



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fifth periodic report of Uzbekistan^{*}, ^{**}

Constitutional and legal framework in which the Covenant is implemented (art. 2)

1. With reference to the previous concluding observations (para. 4), please report on: (a) effective mechanisms and procedures in place for authors to seek, in law and in practice, the publication and the full implementation of the Committee's Views, and clarify the mandate of the National Human Rights Centre in this regard; (b) measures taken to ensure full compliance with all the Views adopted in relation to the State party.
2. With reference to the previous concluding observations (para. 5), please report on measures taken to: (a) further strengthen the compliance of the Human Rights Commissioner (Ombudsman) with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and facilitate its accreditation by the Global Alliance of National Human Rights Institutions, including taking steps to increase its financial and human resources; and (b) implement the recommendations made in the capacity assessment report publicly launched in March 2019.

Anti-corruption measures (arts. 2 and 25)

3. Please report on the progress made in preventing and combating corruption effectively, including in relation to the prosecution of corruption at the highest level. Please clarify whether steps have been taken to: (a) criminalize all mandatory elements of bribery offences; (b) make all corruption offences criminal offences; (c) define the meaning of the term "substantial harm" as an element of the offence of abuse of power or office; (d) provide for the liability of legal entities for crimes of corruption; and (e) strengthen the operational and structural independence and specialization of law enforcement agencies and prosecutors dealing with corruption cases. Please also clarify whether consideration has been given to excluding the functions of combating economic and corruption crimes from the mandate of the State security bodies.

Non-discrimination (arts. 2 and 26)

4. With reference to the previous concluding observations (para. 6), please report on measures taken to ensure that the legal framework: (a) provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, including colour, political or other opinion, national origin, property, birth, sexual orientation, gender identity and other status; and (b) provides for effective remedies in judicial and administrative proceedings for

* Adopted by the Committee at its 126th session (1–26 July 2019).

** Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations, CCPR/C/UZB/CO/4.



victims of discrimination. In this respect, please clarify if there are any plans to adopt comprehensive anti-discrimination legislation to address the above requirements.

5. With reference to the information in paragraph 69 of the State party's report (CCPR/C/UZB/5), please report on the measures taken: (a) to raise awareness about the principles of universality of human rights and of non-discrimination among the population at large; and (b) to implement the Committee's long-standing recommendation to decriminalize consensual sexual activities between adult males (CCPR/C/UZB/CO/3, para. 22 and CCPR/C/UZB/CO/4, para. 7). Please respond to reports of social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual and transgender individuals by both State officials and private individuals, including extortion and arbitrary arrest and detention by law enforcement officials. Please clarify the procedure for legal recognition of gender reassignment and comment on reports that it requires a minimum of one month's hospitalization in a psychiatric clinic.

Equality between men and women and gender-based violence (arts. 2, 3, 7 and 26)

6. In connection with the previous concluding observations (para. 8), please report on: (a) progress in adopting a law on equal rights and opportunities for women and men compliant with the Covenant; (b) steps to address effectively the reported persistence of forced and early marriage and de facto polygamy, particularly in rural areas, despite their prohibition by law; (c) measures taken, and progress made, in relation to achieving equitable representation of women in political and public life, including in the judiciary and the legislative and executive bodies, especially in high-level decision-making positions.

7. With reference to the previous concluding observations (para. 9), please report on the progress made in eradicating violence against women, including on:

(a) The status of the draft law on the prevention of domestic violence, its correlation with the recent draft laws on guarantees of equal rights and opportunities for men and women and on protecting women from harassment and violence and clarification as to whether it criminalizes domestic violence and marital rape explicitly and on the accountability of perpetrators and enforcement mechanisms;

(b) Measures taken to: (i) encourage reporting of incidents of violence against women, including sexual and domestic violence; (ii) address the lack of due diligence by law enforcement officers in registering and investigating violence against women, ensure prompt and effective registration and investigation of such cases (please include relevant statistics since 2015) and sanction perpetrators adequately; and (iii) provide adequate and sufficient psychological, social, legal and rehabilitative services through the centres for legal and social support for women and their families.

States of emergency, counter-terrorism and anti-extremism measures (arts. 4, 9, 14, 18 and 19)

8. With reference to the previous concluding observations (para. 11) and the information provided in the State party's follow-up report (CCPR/C/UZB/CO/4/Add.2, paras. 2–9), please report on any draft or adopted legislation governing states of emergency and its compliance with article 4 of the Covenant, and clarify in particular whether derogations from non-derogable provisions of the Covenant during states of emergency are explicitly prohibited. Please also provide information on the application of the 2018 Act on Countering Extremism in practice, including relevant statistics on investigations, prosecutions and convictions for extremism, and on safeguards against its arbitrary use to restrict the legitimate exercise of freedoms of religion and expression.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6, 7, 9, 10 and 14)

9. Please report on measures taken to implement the Committee's long-standing recommendations (CCPR/C/UZB/CO/3, para. 8, and CCPR/C/UZB/CO/4, para. 10) on conducting an independent and effective investigation into the mass killings and injuries by the military and security services during the Andijan events in 2005 to ensure a full, transparent and credible account of the circumstances, with a view to identifying,

prosecuting and punishing perpetrators and providing remedies for victims or their families. With reference to the previous concluding observations (para. 10), please provide specific information on the legal standards on the lawful use of firearms by law enforcement and security forces under domestic law and on their compliance with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

10. With reference to the previous concluding observations (para. 13) and the definition of torture in the Criminal Code, as amended in 2018 (CCPR/C/UZB/5, para. 154), please clarify: (a) whether the reference to “law enforcement or other state agency employees” is meant to include all public officials and other persons acting in an official capacity; (b) whether there are plans to expand the scope of the definition of torture in the new Criminal Code to ensure that any person, rather than the limited categories explicitly referred to in the current definition, may be a victim of torture. Please also clarify whether the practice of granting amnesties to persons convicted of torture or ill-treatment has been abolished.

11. With reference to the previous concluding observations (para. 14), please report on the impact of the measures outlined in the State party’s report on the eradication of torture and ill-treatment in practice. Inter alia, please:

(a) Respond to the continuing reports of torture and ill-treatment of persons deprived of their liberty, including the former Prosecutor General, Rashitjon Kadirov, his twelve co-defendants and other persons temporarily detained as witnesses in connection with the investigation, and individuals detained on politically motivated charges such as extremism;

(b) Report on measures taken to ensure that all allegations of torture and ill-treatment are investigated promptly and thoroughly by a genuinely independent mechanism;

(c) Elaborate on the application of penalties for perjury and false denunciation, including on safeguards against their arbitrary use, with a view to discouraging the reporting of torture and other ill-treatment;

(d) Comment on the low number of prosecutions and convictions under article 235 of the Criminal Code and the often lenient penalties imposed on perpetrators, such as deduction of earnings and fines, and provide updated statistics on the total number of cases of torture and ill-treatment reported annually since 2015, subsequent investigations and prosecutions initiated under article 235 and criminal convictions secured, the type of sanctions imposed on perpetrators and the reparations granted to victims;

(e) Report on progress in reviewing all criminal convictions based on allegedly forced confessions and providing effective remedy to persons who were wrongly convicted.

Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

12. In connection with the previous concluding observations (paras. 15–17):

(a) Please clarify whether the prosecutor is authorized by law to exercise judicial power within the meaning of article 9 (3) of the Covenant and respond to reports that the new statutory limit of 48 hours is not always adhered to in practice and that individuals are sometimes held as witnesses rather than suspects in order to circumvent the legal time frame of detention for 48 hours without charge;

(b) Please provide information on non-custodial alternatives to pretrial detention and data on their application in practice;

(c) Please report on the measures taken to ensure that habeas corpus provisions are strictly enforced in practice, including that the right of the detainee to appear in person before the court and to have access to a counsel of his or her own choosing is respected;

(d) Please provide updated statistics on the number of human rights defenders, government critics and individuals convicted of religious extremism or of membership in banned Islamic movements who have been convicted under article 221 of the Criminal Code since 2016.

13. With reference to the previous concluding observations (para. 18), please report on measures taken to address the reportedly poor conditions of detention, including overcrowding; inadequate food, sanitary conditions and medical care; and continuing high rates of tuberculosis.

Elimination of slavery and servitude (art. 8)

14. With reference to the previous concluding observations (para. 19) and the Committee's evaluation of the State party's follow-up report (see CCPR/C/121/2), please report on further measures taken to eliminate forced labour in the cotton sector and on their practical impact. Inter alia, please:

(a) Respond to continuing reports of forced labour during the cotton harvest, including requiring public and private institutions, enterprises and businesses to send their employees to pick cotton or pay for replacement pickers and cover their costs;

(b) Report on measures taken to ensure financial transparency and address corruption in the cotton sector, including on any planned or implemented reforms to the mandatory cotton production quota system set by the State that reportedly remains the main cause of forced labour and contributor to corruption;

(c) Comment on allegations of poor working and living conditions for cotton pickers, report on the steps taken to prevent deaths in connection with cotton harvesting and investigate thoroughly such cases (please supply relevant statistics since 2015), and provide effective remedies to victims' families.

Please also respond to reports of the use of the forced labour of public sector employees, such as teachers, medical workers and employees of State agencies, under threat of salary cuts, disciplinary measures and dismissal, for cleaning streets, construction work, planting flowers and public maintenance.

Freedom of movement (art. 12)

15. Please report on the measures taken to implement the Committee's long-standing recommendation (CCPR/C/UZB/CO/3, para. 18 and CCPR/C/UZB/CO/4, para. 20) to bring the residence registration system (*propiska*) into full compliance with the Covenant. Please also respond to concerns that *propiska* operates in practice as a permit system that unduly restricts the liberty of movement of individuals and their freedom to choose their residence, including restricting by law the right to permanent registration in the city of Tashkent and the Tashkent region to certain categories of eligible citizens, which discriminates against those who were born and live outside Tashkent and the Tashkent region. Please also comment on reports of travel restrictions on released prisoners convicted on politically motivated charges, including travelling abroad for urgent medical treatment.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 13 and 24)

16. Please provide information: (a) about the implementation of the presidential decree of May 2017 on the approval of the regulation on the procedure for granting political asylum; (b) on the steps taken to establish a national asylum system that guarantees access to the territory and to asylum procedures to all persons in need of international protection, and provides for adequate safeguards against arbitrary detention, deportation and refoulement; (c) on the current number of stateless persons in the State party and on the measures taken to ensure adequate safeguards against statelessness in the processes for renunciation and loss of citizenship.

Right to a fair trial and independence of the judiciary (art. 14)

17. With reference to the previous concluding observations (para. 21) and the reforms of the judiciary outlined in the State party's report, please provide further information on the measures taken to ensure, both in law and in practice, the full independence and impartiality of judges and prosecutors, and respond to the following concerns:

(a) The procedure on the formation of the Supreme Judicial Council and its composition do not ensure sufficient guarantees of independence from the executive power:

political bodies remain involved in the selection and appointment of judges beyond formal approval and clear objective criteria for the selection of candidates and detailed and transparent procedures for their evaluation are not defined by law;

(b) The temporary appointment of judges for two terms before their indefinite appointment, insufficiently clear and too broad criteria for the evaluation of candidates for reappointment to a new term, and too broad grounds for the disciplinary responsibility of judges;

(c) The insufficient financial security of judges, including low remuneration and discretionary extra payments;

(d) The procedure of supervisory review of court judgments by the Supreme Court and the right of prosecutors to recall and challenge court cases;

(e) The insufficient independence of prosecutors from political influence in practice, owing mainly to the procedures for the appointment and dismissal of the Prosecutor General; the excessive powers vested in prosecutors, including broad supervisory functions; and regulations and procedures relating to the disciplinary liability (non-execution or improper execution of professional duties) of prosecutors on broadly defined grounds.

18. With reference to the previous concluding observations (para. 21), please report on measures taken to guarantee the independence of the Chamber of Lawyers from the executive branch and the independence of lawyers themselves, and respond to concerns that the requirement of recertification of lawyers at intervals of less than three years has been misused for political reasons.

19. Please indicate the steps taken to establish a comprehensive juvenile criminal justice system and the use of alternative measures to the detention and imprisonment of juvenile offenders. Please also report on the status of the draft law on free legal aid and clarify how it guarantees non-discriminatory, free and effective access to quality legal assistance to all persons without sufficient means within the State party's territory and subject to its jurisdiction.

Freedom of conscience and religious belief (art. 18)

20. In connection with the previous concluding observations (para. 22), please report on measures taken to bring the laws and practices relating to the freedom of religion and belief into compliance with article 18 of the Covenant, including information on:

(a) The status of the draft law on freedom of conscience and religious organizations, the process of public consultations on the draft legislation and the extent to which the draft law addresses the current limitations on the freedom of religion, including the criminalization of proselytization and other missionary activities, the burdensome registration requirements for religious associations and the criminalization of unregistered religious activity, the censorship of religious material and restrictions on its use, and the strict State control over religious education;

(b) Continuing reports of the repeated denial of registration to Jehovah's Witnesses; the arrest, detention, fines and criminal convictions of individuals belonging to unregistered religious groups for conducting peaceful religious activities; surveillance of religious communities and arbitrary arrests, detention, torture and ill-treatment and conviction of Muslims practising their religion outside the State-sanctioned structures on broadly formulated charges of extremism, or for association with prohibited religious groups. Please also clarify whether the use of headscarves in public places, including in higher education institutions, is forbidden.

Freedom of expression and peaceful assembly (arts. 19 and 21)

21. In connection with the previous concluding observations (para. 23), please respond to continued reports of undue restrictions on freedom of expression in law and in practice, including:

(a) The criminalization of defamation, insult, insulting the President, and dissemination of false information;

(b) Restrictions on freedom of expression online, such as the requirement to register online information dissemination platforms, including blogs, as media outlets and the regulations on content removal and on the blocking of online media platforms on vaguely defined criteria;

(c) The ongoing imprisonment of a large number of individuals on politically motivated charges and the continuing application of criminal law provisions to arrest, detain and prosecute independent journalists and human rights defenders on extremism-related and other politically-motivated charges for the peaceful expression of critical views, such as in the case of journalist and poet Mahmud Rajabov, independent journalist Bobomurod Abdullaev, author Nurullo Otakhanov and human rights defender Musadjon Babadjanov.

22. In connection with the previous concluding observations (para. 24), please report on the status of the draft law on meetings, marches and demonstrations and on the extent to which the draft law brings into compliance with the Covenant the regulations and practices relating to freedom of assembly, including Cabinet of Ministers resolution 205 of 29 July 2014 requiring, inter alia, prior authorization for holding mass events and restricting their holding to specifically designated sites. Please also respond to reports of arrests, detention and sanctioning of activists for organizing and/or participating in peaceful protests, such as in the case of 30 women involved in a peaceful protest in July 2018 and of Irina Zaidman and Maria Legler who organized a peaceful gathering in June 2017.

Freedom of association (art. 22)

23. With reference to the previous concluding observations (para. 25), please report on the status of the draft law on non-governmental organizations (NGOs), the progress made in revising the unreasonable and burdensome legal and administrative requirements for registering NGOs and political parties and any remaining undue monitoring over the activities conducted by NGOs, such as the requirement of advance notification of planned activities to the Ministry of Justice (Ministry of Justice order No. 3020 of 1 June 2018).

Participation in public affairs (art. 25)

24. With reference to the previous concluding observations (para. 26), please outline the measures taken to foster political pluralism in practice, including genuine political opposition. Please report on the status of the draft election code and on the extent to which it revisits the undue restrictions on the right to stand for election based on length of residence, ongoing criminal proceedings and nomination by political parties exclusively; and on the denial of the right to vote to any person declared incompetent by a court or serving a prison sentence, regardless of the severity of the crime. Please respond to reports that two persons with visual impairments have been barred by a decision of the mayor from standing as candidates for the post of Chair of the citizens' self-government body in the Mirabad district of Tashkent. Please report on whether consideration has been given to reviewing the procedure for the appointment of lower-level commissions to ensure they are sufficiently independent and the regulations on overall campaign finance to ensure transparency and accountability and allow voters to support their preferred contestants financially during campaigns.
