

ADVOCATING THE RIGHTS OF INDIVIDUALS WITH DISABILITIES

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Abstract: *Uzbekistan has made considerable advancements in the rights of those with disabilities in recent years. Domestic law in this domain has seen substantial modifications. The Law on the Rights of Persons with Disabilities was passed in October 2020, and the UN Convention on the Rights of Persons with Disabilities was ratified in 2021. The President and Cabinet of Ministers have also promulgated other decrees and decisions to advance these aims.*

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In recent years, Uzbekistan has seen significant progress in advancing the rights of persons with disabilities. Domestic legislation in this area has undergone significant reforms. Specifically, the Law on the Rights of Persons with Disabilities was enacted in October 2020, and the UN Convention on the Rights of Persons with Disabilities was ratified in 2021. Furthermore, the President and Cabinet of Ministers have issued several decrees and resolutions to further these objectives.

In addition to these endeavors, on December 13th, 2024, a teleconferencing meeting was held under the guidance of President Shavkat Mirziyoyev, to review the progress achieved in social protection and establish priorities for 2025. It should be noted that "Inson" centers have been established in all regions, and a wide variety of 102 social services have been

provided at the local level. Through home visits, social workers have identified and provided additional support services to 95,000 individuals who were previously unregistered and in need of assistance. Of these, 51,000 have been assessed as having disabilities and 26,000 have received prosthetic devices. In addition, 4,000 older adults living alone have been identified and enrolled in home care programs, and 5,000 children with disabilities have successfully integrated into kindergartens and schools¹. As a result of our targeted communication efforts, we have observed a 35% reduction in the number of complaints received by public reception and local government offices regarding social services and assistance.

The Statistics Agency of Uzbekistan has reported a rise in the number of individuals with disabilities in recent years. In 2020, approximately 41,600 males and 32,565 females were newly diagnosed with disabilities. This figure increased to 52,235 males and 43,909 females in the following year (2021) and to 63,191 males and 54,704 females in 2022. As of 2023, the figure remained at approximately 61,181 males and 54,535 females, indicating a slight decrease from the previous year's figure².

It is essential to emphasize that the Ombudsman, as a parliamentary body responsible for ensuring compliance with human rights legislation, places great emphasis on monitoring the protection of the rights and freedoms of persons with disabilities.

Between 2021 and 2024, the Office of the Ombudsman received 680 complaints about protecting the rights of persons with disabilities. Of these, 51% (347) were subject to parliamentary review.

¹ New initiatives have been put forward to strengthen the social protection system. The official website of the President of the Republic of Uzbekistan <https://president.uz/ru/lists/view/7763>

² The official website of the Agency of Statistics under the President of the Republic of Uzbekistan <https://stat.uz/ru/ofitsialnaya-statistika/social-protection>

After reviewing the complaints, the following assistance was provided:

Seventeen individuals received assistive devices, including wheelchairs, prosthetics, and crutches.

Ten individuals were assessed and identified as individuals with disabilities.

Seven individuals were referred to rehabilitation centers and received medical treatment.

Four individuals were assigned home care services.

Four individuals were placed in the "Muruvvat" and "Sahovat" care facilities³.

Three people with disabilities were assisted in exercising their tax relief entitlements, and two individuals with disabilities received employment support services.

At the same time, the Ombudsman's and regional offices regularly conduct audits to monitor the protection of the rights and freedoms of persons with disabilities in Uzbekistan.

A key aspect of this monitoring was a comprehensive audit conducted between 2021 and 2023 to evaluate the legal status of residents in residential care facilities known as "Muruvvat"⁴.

It is important to note that currently, there are 29 "Muruvvat" institutions operating in the Republic of Uzbekistan. These institutions include 22 adult care centers and seven children's centers for individuals with special needs. These government-run medical and social facilities provide comprehensive care and support to adults aged 18 years and over who have significant or profound intellectual disabilities and are permanently residing in Uzbekistan.

The primary goal of this initiative is to ensure that people with disabilities have valid passports, enabling them to exercise their civil and political rights fully. This initiative was inspired

³ According to the Decree of the President of the Republic of Uzbekistan dated 05/07/2024 No. UP-75, the Sahovat houses were renamed Social Support Centers.
<https://lex.uz/docs/6915986>

⁴ <https://lex.uz/docs/5654068>

by the discovery of many residents in care facilities in the “Muruvvat” region who lacked essential identification documents.

The monitoring involved thoroughly reviewing the records of 6,086 disabled individuals residing in “Muruvvat” care facilities.

Through the joint efforts of the regional customs authorities, extensive data have been gathered to facilitate the renewal of identification documents for individuals affected. During this monitoring period, the Ombudsman has successfully intervened on behalf of 100 individuals to provide proof of their birth.

Please be advised that, under Presidential Decree No. PP-365⁵, dated August 30, 2022, "Muruvvat" care facilities are now under the administrative oversight of the Customs Committee within the Ministry of Economy and Finance.

It is worth noting that, following the provision of proof of birth, additional assistance was provided to expedite the issuance of national identity cards⁶.

The monitoring has identified the following significant factors contributing to the lack of identification documentation for people with disabilities:

In the 1970s, 1980s, and 1990s, individuals were admitted to institutions under the “Muruvvat” program without adequate documentation, based on government and government department referrals. This resulted in many residents of these institutions, who were formerly citizens of the Soviet Union, becoming stateless after the dissolution of the USSR, due to their inability or the inability of their legal representatives to initiate necessary processes for obtaining citizenship or other identification documents.

The historical practice of admitting individuals with disabilities to “Muruvvat” institutions without adequate

⁵ <https://lex.uz/docs/6178140>

⁶ <https://lex.uz/ru/docs/4761986>

documentation and their subsequent prolonged institutionalization is a matter of concern. Current admissions to these facilities are governed by the Regulations on Residential Care Facilities for Persons with Disabilities, as specified in Cabinet Resolution No. 575, dated September 17, 2021.

Following the relevant regulations, Muruvvat institutions have the authority to accept individuals who are 18 years of age or older, are permanent residents of Uzbekistan, and have been identified as having a severe or profound intellectual disability. These individuals fall within disability groups I and II.

During the transfer of individuals from rehabilitation centers to Muruvvat facilities, law enforcement authorities must ensure that valid identification documents are presented for the individual being admitted⁷.

It is important to note that before the current regulations, the Muruvvat boarding homes were subject to earlier rules approved in 2011. These earlier regulations also outlined the criteria and procedures for admitting individuals with disabilities to these facilities and included similar documentation requirements⁸.

A review of the relevant laws and regulations has revealed a high level of negligence by those involved in admitting individuals to "Muruvvat" establishments. As a consequence, a significant number of people were admitted to these

⁷ Regulations on boarding houses "Muruvvat" for persons with disabilities, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On approval of provisions governing the activities of certain medical and social institutions in the field of social protection of the population of the Republic of Uzbekistan" dated September 17, 2021 No. 575. <https://lex.uz/docs/5639091>.

⁸ Regulations on boarding houses for disabled people "Muruvvat" (approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On approval of the Regulations on medical and social institutions of the Ministry of Labor and Social Protection of the Republic of Uzbekistan" No. 240 dated 08/23/2011) <https://lex.uz/docs/1856116?ONDATE=01.08.2018%2000#edi3855073>

establishments without the necessary identification documents.

During the monitoring process, it was determined that losing identification documents is a common issue.

Furthermore, it was found that a significant number of individuals with disabilities have resided in "Muruvvat" facilities for extended periods, frequently exceeding two to three decades. These individuals do not possess the necessary documentation to prove their identity.

However, as demonstrated by the monitoring conducted between 2021 and 2023, there are ongoing challenges, particularly regarding the lack of identification documents for persons with disabilities. To address these issues, it is necessary to collaborate with relevant parties to protect this group's rights and interests fully.

In 2024, monitoring was conducted to assess legislation compliance regarding employment opportunities for persons with disabilities. It is important to note that the total number of positions set aside, as determined by local authorities, cannot exceed 10% of an organization's average workforce, with at least 3% set aside for persons with disabilities⁹.

The monitoring has shown that local authorities have mandated reserving 58,400 jobs for 2024 for individuals facing barriers to employment. Of these, 8,800 positions have been specifically designated for people with disabilities. However, the analysis reveals a significant gap between the number of individuals with disabilities and the number who are being placed in these reserved positions.

For reference: As of November 1, 2024, the employment rate of people with disabilities in designated positions was 39.7%. In total, 3,500 individuals with disabilities have been

⁹ Regulation "On the procedure for establishing and reserving the minimum number of jobs for the employment of persons in need of social protection and experiencing difficulties in finding work and unable to compete on equal terms in the labor market" (approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 05.12.2017 No. 965) <https://lex.uz/docs/3448330>

successfully employed. For example, in the Andijan, Fergana, and Namangan regions, 836 individuals with disabilities were hired out of 5,700 designated positions.

Particular attention is paid to protecting the rights and freedoms of persons with disabilities through the Ombudsman's international collaboration with other international organisations and foreign human rights bodies.

Since February 2022, annual international conferences have taken place to commemorate the establishment of the Ombudsman's office. These conferences are focused on promoting the rights of persons with disabilities and enhancing international cooperation in this field.

For instance, during the 2023 conference, Akos Kozma, the Hungarian Ombudsman, emphasised his dedication to addressing the requirements of people with disabilities. He also emphasised a division dedicated to socially disadvantaged groups, including persons with disabilities, and a consultative council on disability matters.

Additionally, between 2021 and 2024, the Ombudsman hosted four capacity-building initiatives, including seminars, workshops, and training sessions. These events targeted staff from the Ombudsman's office, governmental agencies, and civil society organizations and featured prominent international experts in disability rights.

It should be especially emphasized that on June 7, 2021, Uzbekistan ratified the Convention on the Rights of Persons with Disabilities¹⁰ by the Law of the Republic of Uzbekistan "On the ratification of the Convention on the Rights of Persons with Disabilities (New York, December 13, 2006)"¹¹. The significance of the ratification of the Convention lies in the fact that it will allow the social protection system for persons with disabilities to comply with international norms and standards,

¹⁰ <https://lex.uz/ru/docs/5447430>

¹¹ Uzbekistan signed the Convention in 2009

expand the possibility of attracting targeted resources of international organizations to strengthen social protection for persons with disabilities, and improve the positive global image of our country in the field of social protection of the population¹².

Subsequently, in July 2023, the government of Uzbekistan submitted its initial state party report on the implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities. At the same time, the ombudsman prepared and submitted an alternative report on this topic that year.

In February 2024, a national “Law Knowledgeable” competition was organized for children with motor disabilities. Approximately 750 students from boarding schools in Tashkent city, Fergana, and the regions participated in the event.

The primary objective of the competition, jointly organized by the Ombudsman's Office and the Federation of Trade Unions of Uzbekistan, was to enhance the legal knowledge and abilities of children with special needs. Participants received advance notification of the competition's scope and schedule to facilitate thorough preparation. This preparatory stage proved effective in significantly improving the students' legal understanding, as confirmed by representatives of the boarding schools.

It is important to note that collaborating with relevant stakeholders, such as the Ombudsman, is an essential part of efforts to safeguard the rights of individuals with special needs. In 2024, the Ombudsman partnered with the Institute for Democracy and Human Rights to host workshops and training sessions to empower individuals with disabilities to pursue public office and develop the necessary skills¹³. These

¹² Comments by Deputy of the Legislative Chamber of the Oliy Majlis, Director of the National Center for Human Rights, academician of Uzbekistan Akmal Saidov on the ratification of the Convention on the Rights of Persons with Disabilities
<https://www.uzembassy.uk/news/658?language=ru>

¹³ Elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan were held on October 27, 2024. For the first time in the history of Uzbekistan,

initiatives have significantly contributed to enhancing the political and legal awareness of people with disabilities, enabling them to participate as candidates in parliamentary elections. Specifically, seminars and training events were organized nationwide, attracting more than 170 attendees. As a result, numerous participants successfully registered to contest elections for the Legislative Chamber of the Oliy Majlis in Uzbekistan, the Jokargy Kenes in Karakalpakstan, and various regional, district, and city councils.

Notably, the parliamentary elections held on October 27, 2024, marked a significant milestone with the election of the first three individuals with disabilities to the Legislative Chamber.

Bibliography

1. Regulations on boarding houses "Muruvvat" for persons with disabilities, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On approval of provisions regulating the activities of certain medical and social institutions in the field of social protection of the population of the Republic of Uzbekistan" dated September 17, 2021 No. 575. <https://lex.uz/docs/5639091>

2. Regulations on boarding houses for the disabled "Muruvvat" (approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On approval of the Regulations on medical and social institutions of the Ministry of Labor and Social Protection of the Population of the Republic of Uzbekistan" No. 240 dated August 23, 2011)

<https://lex.uz/docs/1856116?ONDATE=01.08.2018%2000#edi3855073>

3. Regulation "On the procedure for establishing and reserving the minimum number of jobs for employment of persons in need of social protection and experiencing difficulties in finding work and unable to compete on equal terms in the labor market" (approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 05.12.2017 No. 965) <https://lex.uz/docs/3448330>

parliamentary elections were held on the basis of a mixed electoral system. On the same day, elections to regional, district and city councils of people's deputies were held. The official website of the Central Election Commission of the Republic of Uzbekistan <https://saylov.uz/ru/countdown>