanism protecting migrants. Female *mardikors* is quite recent phenomenon in the life of Uzbekistan with its implied consequences.

According to the Labour Migration in Uzbekistan survey results, female migrants are usually employed in following sectors:

- trade (including the shuttle one) - 39%
- agricultural work, sorting and packaging of agricultural products – 39%
- providing cleaning and washing services, etc. – 35%
- waiters and dish-washers – 18%.

Remuneration of female respondents' labour is on average by 25% less than men's, no matter what sector the migrants work in.³⁵

Another problem affecting this informal sector of employment is the system of permanent residence registration – *Propiska*. The current system of residence registration inherited from the Soviet times is used to control urbanization processes. Technically, *propiska* confirms the fact of the citizen's permanent residence on the certain administrative area and was established by respective decrees of the President and other normative acts.³⁶ *Propiska* means that person can

³³ EBRD Strategy for Uzbekistan, as approved by the Board of Directors March 4, 2003

³⁴ Cited from http://hdr.undp.org/en/media/HDR_20072008_EN_Indicator_tables.pdf 12.10.09

³⁵ “Labour Migration in Uzbekistan: Social, Legal and Gender Aspects”, UNDP and Gender Program of Swiss Embassy, Tashkent 2008

³⁶ President's decree No. YII-500 “On the endorsement of the Regulations on the procedures of examination of issues related to citizenship of the Republic of Uzbekistan” of November 20, 1992, and regulations “On the procedures of examination of issues related to the citizenship of the Republic of Uzbekistan” endorsed by President's Decree No. YII-500.

legally live and work on the administrative area he/she is registered with. Absence of such also bears restrictions on access to the social child care services, social benefits, medical non-emergency aid, and primary education.

It is particularly difficult to receive *propiska* in the capital of Uzbekistan – Tashkent, to do so citizens of Uzbekistan coming from other than Tashkent regions must obtain special permission from the Commission under the Local government of the capital. The practical purpose of this Commission is to control the flow of people migrating to the capital and reduce urbanization. Resolution on permission to permanently reside in the capital is associated with heavy costs and therefore, migrants from the regions of Uzbekistan live and work illegally in the capital. According to the survey, obtaining registration or temporary residence registration seems to be a virtually insoluble problem for 66.1% of men and 43.5% of women in Tashkent informal labour market.³⁷

Living and working illegally in Tashkent have risk of being accused of infringement of passport regime and other laws. Law enforcement officers on the regular basis conduct check-ups in the places of gathering for mardikors, temporary living places and work places. Migrants are either forced to pay bribes or called for administrative responsibility or placed in detention centers. Before holidays elections or other important events law enforcement conduct a total wipeout of people without Tashkent *propiska*. Forceful eviction upon the grounds of violations of the passport regime (lack of Tashkent *propiska* in the passport) is a legally endorsed practice, against which complaints to any judicial organs would deem useless.³⁸

Illegal employment also makes female mardikors more vulnerable to human rights violations and discrimination. They offer are forced to work 14-15 hours a day, underpaid or not paid the amount verbally agreed. Worse, there are case of rape, forcing into prostitution and being trafficked. Women and children who were raped in their work still continue to work on mardikors markets. There are women who openly offer their services plus sex if required by employer.

Sexual Harassment

Sexual harassment has limited definition in the penal provisions of Uzbekistan. The Criminal Code of Uzbekistan in the article 121 “Forcing woman into coitus” states: “*Forcing a woman into coitus or satisfaction of sexual desires in unnatural form by the person to whom woman was in official, financial or other dependence*”. While CEDAW in its General Recommendations provides wider definition for this phenomenon: “*Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually colored remarks, showing pornography and sexual demand, whether by words or actions*”.

Furthermore, the draft on the law “On equal rights and opportunities for men and women” does not make specific reference to amendments to the existing penal provisions on incorporation and sanctions for sexual harassment.

Recommendations on the Article 11:

- To abolish the institute of residence registration (*propiska*) and permission to exit the country for the citizens of the Republic of Uzbekistan as discriminating practice, worsening lives of women.

³⁷ Idem

³⁸ OMCT and the Legal Aid Society, “Denial of Justice in Uzbekistan”, February 2005

- Ratify of International Convention on the Protection of the Rights of All Migrant Workers and Their Families and develop special strategy to protect the rights of Uzbekistan migrant workers in the destination countries. Enhance the role of the embassies and consulates in destination countries.
- Cooperate with the government of the destination countries in developing strategies on legalizing the work of migrants and their protection.
- Criminalise the sexual harassment by including it to the existing penal provisions.
- Provide tax incentives for employers hiring women and for businesses having women on managerial positions;
- Develop large network of child care facilities in both rural and urban areas; prolong work hours of kindergartens to at least 18.30.

Article 13 Social and economic benefits

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

The law on “Self Governing Bodies” extended a role of local mahalla and gave a considerable discretion in deciding whether a family should receive social benefits, including child allowances and the amount of them, in other words Uzbekistan adopted its own model of decentralization of social security payments.

At the same time government created tight links with mahalla in order to be able to control it and use to promote its policies. The chairman and secretary of the mahalla are both paid salaries by the state, and candidates for the post of mahalla chairman had to be initially approved by local government offices. Mahalla committee members in most of cases serve as watchdogs for law enforcement. Regulations according to which mahalla decides on allowances are not transparent and practice shows that mostly mahallas become another opportunity for corruption to expand. As a result families, especially in rural areas have low access to social benefits and furthermore there are many cases when people had to bribe mahalla workers in order to get social care benefits for certain period of time.

According to the Decree of the President of Uzbekistan on “Strengthening of targeted support to socially vulnerable population”, maternity allowances are paid to women in the amount of 200% of minimal monthly wage for one child before he/she reaches 2 years³⁹. The decision on paying maternity allowances is made on the basis of calculation of the total income of the family. If this income is more than 100 000 Uzbek Soums⁴⁰ per family member, than woman is refused to receive maternity allowance. From the December 1st of 2009 maternity allowance approximately equals to 38 US Dollars a month, which is 1.2 US dollars per day for mother and child

Allowance for poor-income families are also paid on the basis of subjective decision of mahalla members. The reason for refusal in receiving such allowance can be possession by the family of a refrigerator, TV-set, or carpet. In such cases mahalla members informally recommend family to sell items at home to find recourses for living.

³⁹ Minimal monthly wage in Uzbekistan is set at 37680 Uzbek sums by the Decree of President of Uzbekistan as of 16 November 2009.

⁴⁰ Estimated to be around 50 US dollars

As a result social security programs are not sufficient for lifting people out of poverty. Even though considering the level of corruption in mahalla not all families are getting these types of allowances.

Recommendations to the Article 13:

- Ensure transparency and accountability of mahalla activities. Publish annual reports of mahalla activities in terms of distribution of social care benefits.
- Provide effective mechanisms for complaining and appealing against the decisions of mahalla committee on social care benefits.
- Eliminate the practice of checking the family welfare in the cases of allocating maternity allowances.
- On the regular basis calculate the basket of consumer goods and bring social care allowance in compliance with the amount of consumer basket.

Article 14 Rural Women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Patriarchal norms and gender stereotypes in Uzbek society are most clearly manifested in rural areas. This is also affected by the low development of infrastructure, extremely low access to information. Rural population, except for the well-off families, is able to watch only the state censored Uzbek TV channels advocating the notion of “a weak, shy, highly moral and usually subordinate east woman”. Girls are mainly educated on “family useful” professions such as nurse, teacher, dressmaker, cook and etc.

Mostly, women bear the responsibility of looking after the house, bringing up the children, looking after poultry and livestock. Combining education and career development with abovementioned responsibilities brings additional high cost to the family and therefore is not considered as an option. In many rural families it is preferred to educate boy children while girls are supposed to marry and leave the house.

Transition period in the economy made women a more vulnerable segment of labour market. The situation among rural population is far more difficult than in the cities, where the private

initiative and entrepreneurship bring some earnings, but the private initiative has been hampered by government restrictions, farmers are forced to crop either cotton or wheat. The planned system of inputs and state procurement is still in force with regards to the two strategic crops, cotton and wheat. Since the 2002 harvest, collective and private farms are now entitled to sell large portion of the cotton and wheat harvest outside the state procurement system at free auctions.⁴¹

Women working in agricultural sector are also affected by the planned system of inputs and state procurement is still in force with regards to the two strategic crops, cotton and wheat. This has meant throughout the decade that low procurement prices were paid to farms, in comparison to world market prices, in particular when one takes into account the large wedge between the official exchange rate and the market curb rate, meaning a large outflow of resources, through implicit taxation.⁴² Only the state enjoys world market prices for cotton.

Women farmers are in more vulnerable in the competition with large farms headed by men. Despite the fact that equality is provided in access to bank credits, majority of women are unable to present any security or bail and this explains a low proportion of credits given to women - female farmers – 15%.⁴³ Furthermore, recent reforms in agricultural sector, particularly measures to enlarge farming businesses led to decrease in the number of women-heads of farms from 8 % in the beginning of 2008 to 5,5% by the August of 2008.⁴⁴

Recommendations to the Article 14:

- Conduct awareness raising campaign on gender equality with the focus on gender aspects of rural development among key state officials responsible for reforming of agriculture, including Ministry of Water Resources and Agriculture, Ministry of Economy, Ministry of Finance, Ministry of Labour and Social Care, local governments.
- Support the initiative of rural businesswomen in creation and registering associations and unions.
- Organise capacity building trainings for rural women-entrepreneurs in starting business, legal knowledge, management, marketing, agro technical knowledge and etc.
- Develop strategies for supporting women entrepreneurs in rural areas, particularly, special crediting programmes (with low deposits and interest rates), insurance, leasing and microfinance opportunities.

Article 15 Equality before the law

1. States Parties shall accord to women equality with men before the law.

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

⁴¹ EBRD Strategy for Uzbekistan, as approved by the Board of Directors March 4, 2003

⁴² UNDP “Growth and Poverty Reduction in the Next Decade, report to the Government of Uzbekistan” 2004 chapter 5 “Agriculture”

⁴³ State Committee on Statistics.

⁴⁴ Information from Association of Farmers and Dehkan economies of Uzbekistan

The Constitution of Uzbekistan and other legislation provide women and men equal rights in all civil, business and legal issues. Participation in judicial proceedings is equal in any status and testimonial evidence of men and women are equally treated.

Signatory of women is at equal status with man in all kind of legal document, including credits, property and business issues and transactions.

Committee on Elimination of Discrimination against Women noted the discriminatory provision of Uzbek law on the marriageable age. Nevertheless, the difference in legal age between men and women for marriage is unfortunately still prevalent. The Family Code provides for the minimum age for marriage at 18 years for men and for women at 17 years old. This age can be lowered by maximum one year by a decision of the local government.

Constitution of Uzbekistan in article 28 provides: “*any citizen of the Republic of Uzbekistan shall have the right to freedom of movement on the territory of the Republic, as well as a free entry to and exit from it, except in the events specified by law*”. While in practice, the Constitution being the highest rank is violated by the lower ranked laws providing the institute of Propiska (permanent residence registration)⁴⁵ and Exit Visa.

Uzbekistan government uses the system controlling the exit of its citizens from the country, introduced in 1995, the restrictions on the exit from the country consist of the requirement to obtain permission from the Ministry of Interior to leave the country for the period of two years.⁴⁶ After applying to the relevant organs of the Ministry of Interior and paying the fee, each application is checked with information centers of the Ministry and National Security Services. It is necessary to emphasize that the permission itself is of no significance for the law enforcement organs: no one can guarantee that a person obtaining such permission will not violate the law and depart later on. Besides that, a request for permission as well as other useless administrative barriers create favorable grounds for the flourishing of corruption amongst public servants.⁴⁷

Though these discriminatory provisions of Uzbek legislation violates the right to freedom of movement for both sexes, the presence of patriarchal attitudes and deep-rooted cultural stereotypes regarding the roles and responsibilities of women limited to domestic issues, bringing up children and minor career in female considered professions, puts women in less favorable situation in comparison to men.

Uzbekistan claims to be secular state with the rule of law, however, lives of common people are very often regulated by the laws of *adat* or cultural norms where one can see clear domination of patriarchal traditions. According to it woman cannot choose her domicile and have to live in her husband's house after marriage. The institute of propiska is another tool for women's discrimination, as according to cultural norms the bride goes to her husband's house and she needs a permit from a husband (or usually his father- the owner of the house) for getting registered/ propiska. In many cases the bride for many years resides in her husband's house without propiska, as her in-laws want to check whether she proves herself a good wife and daughter-in-law. Or otherwise she is easier kicked out in case she is not obedient enough or is not enough a good house keeper.

⁴⁵ Described in details in article 11

⁴⁶ The order of exit from the country for the citizens of the Republic of Uzbekistan” (Annex No. 1) endorsed by the Resolution of the Cabinet of Ministers No. 8 of January 6, 1995. Instructions “On the procedures of issuance by the organs of interior of the Republic of Uzbekistan of the permission to exit the country by the citizens of the Republic of Uzbekistan” were registered by the Ministry of Justice under No. 760 on July 1, 1999.

⁴⁷ OMCT and Legal Aid Society, of Uzbekistan: “Denial of Justice in Uzbekistan” February 2005

Another tool for discrimination and manipulating women's rights is the institute of exit visa: in her application for it a woman has to provide all personal data of her in-laws and if she is not working get her application authorized by the mahalla committee of her residence.⁴⁸ To do so, she needs permission of her in-laws, if contrary she will face serious harassment from her in-laws. In addition, in-laws frequently refuse to pay the fee for the exit visa, and consequently women's equality with men in ability to leave their country is not provided.

To be permanently registered in in-laws house, woman needs to have their written permission. In consequence, the practice of *propiska* and exit visa is generally used for manipulation and inequality of women.

Women rights in criminal process

Contrary to the provisions of international law, which require juvenile delinquents under detention pending trial and in custody to be kept separate from adults, underage female suspects and are kept together with adults and consequently subjected to abuse and negative influence of adults. Being in constant contact with adult criminal offenders will have proven negative effect on juveniles stated in Beijing Rules. In female prison juvenile are separated from adults with barbed wire.

According to the standards provided by such mechanisms as Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System juvenile offenders should not only be kept separate from adults but even during the transportation the contacts with adult offenders should be avoided. In practice, transportation of juvenile offenders is often carried out together with adult offenders.

There are no juvenile lawyers in Uzbekistan and if there are then very few of them who mostly work as volunteers. There are no institutions specialised in the preparation of juvenile lawyers or in the promotion of their qualification. According to the law, a juvenile offender who cannot afford a lawyer should be provided with one from the state but, unfortunately, this legal protection system is not practised.

Cases of juvenile offenders are considered by general jurisdiction courts where members of the jury do not have their own opinions but hold the opinion of the principal judge. Besides, the jury is often not quite familiar with the legislation and International Conventions in the area of women and children rights applicable to this process and not experienced to work with juvenile offenders. Therefore, it would be reasonable to introduce an institution of jury that would have adequate skills and knowledge to deal with juvenile offenders, taking into consideration provision of CEDAW and other norms of international law.

Monitoring conducted by Bureau for Human Rights and Rule of Law, Uzbekistan concluded that conditions in women colony in Tashkent (the only women prison in the country) are far from being adequate, shortage of used area; lack of hygiene and proper nutrition. Cruel, inhuman and degrading forms of punishments are still used in women colonies and convicts can be placed in a dark, solitary cell.

Access to the justice

⁴⁸ Usually it takes place in the residence of woman's in-laws

Legislation provides legal defence only in the criminal cases. Access to the legal services in civil and administrative cases is provided at the expense of the person in need of such. Cases of divorce, division of property, care of children, alimonies and other related issues are considered by the civil courts. Women living in deprivation from financial resources do not have access to the highly paid services of lawyers. Due to the fact of forced closure of the independent NGO provision of free legal aid from professional lawyers decreased significantly. Very few organisations continue providing services at professional level. Thus, there is a significant gap in access of women to the legal services and as a result do not believe in justice.

Corruption is flourishing in judicial system. In 2006 Uzbekistan was ranked 2,1 in Corruption Perception Index (CPI) by Transparency International and was 155 out of 163 countries while in 2008 situation worsened and Uzbekistan scored 1,8 being 166 out of 180 countries⁴⁹ included in CPI. Well-off husbands frequently bribe judges to avoid or lower division of property, decrease amount of alimonies/childcare or in other way influence their wives.

Recommendations to the Article 15:

- Abolish the institute of residence registration (propiska) and permission to exit the country for the citizens of the Republic of Uzbekistan as discriminating practice, worsening lives of women.
- Abolish discriminatory provision of marriageable age for girls. Currently it is set at 17 years (which can be lowered to 16 with the decision of local governor). It is necessary to make marriageable age equal to women and men and set it at 18 years when citizens attain the full active capacity by the law of Uzbekistan.
- Conduct gender training and enhance the knowledge of judges, law enforcement officials, procurators and other personnel involved in the criminal process, on the provision of the Convention on Elimination of All Forms of Discriminations against Women, encourage judges to use CEDAW provisions in their verdicts.
- Bring the legislation in conformity with the Beijing Rules and the UN Rules for the Protection of Juveniles Deprived from Liberty.
- The Government of Uzbekistan should open its files, in particular statistical and legislative information, on minors within the judicial system to the work of non-governmental organisations, i.e. independent bodies, to assess the situation.
- Establish a Juvenile Justice system in the Republic of Uzbekistan by means of the establishment of separate courts for juveniles and amending the legislation in order to bring it in compliance with international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.
- Introduce into practice the principles of restorative justice as an alternative to traditional punishment in the form of imprisonment.
- Establish rehabilitation centers for women and girls, delinquents, torture and domestic violence victims, functioning within the framework of restorative justice.
- Allow visit and monitoring of detention conditions by the local and international NGO. Grant full access to the International Red Cross and Crescent Society to visit and monitor prison conditions and consider implementation of their recommendations.

⁴⁹ http://www.transparency.org/policy_research/surveys_indices/cpi

Article 16 Marriage and Family Life

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

The Committee is concerned at the different marriage age of boys and girls and at the possibility of a dispensation of one year for girls only. The Committee is further concerned that the formulation of provisions in the Penal Code prohibiting polygamy in the form of cohabitation in the same home may be interpreted as being permissive of polygamy when not being practised in the same home⁵⁰.

Marriage and family relations in Uzbekistan are regulated by the Family Code and the Constitution. Law stipulates the principles of equality of rights of man and woman in entering into marriage and family life: equality of spouse's rights in property issues; priority of upbringing children in the family environment. Equality is also provided in choosing surname of spouse or keeping one while entering to marriage and choice of surname after divorce.

In practice patriarchal relation in matrimonial relations are still existent in Uzbekistan society. *Arranged marriages* are common phenomena even for present days, happens that bride and groom see each other only 3-4 times before wedding. Legislation creates space for *early marriages* by providing the nubility at 17 for girls and 18 for boys⁵¹ (which is discriminatory itself) with the possibility of lowering it to 1 year with the "valid reasons" in "exceptional cases" by the decision of the local governor. At the same time the Family Code does not provide clarification on concept of the "valid reasons" and "exceptional cases".

Early marriages are common in rural areas and in poor families. Early marriage leads to the number of problems and risks that girls have to face after marriage. This all in aggregation with the widespread problem of domestic violence and the traditional role of women in the society worsens the situation. In southern part of Uzbekistan, there are number of cases of self-immolation of women and girls, however not all of them are reported. This is generally caused by the conflict with family of husband and their attempts to put very strict control over women and girls. There were some efforts by the nongovernmental organisations creating shelters and rehabilitation centers for victims of domestic violence however, these efforts were wasted as government started campaign against the civil society organisations which in turn led to the closure of many organisations working in this field.

⁵⁰ CEDAW/C/UZB/CO/3 Concluding comments of the Committee on the Elimination of Discrimination against Women: Uzbekistan; Clause 31

⁵¹ Article 15, Family Code of Uzbekistan

Though religious marriages “nikokh” are not recognized by legislation it is quite popular which also contributes to the increase of early marriages and polygamy, described in the following section.

Polygamy

The Criminal Code of the Republic of Uzbekistan defines polygamy as “cohabitation with two or more women on the basis of one household”⁵² Corpus delicti in cases of polygamy is absent when a man gets married by religious marriage and cohabits with another woman in the different house.

Proof of corpus delicti in cases of polygamy is complicated, though during a religious marriage ritual relatives or neighbors act as witnesses. Majority of men accept polygamy as a normal phenomenon; they do not see any amorality or crime in it. Moreover, people consider that polygamy is needed in times when economic status of women in the country is low and there is no need for women to study or work if she has a breadwinner. Not a single prosecution and court case for a polygamy act is known for authors of the report. The above definition of polygamy serves a trick to avoid prosecution and punishment, thus leading to expansion of the phenomenon.

Equal rights at marriages dissolution

Government created system of mahalla to promote self governance and as a mean for distributing social security payments. *The mahalla*, a community of citizens of a small district, village, small part of the city. It has a right of self-management with an elected head and councillors each elected for 2.5 years among people living in that neighbourhood. Self-governance of citizens, of which the Mahalla is part of, is an independent activity of citizens for resolving issues at local level based on their interests, historical specificity of development as well as national and spiritual values, local customs and traditions.⁵³ In practice, this system is more used for controlling purposes and become an obstacle to the democratic ideas. In majority of cases, mahallas follow strict traditional rules disregarding the gender equality and human rights.

Among powers of mahalla, it is also responsible for reconciliation of family. Quasi-judicial organ - reconciliation committee is created within the structure of every makhalla. The court does not accept writ for divorce without minutes of mahalla reconciliation committee. In general, sessions of reconciliation committee take accusatory character against women for the following reasons:

- According to the local traditions, when couple gets married, often woman lives with the family of husband in their house. Subsequently in the case of divorce, she has to face reconciliation committee in the neighborhood of her husband’s family, whose members may have good relationships with them. Therefore, being quasi-judicial organ cannot be considered neutral and impartial.
- According to the Law “On self-governing organs” and “Regulation on reconciliation commission” the major function of the latter is to preserve family and prevent divorces. Therefore during its sessions in majority of cases women face serious psychological

⁵² Article 126, Criminal Code of Uzbekistan

⁵³ Article 1 of the Law “On self-governance organs of citizens” in the new edition of April 14, 1999

pressure, committee members and in-laws discuss way of conduct, incapability to be a good housekeeper, disrespect to the family members, disobedience of woman and she is often blamed for being not patient, tolerant and respectful to the in-law family.

In its turn the consequences of divorce are quite challenging for the woman and her children. The legislation provides for equal distribution of property gained in marital life. But in practice this provision does not work, given the fact that the Uzbek families are usually extended: one or more sons and their families reside together in the parent's house. As a rule, the property is registered on the name of parent's in-law. In such a case the woman can only exercise her right of enjoyment and habitation the in-law's and her ex-husband house.

In such case it is important to introduce to the legislation of Uzbekistan the practice of paying compensation in the case if divorce is initiated by husband or forced by his family.

There is also a mechanism of registration in the place of residence (propiska). That mechanism is also very often manipulated by the in-laws family: they postpone registration of the bride in the common house as long as possible just in case the bride turns out not to meet the initial traditional expectations. In case of divorce problem number one emerges as the absence of "the roof over her head".

In cases when the couple lives separately, according to the law the jointly gained property should be equally distributed between the spouses when divorced. But women quite rarely enjoy their property rights guaranteed by the law. Corruption works in favor of men, and/or the joint property is registered on the name of groom's relatives. Also, while women are engaged in reproductive duties, men earn for living and they pay for property. There is a widespread stereotype that "the woman has never worked to earn money, therefore she cannot claim for the property". That stereotype quite successfully works against women in practice.

Recommendations to the article 16:

- Introduce the complex strategy of preventing early marriages, including incentives at pursuing higher education for girls, raising awareness of women rights issues and negative consequences of early marriages and inequality.
- Introduce amendments to the corpus delicti in the case of polygamy include cohabitation with two or more women in separate houses to the article 126 of the Criminal Code of the Republic of Uzbekistan
- Abolish the practice of compulsory revision of reconciliation committee of the divorce issues to be done in voluntary basis.
- Transfer the responsibilities and tasks of reconciliation committees to arbitrary courts. Include in the reconciliation committee paid position of qualified lawyer, psychologist, specializing on family affairs.
- Conduct trainings on the provisions of CEDAW and gender awareness for members of mahalla staff and reconciliation committees.
- Introduce to the legislation the practice of divorce compensation