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Human Rights Committee

Concluding observations on the fourth periodic report of Uzbekistan

Addendum

Information received from Uzbekistan on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Comments by the National Centre for Human Rights of Uzbekistan on the concluding observations and recommendations of the United Nations Human Rights Committee (document CCPR/C/UZB/CO/4) following the consideration of the fourth periodic report of Uzbekistan

Principal subjects of concern and recommendations

Implementation of the Committee's Views under the Optional Protocol to the Covenant

1. The Committee is concerned about the State party's failure to implement the Views adopted by the Committee under the Optional Protocol and the lack of effective mechanisms and procedures for authors of communications to seek, in law and in practice, the full implementation of the Committee's Views (art. 2).
2. **The State party should take all institutional and legislative measures to ensure that the Committee's Views are published and that mechanisms and appropriate procedures are in place to give full effect to the Views so as to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant.**
3. *Comments:* The Republic of Uzbekistan unfailingly fulfils its international obligations in the field of human rights and freedoms through cooperation with international treaty bodies, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other entities of the United Nations, including the Human Rights Committee.
4. First, it has become standard practice for the concluding observations and recommendations of the Human Rights Committee to be studied in depth by the country's legislative, executive and judicial branches, national human rights institutions and civil society organizations. To this end, the Committee's recommendations are sent to all the aforementioned organs and bodies for them to develop proposals on measures to implement the recommendations acceptable to Uzbekistan.
5. Second, the substance of the Committee's recommendations and its conclusions on the consideration of the national report are widely discussed with representatives of the Uzbek delegation who informed the Committee about the outcome of efforts to implement the International Covenant on Civil and Political Rights. As a rule, these discussions are held at the meetings of the Chambers of the Oliy Majlis, the interdepartmental working group to monitor the observance of human rights and freedoms by law enforcement and other State bodies in the Ministry of Justice, panels of the Office of the Procurator-General and the Ministry of Internal Affairs of the Republic of Uzbekistan, and the Plenum of the Supreme Court of the Republic of Uzbekistan. The National Centre for Human Rights organizes special round tables for representatives of State bodies and non-profit non-governmental organizations (hereinafter "non-governmental organizations") to discuss progress in the Committee's examination of the reports by Uzbekistan and the outcome of that examination and to prepare proposals on means of improving legislation and law enforcement in the field of human rights.
6. Third, the exemplary practice followed by Uzbekistan in preparing and implementing national action plans for the implementation of the recommendations of the Committee may be considered one of the country's outstanding achievements. At the

current time, the fourth such plan is under preparation and discussion, with the active involvement of more than 60 public bodies and non-governmental organizations.

7. In this way, the country has been able to set in place the necessary procedures and mechanisms to give effect to the Committee's Views.

8. With regard to effective remedies for victims of violations of the Covenant, it should be stressed that the Constitution and laws of Uzbekistan establish safeguards to protect citizens from all forms of encroachment on their rights. These safeguards are underpinned by the provisions of such laws of Uzbekistan as the Individuals and Legal Entities (Appeals) Act, the Procuratorial Service Act, the Oliy Majlis Commissioner for Human Rights (Ombudsman) Act, the Actions and Decisions Contravening the Rights and Freedoms of Citizens (Legal Challenges) Act, and others.

National human rights institutions

9. The Committee, while noting that both the Human Rights Commissioner (Ombudsman) of the parliament and the National Centre for Human Rights are mandated to promote and protect human rights, is concerned that neither appears to comply with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

10. **The State party should:**

(a) **Strengthen the independence, in law and in practice, of the existing human rights institutions in compliance with the Paris Principles (General Assembly resolution 48/134, annex);**

(b) **Consider applying for accreditation with the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights.**

11. *Comments:* The Committee's call for the establishment in Uzbekistan of an independent and adequately resourced national human rights institution in line with the Paris Principles is entirely without justification.

12. The Committee has been informed that two national human rights institutions, the status of which fully complies with the Paris Principles, have been created in Uzbekistan and this is a first for Central Asia. The institutions in question are the Oliy Majlis Commissioner for Human Rights (Ombudsman) and the National Centre for Human Rights.

13. Specifically, a number of amendments and additions were made in 2009 to the Oliy Majlis (Legislative Chamber) Act, the Oliy Majlis (Senate) Act, the Code of Criminal Procedure and the Penal Enforcement Code, with the aim of strengthening legal safeguards of the powers of the Parliamentary Ombudsman to consider citizens' complaints and petitions. A special government decision was adopted in 2008 on a range of measures to be undertaken by the State in support of national human rights institutions, which has helped to enhance the logistical and staffing resources of the Ombudsman and the National Centre for Human Rights. On 11 December 2013, the Cabinet of Ministers adopted its decision on measures for State support of the National Centre for Human Rights.

14. Discussions are currently under way on sustained measures for the accreditation of the Office of the Ombudsman and the National Centre for Human Rights with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. This work is being carried out with support from the United Nations Development Programme (UNDP), the Organization for Security and Cooperation in Europe (OSCE), the European Union and other international organizations.

Non-discrimination and gender equality

15. The Committee, while noting that the prohibition of discrimination is proclaimed in article 18 of the Constitution and is reflected in a series of legislative acts, is concerned that the prohibited grounds for discrimination appear to differ from one law to another and existing legislation does not afford protection against discrimination on all the grounds prohibited under the Covenant (arts. 2 and 26).

16. **The State party should take all the measures necessary to ensure that its legal framework:**

(a) Provides full and effective protection against discrimination in all spheres, including in the private sphere, and prohibits direct, indirect and multiple discrimination;

(b) Contains a comprehensive list of grounds for discrimination, including colour, political or other opinion, national origin, property, birth or other status and sexual orientation and gender identity;

(c) Provides for effective legal remedies in cases of violations.

17. **Comments:** An examination of Uzbek legislation shows that provisions prohibiting discrimination are fully reflected in the laws and regulations set out below.

18. Article 18 of the Constitution states that all citizens of Uzbekistan enjoy the same rights and freedoms and are equal before the law, without distinction as to sex, race, ethnic background, language, religion, social origin, beliefs or personal or social status.

19. Pursuant to article 4 of the Education Act, everyone is guaranteed equal rights to education, regardless of gender, language, age, racial or ethnic background, beliefs, views on religion, social origin, occupation, social status, place of residence, or period of residence in the territory of Uzbekistan. In accordance with international agreements, citizens of other States are entitled to receive an education in Uzbekistan. Stateless persons residing in Uzbekistan have the same rights to education as Uzbek citizens.

20. Article 6 of the Labour Code stipulates that all citizens have equal opportunities with regard to the possession and exercise of labour rights. The imposition of any restrictions or the granting of privileges in the area of labour relations on the basis of sex, age, race, ethnic background, language, social origin, property or employment status, views on religion, beliefs, membership in voluntary associations or other considerations unrelated to employees' occupational skills or the results of their work is unacceptable and shall be deemed discrimination.

21. Distinctions in the area of employment resulting from the inherent requirements of a given job or prompted by the State's special concern for persons requiring enhanced social protection (women, minors, persons with disabilities and others) do not constitute discrimination.

22. Any persons who consider that they have been subjected to discrimination in employment may apply to the courts to halt the discrimination and obtain compensation for material and moral injury.

23. In its article 10, the Individuals and Legal Entities (Appeals) Act emphasizes that, in exercise of the right to lodge appeals, any discrimination on the grounds of sex, race, ethnic background, language, religion, social origin, beliefs or the personal or social status of individuals and on the grounds of the type of ownership, location (postal address), form of legal incorporation and other circumstances of legal entities is not permitted.

24. The Draft Laws (Nationwide Consultation) Act, the Oliy Majlis (Elections) Act, the Presidential Elections Act and the Provincial, District and Municipal Councils Elections Act all prohibit any restrictions on the rights of citizens.

25. An analysis of the provisions of the Constitution and the laws of Uzbekistan on the definition of discrimination will show that they are in full compliance with article 2 of the Universal Declaration of Human Rights and article 2 of the International Covenant on Civil and Political Rights. In those articles there is also no mention of “sexual orientation” as one of the grounds for discrimination, which is unacceptable for Uzbekistan.

26. The legislation of Uzbekistan is not only consistent with the international definition, it also extends the list of grounds of discrimination in accordance with the areas covered by the legal regulations. Thus, discrimination in education may have its own characteristics which differ from those of discrimination in employment, and so forth.

27. A definition of discrimination against women consistent with article 1 of the Convention is provided for in the draft law on State guarantees of equal rights and equal opportunities for women and men in Uzbekistan.

28. The Committee remains concerned about reports of discrimination, harassment and violence, including by law enforcement officials, against lesbian, gay, bisexual and transgender individuals. It is further concerned that consensual sexual activities between adult males continue to be criminalized under article 120 of the Criminal Code (arts. 2, 7, 17 and 26).

29. **The Committee reiterates its previous recommendation (see CCPR/C/UZB/CO/3, para. 22). The State party should take effective measures to combat any form of social stigmatization, hate speech, discrimination or violence against persons based on their sexual orientation or gender identity. It should ensure the investigation, prosecution and punishment of such violent acts and should repeal article 120 of the Criminal Code in line with its obligations under the Covenant.**

30. *Comments:* Uzbekistan is opposed to violence against any person, and protection of the rights of persons who have been subjected to violence, including sexual violence, is guaranteed by its Constitution and laws.

31. According to the information provided by the law enforcement authorities and the courts, no single complaint of discrimination or sexual harassment has been lodged against them. Citizens with different sexual orientation have the same rights and duties and their legal status is not limited by their sexual orientation.

32. As noted on previous occasions, Uzbekistan opposes the repeal of article 120 of the Criminal Code, since homosexual relations are one of the causes of the spread of HIV/AIDS in the country and are contrary to the traditions of the peoples of Uzbekistan.

33. The Committee is concerned about the lack of progress in adopting a law on equal rights and opportunities for women and men. It is further concerned about cases of forced and early marriage and bride abductions, especially in rural areas, and persistence of de facto polygamy, despite the legal prohibition against that practice (arts. 2, 3, 23, 24 and 26).

34. **The State party should adopt, without undue delay, a law on equal rights and opportunities for women and men and take more robust measures to ensure gender equality, both in law and in practice, including by:**

(a) **Developing strategies to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and society at large;**

(b) **Strengthening efforts to achieve equitable representation of women in the judiciary, and legislative and executive bodies, including in decision-making positions, within specific time frames;**

(c) **Ensuring effective enforcement of legal provisions prohibiting forced and early marriage and bride abductions;**

(d) **Eliminating all forms of polygamy.**

35. *Comments:* Work is continuing in Uzbekistan on refining the draft law on guarantees of equal rights and equal opportunities for women and men. With the support of the United Nations Population Fund (UNFPA), the draft law was examined by an international expert, Violeta Neubauer, who proposed adding provisions on the authority coordinating the implementation of State policy in the sphere of women's rights, on the equality of women and men in the sphere of marriage, on remedies for the protection of women's rights and on the specification of time frames for implementation of individual articles of the law. The draft law was discussed at round tables in 12 regions of the country, attended by Centre for the Support of Civil Initiatives, the Women's Committee of Uzbekistan and the Centre for Human Rights, and with the assistance of UNFPA and the participation of more than 300 representatives of local authorities and women's organizations.

36. In Uzbekistan, the campaign against child, early and forced marriage has been elevated to the status of public policy. Speaking at the assembly called on 5 December 2015 to mark the twenty-third anniversary of the Constitution of the Republic of Uzbekistan, the President of Uzbekistan emphasized that it was unacceptable to marry off young girls before they had graduated from college and qualified for a profession.

37. By an act of 28 March 2013, amendments were made to article 15 of the Family Code specifying the grounds on which the marriageable age may be lowered by no more than one year, namely, pregnancy, childbirth, and the declaration of a minor to be of full legal capacity (emancipation). To prevent early marriages and child marriages, article 125-1 was added to the Criminal Code and article 47-3 to the Code of Administrative Liability, regarding liability for violation of the law on marriageable age.

38. A downward trend may be observed in the early marriages of women: while in 2011 there were 53 marriages in which the bride was 16 years of age (0.02 per cent), in 2014 there were only 12 such marriages (0.004 per cent).

39. On the basis of the Children's Rights (Guarantees) Act, the Ministry of Justice has developed a draft law amending the Family Code. The draft law sets the marriageable age at 18 for both women and men and is now under review in the Parliament.

40. In 2014, the Ministry of Justice and its local agencies conducted more than 5,000 public awareness events on the consequences of early marriages, as a result of which 1,455 such marriages were prevented. The civil registry authorities have held 4,719 "Young Family" classes at the country's specialized secondary schools, attended by more than 200,000 students, who learned about the adverse consequences of early marriages and consanguineous marriages.

41. The procuratorial offices have conducted 4,991 events, including 2,653 since violation of the law on marriageable age was made a punishable offence, as a result of which 889 early marriages have been prevented. Administrative charges have been filed against 28 parents who allowed such marriages, 23 against husbands, and 5 against persons conducting the religious ceremonies.

42. Uzbek law prohibits polygamous relations between men and women.

43. Under the Family Code, marriages entered into in a *nikoh* religious ceremony have no legal validity. Polygamy is punishable by deprivation of liberty for up to 3 years (Criminal Code, art. 126).

44. In 2014, the criminal courts heard 33 cases under article 126 of the Criminal Code (Polygamy) and one case in the first quarter of 2015. Under article 136 of the Criminal Code (Forcing a woman to marry or preventing her from marrying), the criminal courts have heard 24 cases involving 60 persons.

45. It should be noted that the increase in the number of persons criminally prosecuted for polygamy is attributable to the stepped-up efforts of law enforcement authorities to detect cases of polygamy.

46. In 2014-2015, with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Women's Committee of Uzbekistan and the Centre for the Support of Civil Initiatives, the National Centre for Human Rights developed a strategy for the adoption and implementation in Uzbekistan of temporary special measures aimed at achieving de facto equality between men and women in accordance with article 4 of the Convention on the Elimination of All Forms of Discrimination against Women, and pursuant to paragraph 8 of the national plan of action to implement the recommendations of the Human Rights Council and the United Nations international treaty bodies, following consideration of the national reports of Uzbekistan in the field of human rights and freedoms (2014-2016). Proposals for the introduction of the temporary special measures have been submitted to the Ministry of Justice so that they may be taken into consideration in the adoption of legislative and other measures to ensure de facto equality between men and women. Currently, work is under way on the preparation, discussion and implementation of a national plan of action for the implementation of the temporary special measures, and also of the national plan of action to implement the recommendations of the Committee on the Elimination of Discrimination against Women, following consideration of the fifth national report of Uzbekistan.

Domestic violence

47. The Committee remains concerned (see CCPR/C/UZB/CO/3, para. 13) that violence against women, including domestic violence, continues to be regarded as a family matter. Such violence remains largely underreported primarily because of the lack of due diligence on the part of law enforcement officers in registering and investigating such complaints and owing to the absence of appropriate and sufficient protection measures and support services for victims, including medical, social and legal services, as well as accommodation or shelters. The Committee is further concerned about the lack of specific legislation criminalizing domestic violence and marital rape (arts. 2, 3, 7 and 26).

48. **The State party should strengthen its efforts to prevent and combat all forms of domestic violence, including by adopting without undue delay a law criminalizing domestic violence and marital rape and ensuring its effective implementation. It should also:**

(a) **Ensure that law enforcement officers, the judiciary, social workers and medical staff receive appropriate training on how to detect and deal with cases of violence against women;**

(b) **Strengthen efforts with a view to raising the public's awareness about the adverse impact of domestic violence, and encourage reporting of such violence;**

(c) **Ensure that cases of domestic violence are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions,**

and that victims have access to effective remedies and means of protection, including to accommodation or shelters in all parts of the country and to other support services.

49. *Comments:* The country's current laws guarantee protection against domestic violence and establish liability for such acts.

50. The Criminal Code establishes liability for such violent acts as murder (art. 97), inducement to suicide (art. 103), infliction of grievous or moderate bodily harm (arts. 104 and 105), torture (art. 110), criminal abortion and forcing a woman to have an abortion (arts. 114 and 115) and rape and other forms of sexual violence (arts. 118-129).

51. According to information from the Supreme Court, in 2014 and the first six months of 2015 the following convictions were handed down for offences involving the use of violence against women:

<i>Articles of the Criminal Code</i>		<i>Total number convicted</i>	
		<i>2014</i>	<i>First 6 months of 2015</i>
1.	Art. 97. Murder	165	78
2.	Art. 103. Inducement to suicide	54	21
3.	Art. 104. Grievous bodily harm	150	76
4.	Art. 105. Moderate bodily harm	134	81
5.	Art. 110. Torture	43	10
6.	Art. 118. Rape	471	208
7.	Art. 121. Coercing a woman to have sexual relations	7	2
8.	Art. 126. Polygamy	24	2
9.	Art. 136. Forcing a woman to marry or obstructing a marriage	14	12

52. A draft law on the prevention of violence in the family has been developed by the Academy of the Ministry of Internal Affairs. The law sets out a legal definition of the concepts of "violence in the family" (economic, physical, psychological and sexual violence) and "victim of violence", and establishes measures for general and individual prevention that make it possible to prevent the more serious consequences of domestic violence.

53. Measures for the prevention of individual cases of violence include an official warning issued to the perpetrator of an administrative offence in family or domestic relations stipulating the inadmissibility of such illegal behaviour, the placement of the perpetrator on a list of designated domestic trouble-makers and the possibility of the issuance of a restraining order (imposing restrictions on specific activities of the perpetrator of domestic violence).

54. The draft law on the prevention of violence in the family is currently undergoing expert review by relevant government bodies and non-governmental organizations, with a view to more clearly identifying measures to tackle domestic violence.

55. All complaints lodged by citizens in connection with any form of domestic violence are registered and investigated in the prescribed manner by the internal affairs agencies. In cases in which, as a result of domestic violence, a person incurs minor bodily harm without prejudice to health, a case file is opened for the purpose of instituting administrative proceedings against the offender under article 52 of the Code of Administrative Liability and is referred to the court in accordance with the procedure prescribed by law.

56. In 2014, the courts of general jurisdiction heard 224 criminal cases involving 248 offenders under article 112 of the Criminal Code (Threat of murder or violence).

57. Over the period 2014-2015, officials of the country's internal affairs agencies held 87,755 meetings, talks and lectures (as compared with 91,086 in 2013) on the topics of gender equality and the prevention of domestic violence. Of those meetings, talks and lectures, 24,663 (25,531 in 2013) were held for the local populace in *mahallas* (local community centres); 45,410 (48,009 in 2013) for school pupils; 17,069 (16,957 in 2013) for students of vocational colleges and specialized secondary schools; and 613 (589 in 2013) for higher education students. In all, 2,994 media reports (3,303 in 2013) were prepared on the aforementioned issues, of which 699 (765 in 2013) were broadcast on television and 1,329 (1,485 in 2013) on radio, and 996 (1,053 in 2013) were published in newspapers and periodicals.

58. Women's rights issues, including issues that involve combating violence against women and children, are covered in a number of courses taught at the Department of International Law and Human Rights and other departments of the Academy of the Ministry of Internal Affairs. On 22 October 2014, the Department of Human Rights Theory and Practice held a training workshop on the topic "Protection of women's rights in the work of the crime prevention inspectors of the internal affairs agencies".

Accountability for human rights violations in connection with the events in Andijon

59. The Committee remains concerned (see CCPR/C/UZB/CO/3, para. 8) about the lack of a full, independent and effective investigation into the mass killings, including of women and children, by military and security services during the Andijon events in May 2005, and regrets the State party's assertion that the matter has been closed and would not be revisited, citing visits by two international officials without effective investigative powers. It also regrets the lack of clear information on the revision of the regulations governing the use of firearms by law enforcement and security forces (arts. 2 and 6).

60. **The State party should carry out an independent, impartial, thorough and effective investigation to ensure a full, transparent and credible account of the circumstances surrounding the Andijon events in 2005, with a view to identifying, prosecuting and punishing perpetrators and providing remedies for victims. It should also ensure that its regulations governing the use of firearms by law enforcement and security forces are fully compliant with the provisions of the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).**

61. *Comments:* In addition to disagreeing with the Committee's allegations concerning the events in Andijon in 2005, Uzbekistan points out that, as a sovereign and independent State with supreme State authority in both its domestic and its foreign policy, it has taken the necessary steps to investigate the crimes committed in Andijon in May 2005, prosecuting and sentencing those responsible, as it informed the international community in detail during the period 2005-2007.

62. In accordance with the rules of international law, an international inquiry is carried out when the State itself so requests owing to the inability of the local authorities to do so or to the collapse of the State or if the situation that has arisen directly affects the maintenance of international peace and security.

63. Uzbekistan has repeated this reasoning on numerous occasions at all the international forums where the consequences of the Andijon events have been discussed.

64. In addition, the European Union has twice (11-16 December 2006 and 1-4 April 2007) sent delegations to Uzbekistan to visit locations connected with the tragic events and

has held direct talks with convicted offenders and witnesses after consulting material from the investigation and the trial.

65. In view of the above, it is not appropriate to carry out an independent investigation into the events in Andijon, as this would run counter to the universally accepted international principle of the non-interference of a State in the domestic affairs of another State.

66. Moreover, on 27 October 2009, the European Union External Relations Council decided to lift altogether the restrictive measures imposed against Uzbekistan in 2005 in connection with the Andijon events.

67. It should be noted that the use of force by the Government against the terrorists was proportional, since the fighters were well armed with different kinds of firearms.

State of emergency and counter-terrorism

68. The Committee, while noting that a draft state of emergency act has been prepared, remains concerned (see CCPR/C/UZB/CO/3, para. 9) that the existing regulations on states of emergency did not comply with article 4 of the Covenant. It also remains concerned (CCPR/C/UZB/CO/3, para. 15) about:

(a) The overly broad definition of terrorism and terrorist activities, which is reportedly widely used for the prosecution and persecution of members or suspected members of banned Islamic movements;

(b) Legal safeguards for persons suspected of or charged with terrorism or a related crime and allegations of incommunicado detention, torture and long prison sentences in inhuman and degrading conditions in respect of such persons (arts. 4, 7, 9, 10, 14, 18 and 19).

69. **The State party should expedite the adoption of a law governing states of emergency and ensure its full compliance with the requirements of article 4 of the Covenant, as interpreted in the Committee's general comment No. 29. It should take all measures necessary to ensure that its counter-terrorism legislation and practices are in full conformity with its obligations under the Covenant, including by:**

(a) Amending its overly broad definition of terrorism and terrorist activities;

(b) Ensuring that persons suspected of, or charged with, terrorism or a related crime are provided in practice with all legal safeguards and that any restrictions on their rights are not arbitrary, are lawful, necessary and proportionate and subject to effective judicial oversight.

70. *Comments:* The indispensable nature of the State of Emergency Act is dictated by the need for the elaboration and timely adoption of appropriate measures to meet potential contemporary challenges and threats to public and State security.

71. A draft law on states of emergency, based on article 93 (19) of the Constitution, has been prepared by an interdepartmental working group made up of specialists from the Ministry of Internal Affairs, the Ministry for Emergency Situations, the Ministry of Justice, the Ministry of Defence and the Ministry of Health. The final draft has now been referred to the relevant ministries and departments for consideration and the formulation of proposals.

72. In accordance with the law, persons suspected of or charged with acts of terrorism or other offences against the peace and security of humankind or who have been charged with an offence and extradited from other countries to Uzbekistan in connection with criminal cases under consideration by the investigative units of the internal affairs agencies are

ensured all guarantees and conditions for the exercise of their rights set out in the Code of Criminal Procedure.

73. Persons suspected of or charged with terrorism or an associated offence, including members of banned Islamic movements and groups who have been extradited to Uzbekistan, are guaranteed equal rights, irrespective of sex, race, ethnic origin, language, religion, social background, opinions, or personal or social status (Criminal Code, art. 5), namely:

- Right to life (article 155 of the Criminal Code makes no provision for the death penalty);
- Right to protection from torture and other cruel, inhuman or degrading treatment or punishment (Criminal Code, art. 235);
- Right to the inviolability of the person and protection from illegal detention or remand in custody (Code of Criminal Procedure, arts. 242, 243;)
- Right to be tried in an independent and impartial court and to a review of the court decision in all court instances.

74. In accordance with the Miranda rule, arrested persons, suspects and accused persons, regardless of the seriousness of the offence committed, have the right, in particular, to telephone a lawyer or close relative as soon as they have been arrested, to refuse to give testimony, and to be informed that their testimony may be used as evidence against them. Under the law, arrested persons are entitled to meet in private with their lawyer from the moment of arrest until their first interrogation, lawyers have the right to meet with their clients in private without any restriction on the duration or number of meetings and the institution of counsel for the witness has been created.

75. In addition, the law provides for the possibility of exonerating persons from criminal liability if they voluntarily refrain from participating in terrorist activities, inform the authorities thereof and actively assist in averting grave consequences and the attainment of terrorist goals. The Senate of the Oliy Majlis takes decisions to grant amnesty to persons who show remorse for their acts and have embarked on the path to reform.

Deaths in custody

76. The Committee is concerned about reports of deaths in custody and denial of adequate medical care. It is also concerned about the lack of effective and independent investigations into such cases (arts. 2 and 6).

77. The State party should abide by its obligation to respect and protect the right to life of individuals in custody by, inter alia, taking appropriate measures to address the underlying causes of deaths in custody, ensuring prompt access to adequate medical care and taking immediate steps to ensure that cases of death in custody are promptly investigated by an independent and impartial body, including by ordering forensic medical examinations and by ensuring that victims' families are properly informed at all stages of the investigation and that perpetrators are brought to justice.

78. *Comments:* Particular attention is paid in the Uzbek correctional system to human rights, compliance with the rule of law and the prevention of unlawful acts against persons held in correctional facilities.

79. The staff of the correctional system act strictly in line with their professional duties, observing the provisions of the law and the regulations on the treatment of convicts and Uzbek citizens.

80. The right of remand prisoners to contact a doctor of their choice is established in article 24 of the Health Protection Act.

81. Article 229 of the Code of Criminal Procedure states that detainees must be held in conditions that comply with health and hygiene regulations and that the medical services for detainees and health care in premises where they are held must be organized and dispensed in accordance with the law.

82. Under a joint order of 15 February 2000 issued by the Minister of Internal Affairs and the Minister of Health on measures to enhance the effectiveness of medical services for detainees and prisoners, persons held in correctional facilities and remand centres are provided with inpatient and outpatient medical diagnosis and consultations.

83. In all correctional facilities, medical assistance is available around the clock and there are functional medical units providing inpatient and outpatient services. The medical units are equipped with the requisite medical apparatus and technical equipment and have a sufficient amount of medicine and number of qualified medical staff.

84. The Criminal Proceedings (Remand in Custody) Act and the Penal Enforcement Code guarantee all rights of persons held in custody, prisoners and convicted persons.

85. In order to ensure independent monitoring in custodial facilities (in addition to procuratorial oversight), procedures have been set out in the law for parliamentary oversight by the Oliy Majlis Commissioner for Human Rights (Ombudsman), and the committees of the Legislative Chamber and the Senate (the lower and upper houses respectively of the Oliy Majlis).

Torture

86. The Committee remains concerned that the definition of torture contained in the criminal legislation, including article 235 of the Criminal Code, does not meet the requirements of article 7 of the Covenant, as it is limited to illegal acts committed with the purpose of coercing testimony and therefore in practice is restricted to acts of torture committed only by a person carrying out an initial inquiry or pretrial investigation, a procurator or other employee of a law enforcement agency, and results in impunity for other persons, including detainees and prisoners. The Committee is also concerned that the State party continues to grant amnesties to persons who have been convicted of torture or ill-treatment under article 235 of the Criminal Code (arts. 2 and 7).

87. **The Committee reiterates its previous recommendation (see CCPR/C/UZB/CO/3, para. 10) and urges the State party, as a matter of urgency, to amend its criminal legislation, including article 235 of its Criminal Code, with a view to ensuring that the definition of torture is in full compliance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and with article 7 of the Covenant and is applied to acts committed by all persons acting in their official capacity, outside their official capacity or in a private capacity when the acts of torture are committed at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. The State party should also end the practice of granting amnesties to persons convicted of torture or ill-treatment, which is incompatible with its obligations under article 7 of the Covenant.**

88. *Comments:* Analysis shows that, in substance, the text of article 235 of the Criminal Code is as close as possible to the text of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its definition of “torture and other cruel, inhuman or degrading treatment or punishment”. The difference is that article 1 of the Convention does not restrict the categories of offenders, whereas article 235

of the Criminal Code identifies as offenders only officials conducting preliminary inquiries and pretrial investigations, procurators and other employees of law enforcement bodies and correctional institutions, which reflects the specific nature of the arrangements for combating torture in Uzbekistan.

89. On 24 June 2014, the Academic Coordination Council for Research in the Field of Human Rights and Freedoms of the National Centre for Human Rights held a seminar on the issue of national and international experience in the definition of the term “torture” and its relation to the Convention against Torture, at which there was a broad exchange of views on the subject between Uzbek and foreign experts.

90. Discussions are currently being held on the adoption of measures to bring article 235 of the Criminal Code fully into line with article 1 of the Convention, as part of the process of further integrating international law into national legislation and in order to promote the adoption of best practice from abroad.

91. It should be stressed that the practice of granting amnesties to convicted persons is based on law and cannot be simply “ended” on the recommendation of the Committee.

92. Pursuant to article 68 of the Criminal Code, a person who commits an offence may be relieved of liability through an amnesty act adopted by the Senate of the Oliy Majlis in accordance with article 80 of the Constitution. The granting of amnesty does not revoke the criminal statute assigning liability for the specific offence, nor does it annul the court’s sentence; it only attenuates the impact on convicted persons and those who have committed an offence, including under article 235 of the Criminal Code.

93. Amnesty is granted only for specific categories of convicted persons or persons who have committed certain categories and types of offence. These persons are relieved of criminal liability, exempted from serving their sentence or have their sentence reduced. Amnesty is granted to persons whose conduct while serving their sentence gives reason to believe that they will not reoffend. Particularly dangerous repeat offenders and other dangerous criminals are not granted amnesty.

94. The Committee remains concerned about reports that torture continues to be routinely used throughout the criminal justice system; that, despite the existing legal prohibition, forced confessions are in practice used as evidence in court, and that judges fail to order investigations into allegations of forced confessions even when signs of torture are visible; that persons complaining of torture are subjected to reprisals and family members are often intimidated and threatened to ensure that complaints are retracted; and that the rate of prosecution is very low and impunity is prevalent (arts. 2, 7 and 14).

95. **The Committee reiterates its previous recommendations (see CCPR/C/UZB/CO/3, para. 11). The State party should take robust measures to eradicate torture and ill-treatment, inter alia by:**

(a) Conducting prompt, thorough, effective, independent and impartial investigations into all allegations of torture and ill-treatment, ensuring that perpetrators are prosecuted and, if convicted, are punished with adequate sanctions and that victims are provided with effective remedies, including appropriate compensation;

(b) Establishing, as a matter of priority, a genuinely independent complaints mechanism to investigate allegations of torture or ill-treatment and ensuring that complainants are protected against any form of reprisal;

(c) Ensuring that the prohibitions of forced confessions and the inadmissibility of torture-tainted evidence are effectively enforced in practice by law enforcement officers and by judges;

(d) Reviewing all criminal convictions based on allegedly forced confessions and providing effective remedy to persons who were wrongly convicted;

(e) Ensuring mandatory audiovisual recording of all interrogations in every police station and place of deprivation of liberty.

96. *Comments:* The Committee's contentions about the routine use of torture are based on unreliable sources and reflect a biased approach whose aim is to spread misinformation about respect for human rights in Uzbekistan.

97. First, reports and other information about unlawful actions by law enforcement officers are registered and promptly examined within no more than three days and, where necessary, steps are taken, directly or with the assistance of the agencies responsible for initial inquiries, to verify within no more than 10 days whether there are sufficient and lawful grounds for instituting criminal proceedings (Code of Criminal Procedure, art. 329).

98. Second, reports in this category, including those submitted to OHCHR, are reviewed at meetings of the interdepartmental working group to monitor the observance of human rights by law enforcement agencies, headed by the Minister of Justice, and appropriate decisions are taken on the basis of that review.

99. Third, in accordance with the 2008 agreements between the Office of the Procurator-General and the Oliy Majlis Commissioner for Human Rights and the National Centre for Human Rights, representatives of those organizations are invited to carry out independent inquiries into any allegations of human rights violations committed by members of law enforcement bodies.

100. Fourth, allegations of unlawful treatment are reviewed by special internal security units (staff inspection units), which are independent, since combating, detecting and investigating crime are not part of their functions and they are not subordinate to the crime-prevention agencies.

101. Fifth, in order to prevent the occurrence of cases of unlawful treatment of detainees and convicted prisoners, the procuratorial authorities carry out checks every 10 days of the legality of the detention of prisoners held in custody by the internal affairs agencies. In addition, once a month procurators review the detention of persons in remand centres, at which time they also look into complaints and petitions received from detainees and convicted persons. Where violations are found to have occurred, the appropriate measures are taken by the procurators.

102. Sixth, the use of evidence obtained under duress is prohibited in Uzbekistan. Article 17 of the Criminal Code stipulates that no one shall be subjected to torture, violence or other cruel, humiliating or degrading treatment. Only such information as is found, verified and evaluated in accordance with the law on criminal procedure may be used to establish the truth. Suspects, accused persons, defendants, victims, witnesses and other persons involved in cases may not be coerced into giving testimony by means of violence, threats, encroachments on their rights or other illegal measures (Code of Criminal Procedure, art. 22).

103. The Plenum of the Supreme Court, in its decision of 19 December 2003 on the application by the courts of laws that guarantee the right of suspects and accused persons to a defence, determined that evidence obtained by methods that violate human rights, including the use of torture, is not admissible in criminal cases. In a ruling of 24 September 2004 on certain issues arising in the application of criminal procedural law relating to the admissibility of evidence, the Plenum further determined that inadmissible evidence covers testimony, including confessions, obtained by the use of torture, violence or other cruel, inhuman or degrading treatment, or by deception or other unlawful methods.

104. Seventh, an important step in ensuring the protection of the rights of detainees was the introduction of habeas corpus, which ensures additional protection of the rights of the parties to criminal proceedings and broadens court oversight over the activities of the bodies conducting the initial inquiry and pretrial investigation.

105. Another innovation has been the introduction of the institution of counsel for the witness, who defends the rights and lawful interests of witnesses and provides them with the necessary legal assistance. Counsels for witnesses may participate in cases from the moment when summonses for witnesses are issued, on presentation of their accreditation as lawyers and of the relevant warrants.

106. Eighth, the legal guarantees of protection against torture were also strengthened by the Police Operations Act of 25 December 2012, pursuant to which, in the event of a violation committed by the investigative bodies or their officers of a person's rights, freedoms and legitimate interests, they are required to take action to restore such rights, to provide compensation for the harm suffered and to bring the perpetrators to justice. No one may be subjected to torture, violence or other cruel, humiliating or degrading treatment (art. 7).

107. Ninth, the legislative authorities are also concerned with the prevention of torture. Thus, in June 2014, the Oliy Majlis Legislative Chamber Committee on International Cooperation and Interparliamentary Relations carried out an exercise to monitor implementation of the Convention against Torture in Qashqadaryo province.

108. For 2014, the ordinary courts considered eight criminal cases brought under article 235 of the Criminal Code against 15 persons; of these, 13 persons were sentenced to deprivation of liberty.

109. Persons or their representatives who consider that they have suffered material harm because of an offence may file a civil suit. Persons who have not brought civil claims during criminal proceedings and those whose claims have not been considered are entitled to bring claims under the civil procedure (Code of Criminal Procedure, art. 276).

110. In addition, pursuant to article 1021 (2) of the Civil Code, compensation is granted for moral harm irrespective of whether guilt can be established, whenever such harm is caused to a citizen as the result of an unlawful conviction; unlawful criminal prosecution; unlawful remand in custody as a preventive measure or the extraction of a pledge of good conduct; unlawful administrative penalties; unlawful imprisonment; and in other cases provided for by law. In 2014, five of the seven persons who were victims of offences under article 235 of the Criminal Code received a total of 1.9 million sum in compensation for their material harm.

Liberty and security of person

111. The Committee remains concerned that the State party continues to detain for a period of 72 hours persons suspected of having committed an offence before bringing them before a judge, and therefore welcomes the State party's statement that in the future the length of custody may be reduced to 48 hours. It is also concerned about the deficiencies in the application of the legislation governing judicial control of detention (habeas corpus) in practice, particularly allegations of:

- (a) Forging of the time or date of detention to circumvent the legal period of detention;
- (b) Habeas corpus hearings in the absence of the detainee, especially in politically related cases;

(c) Violations of the right of detainees to a lawyer, including to a lawyer of their choice;

(d) Deficient legal representation provided by State-appointed defence lawyers (arts. 9 and 14).

112. The Committee reiterates its previous recommendation (see CCPR/C/UZB/CO/3, para. 14). The State party should bring its legislation and practices into compliance with article 9 of the Covenant, taking into account the Committee's general comment No. 35 on liberty and security of persons. Inter alia, the State party should:

(a) Reduce the existing maximum period of detention before a person suspected of an offence is brought before a judge from 72 to 48 hours and ensure that the date and time of arrest is that of the actual apprehension and is accurately recorded;

(b) Ensure that habeas corpus provisions are strictly enforced in practice, including that the physical presence of the detainee during proceedings is secured, that access to a lawyer of the person's own choosing is respected and that legal representation provided by State-appointed defence lawyers is adequate;

(c) Enhance the use of alternative measures to pretrial detention.

113. *Comments:* A specific model for the application of habeas corpus in Uzbekistan has been drafted and has entered into effect.

114. The Code of Criminal Procedure defines the grounds and procedure for the detention of persons in this category for 72 hours. During this period, persons must undergo a medical examination, procedural steps must be taken to consolidate evidence implicating detained persons, material must be submitted to the procurator with an application for remand in custody as a preventive measure, and the procurator must transmit to the court an order with the material no later than 12 hours prior to the expiration of the period of detention. The court may extend the period of detention for a further 48 hours, after which a decision is reached as to whether criminal proceedings will be instituted against detainees and whether preventive measures should be taken or they should be released from custody. In exceptional cases, the court may decide to apply remand in custody as a preventive measure against detained suspects. The suspects must, however, be charged within 10 days of the day of detention, or the preventive measure is overturned and they are released from custody (Code of Criminal Procedure, art. 226).

115. Article 9 of the Covenant does not provide for specific periods of detention but indicates only that detainees should be brought promptly before a judge. The period of 72 hours provided for by domestic law is currently acceptable for the collection and examination of evidence implicating or exonerating detainees.

116. Pursuant to article 243 of the Code of Criminal Procedure, an application for remand in custody or house arrest is considered in closed session with the participation of the procurator, the defence counsel if the latter is involved in the proceedings, and the detained suspect or the accused. Detained suspects or accused persons are brought before the court. The detainees' legal representatives and the investigators have the right to participate in the court hearing. Where necessary, investigators may be summoned to appear.

117. An application for a remand in custody of a person on a wanted list is considered without that person's participation.

118. Of all the applications made to the courts for the use of remand in custody as a preventive measure, 83 per cent were examined with the defence counsel in attendance and,

in the remaining cases, in which the suspect or accused person was absent (had absconded), the application was examined without the defence counsel's participation.

119. In 2014, the ordinary courts considered 55,403 criminal cases and preventive measures were applied against 77,038 persons. Of these, 43,799 persons were required to make pledges of good conduct; 3,233 were released under personal recognizance; 118 persons were released under the recognizance of a voluntary association or collective body; 10,246 persons were granted bail; 11,390 persons were remanded in custody; one person was placed under house arrest; 408 minors were released under supervision; and no preventive measures were applied against 7,843 persons.

120. A judge's decision to order or refuse the use of remand in custody as a preventive measure takes effect from the moment it is issued and is subject to immediate enforcement. The decision is sent to the procurator for enforcement and notified to the suspect or accused person and the defence counsel. The judge's decision may be challenged under the appeal procedure established by article 241 (2) of the Code of Criminal Procedure.

121. As part of the continuing reform of the judicial and legal system, discussions are planned on the mandatory participation of a lawyer in hearings dealing with the application of remand in custody as a preventive measure.

122. The Committee remains concerned that, in practice, the rights of persons deprived of liberty to be informed of their rights upon arrest, to notify relatives of their detention and to have access to a lawyer of their choice, and to a doctor, from the very outset of detention continue to be violated (arts. 7 and 9).

123. The State party should ensure that all fundamental legal safeguards are guaranteed in practice to all persons deprived of their liberty from the very outset of detention.

124. *Comments:* Uzbek law guarantees the protection of human rights safeguards in the administration of justice. The rights and responsibilities of accused persons and suspects are set out in articles 46, 48, 50, 51 and 217 of the Code of Criminal Procedure.

125. The Miranda rule is enshrined in article 224 (1) of the Code of Criminal Procedure, which stipulates that, once it has been established, directly or from eyewitness accounts, that one of the grounds for detention referred to in article 221 of the Code exists, internal affairs officers or other competent persons shall inform the suspects that they are being arrested on suspicion of committing an offence and shall require them to proceed to the nearest police station or other law enforcement agency. The internal affairs officers or other competent persons shall also explain to the detainees their procedural rights to make a telephone call or to contact a lawyer or close relative, to have a defence counsel, and to refuse to give testimony, and shall also inform them that any testimony that they give may be used as evidence in a criminal case against them. The persons carrying out the arrest shall identify themselves and, where requested to do so by the detainees, shall exhibit identity documents.

126. In accordance with article 217 of the Code, when a person conducting an initial inquiry, an investigator, a procurator or a judge has applied a preventive measure against a suspect, accused person or defendant in the form of detention, remand in custody or confinement in a medical institution for expert examination, that person must inform a family member of the measure within 24 hours or, in the absence of family members, a relative or close acquaintance, and also notify the individual's employer or educational institution.

127. Under article 46 of the Code of Criminal Procedure, accused persons are entitled to know the exact nature of the accusation, give testimony and explanations concerning the charges, use their mother tongue or the services of an interpreter, and conduct their own

defence, and also to receive free legal aid, in accordance with articles 49-52 of the Code. Accused persons are entitled to meet with their defence counsel, with no restriction on the length or number of meetings. Detainees and accused persons have the right to defence counsel from the moment of their arrest (Code of Criminal Procedure, art. 46). Under articles 24 and 64 of the Code of Criminal Procedure, it is incumbent on the person conducting the initial inquiry, the investigator, the procurator and the court to read suspects and accused persons their rights and give them real opportunities to exercise their right to a defence.

128. The regulations governing the procedure for guaranteeing the rights to defence of detainees, suspects and accused persons, drawn up by the Central Investigation Department and the Chamber of Lawyers, clearly set out the procedure for engaging lawyers and for their participation in criminal proceedings, the mechanism for the provision of publicly-funded defence and the procedures for waiving the right to defence counsel, for filing complaints about violations of the right of detainees, suspects and accused persons to a defence and for drawing up a roster of duty lawyers, including those available at weekends and on public holidays.

129. Under a Ministry of Internal Affairs special order of 24 February 2010, telephone hotlines were set up in all the Ministry's subdivisions and local offices and instructions were drafted and approved on their installation and on how to receive, record and verify information received on them. Altogether, there are 481 hotlines in the country's internal affairs agencies.

130. The question of videotaping all interrogations conducted by investigative bodies is being reviewed by the relevant law enforcement agencies.

131. The Committee is concerned about the alleged practice of arbitrarily extending the soon-to-be-completed prison sentences of human rights defenders, government critics and persons convicted of religious extremism or of membership in Islamic movements banned in the State party by prosecuting and convicting such prisoners for repeated violations of the prison rules under article 221 of the Criminal Code (arts. 9 and 14).

132. **The State party should take all measures necessary to ensure that article 221 of the Criminal Code is not applied to arbitrarily extend prison sentences that are close to completion and that, if new charges are brought, due process rights are fully respected and the proportionality principle is strictly observed in all sentencing decisions.**

133. *Comments:* in Uzbekistan, human rights defenders cannot be prosecuted for their professional activities, nor may harassment, arbitrary detention, torture or any restriction on activities be used against citizens of this category.

134. Allegations that human rights defenders are being prosecuted in Uzbekistan are unfounded. Any legal action taken against the aforementioned persons is prompted by their breach of the laws of Uzbekistan.

135. In particular, the few convictions handed down on such persons are legitimate and not arbitrary, and they have been prosecuted and convicted by the court under article 221 of the Criminal Code, which provides as follows.

136. Failure to comply with the lawful requirements imposed by the authorities of the institution relating to the enforcement of penalties or any other action in defiance of the authorities in the performance of their functions by persons serving sentences in custodial facilities, if, within the course of one year, such persons have been punished for breaking the rules of the custodial facility with confinement to cell-type quarters for the serving of their sentences or transfer to a prison, shall be punishable with deprivation of liberty for periods of up to 3 years.

137. The same acts, if committed:

- (a) By particularly dangerous repeat offenders;
- (b) By persons convicted of serious or particularly serious offences;

shall be punishable by deprivation of liberty for periods of between 3 and 5 years.

Conditions of detention

138. The Committee is concerned about numerous reports of abuses, including beatings by prison guards and other prisoners, poor conditions of detention, inadequate medical care and imposition of long and physically demanding working hours, disproportionately affecting human rights defenders, government critics and individuals convicted of membership in Islamist parties and groups. The Committee is also concerned about the lack of a national independent mechanism mandated to regularly monitor and inspect all places of detention without prior notice, and about obstacles to the proper functioning of independent national and international human rights and humanitarian organizations (arts. 7 and 10).

139. **The State party should:**

(a) **As a matter of priority, take measures to establish a system of regular and independent monitoring of places of detention without prior notice and create all the conditions necessary to facilitate effective monitoring by independent organizations and reinforce its efforts to grant meaningful access to places of detention to the International Committee of the Red Cross;**

(b) **Ensure that persons deprived of liberty are treated with humanity and with respect for the inherent dignity of the human person, put an end to all the forms of abuses in custody outlined above and investigate promptly and independently any such abuses, prosecute those responsible and provide effective remedies to victims, including adequate compensation.**

140. *Comments:* Constant monitoring is carried out to improve the situation of persons held in places of detention, both by the penal correction system itself, as part of its internal supervision of due process in its own work, and by other State bodies and non-governmental organizations.

141. The system of extra-departmental supervision and monitoring is composed of State executive and administrative bodies, the procuratorial offices, voluntary associations and international bodies.

142. The Oliy Majlis Commissioner for Human Rights may visit penal correction facilities without hindrance to investigate complaints lodged by convicted persons or on his or her own initiative. A draft statute on appointing representatives of the Oliy Majlis Commissioner for Human Rights to correctional facilities has been elaborated in order to promote further cooperation with national human rights bodies and to facilitate public scrutiny of the correctional system.

143. As part of their cooperation with the regional office of the International Committee of the Red Cross (ICRC), since 2001 ICRC officials have carried out more than 200 monthly visits to the country's correctional institutions and holding facilities. (In April 2012, the ICRC office announced that it had halted prison visits without indicating the reasons.) On 24 June 2014, a meeting was held at the Ministry of Internal Affairs between the management of the Central Corrections Office and the head of the ICRC regional office for Central Asia, Jacques Villette. During the meeting, the parties agreed that consideration should be given to the preparation and adoption of a framework document for the development of cooperation in new areas.

144. Monitoring of detention facilities is also carried out by the team working on the European Union project to promote judicial and legal reforms in Uzbekistan, the OSCE project coordinator, the UNDP regional office, the European Commission, the Konrad Adenauer and Friedrich Ebert foundations and the European Office of the World Health Organization, representatives of the diplomatic missions located in Uzbekistan (including those of Azerbaijan, Belarus, Germany, Kazakhstan, Pakistan, Russian Federation, Turkey, Ukraine, United Kingdom and United States of America), and also deputies of the Oliy Majlis, the Women's Committee of Uzbekistan, the National Centre for Human Rights, the Committee on Religious Affairs of the Cabinet of Ministers, the National AIDS Centre, the national OOTS centre, and the Kamolot ("Perfection") youth movement.

145. The Ombudsman's Office is currently elaborating draft regulations on a national mechanism for the prevention of torture and the monitoring of places of detention on the basis of a study of foreign experience and the recommendations of Professor Bill Bowring. The purpose of the mechanism will be to conduct regular preventive visits to places of detention, analyse the situation with regard to torture, identify reasons for its perpetration and assist with the investigation of any cases uncovered and the prosecution of the guilty parties. Questions concerning the operation of the mechanism were discussed at an international conference on the topic of the further reform of the judicial and legal system, as a key element of the development and democratization of society, held on 23 and 24 June 2014 in Tashkent.

146. The procuratorial authorities systematically monitor statements and reports alleging unlawful actions by law enforcement officers.

147. A system has been established in Uzbekistan for the receipt and review of complaints of unlawful acts, including acts of torture, by law enforcement officers. Specifically, in accordance with article 329 of the Code of Criminal Procedure, any statements, reports or other information concerning offences must be registered and reviewed without delay and, where necessary, steps must be taken, directly or with the assistance of the agencies responsible for initial inquiries, within 10 days to verify whether there are sufficient and lawful grounds for instituting criminal proceedings.

148. Under current legislation, acts involving the concealment of offences have been criminalized. Article 241-1 of the Criminal Code states that the deliberate failure by an official to report an offence, where that official's duties include the receipt, registration or consideration of complaints, reports and other information concerning offences, shall be punishable by a fine of between 50 and 100 times the minimum wage or punitive deduction of earnings for up to three years or restriction of liberty for between 2 and 5 years or by deprivation of liberty for up to 5 years.

149. Senior officials of the Ministry of Internal Affairs carefully review cases involving the use by officials of physical force or ill treatment, or their violation of persons' rights and unlawful interests. Perpetrators are subject to severe disciplinary measures and are usually dismissed from the internal affairs agencies, and there is a mandatory requirement to hand over the official review file to the procuratorial authorities.

150. In addition, if persons who are remanded in custody or convicted believe the actions of correctional facility staff to have been inappropriate, they have the right to submit reports and complaints to government bodies, voluntary associations, institutions and organizations, irrespective of the form of ownership; such reports and complaints are sent to their destination by the correctional facility staff within three days and the complainants are duly notified of their transmission.

Forced labour

151. While acknowledging the measures taken by the State party to reduce forced labour involving children under the age of 16 years in the cotton sector, the Committee is concerned about consistent reports indicating an increase in the use of individuals above the age of 16 years and adults to carry out forced labour in the cotton and silk sectors. It is also concerned about allegations of widespread corruption and extortion and hazardous working conditions in the cotton sector and poor living conditions during the harvest, which have even resulted in deaths (arts. 6, 8 and 24).

152. The State party should put an end to forced labour in the cotton and silk sectors, inter alia, by enforcing effectively the legal framework prohibiting child and forced labour, including by rigorously prosecuting those responsible for violations and by improving the working and living conditions in those sectors. The State party should also review its laws and practices to ensure financial transparency and address corruption in the cotton industry and take all measures necessary to prevent deaths in connection with cotton harvesting, investigate thoroughly such cases when they occur and provide effective remedies, including adequate compensation, to victims' families.

153. *Comments:* In upholding exercise of the right to work, concerted steps are taken to prevent forced labour.

154. Although not a party to the Slavery Convention, Uzbekistan complies with the fundamental provisions of that instrument. Forced and involuntary labour is prohibited in Uzbekistan.

155. Measures are being taken to prohibit forced labour in Uzbekistan. An act of 21 December 2009 amending the Code of Administrative Liability in order to improve the legal protection of the rights of minors established administrative liability for persons who use child labour on jobs that may harm a child's health, safety or morals. The penalties incurred by employers for the violation of labour legislation and occupational safety regulations relating to children have been stiffened.

156. A monitoring system has been set up in Uzbekistan to prevent forced labour. The bodies participating in the system include the Office of the Procurator-General, the ministries of internal affairs, of labour and social protection and of education, the Centre for Specialized and Vocational Secondary Education in the Ministry of Higher and Secondary Specialized Education, the Council of the Federation of Trade Unions of Uzbekistan, the Kamolot Youth Movement, the Council of Ministers of the Republic of Qoraqalpog'iston and local State authorities.

157. By a Cabinet of Ministers decision of 25 March 2011, an interdepartmental working group was set up to prepare and present information on compliance with International Labour Organization (ILO) conventions ratified by Uzbekistan.

158. The group's principal areas of activity are the following:

- Coordinating the efforts by relevant ministries, agencies and interested organizations to implement measures, programmes and plans based on ILO conventions;
- Developing specific programmes and actions designed to assist Uzbekistan in discharging its obligations under the ILO conventions;
- Interacting with international organizations, including those accredited in Uzbekistan, in the areas of education, health, labour, employment, social protection and social and labour law.

159. Parliamentary monitoring of implementation of the ILO conventions ratified by Uzbekistan is being introduced. In particular, progress in the implementation of the

Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), was discussed at a joint session of the Legislative Chamber Committee on International Cooperation and Interparliamentary Relations and the Senate Committee on Foreign Policy Matters.

160. On 8 February 2012, a parliamentary hearing of the Committee on Democratic Institutions, Non-Governmental Organizations and Local Authorities was held in the Legislative Chamber regarding the implementation of the Convention on the Rights of the Child by the Ministry of Justice.

161. Constructive cooperation between Uzbekistan and ILO has been growing on the basis of the Decent Work Country Programme 2014-2016. One of the priorities of the Country Programme, which was adopted on 25 April 2014, is comprehensive ILO assistance in the effective implementation of the national action plan on the application of the child labour conventions.

162. Decision No. 132, adopted by the Cabinet of Ministers on 27 May 2014, on additional measures for the implementation in 2014-2016 of the ILO conventions ratified by Uzbekistan, makes provision for annual national monitoring using the International Programme on the Elimination of Child Labour (IPEC) methodology and toolkit.

Freedom of movement

163. The Committee remains concerned that the State party still retains the exit visa system and the compulsory address and residence registration system (*propiska*). It is also concerned about reports that the State party prevents the travel of human rights defenders, independent journalists or members of the political opposition abroad by delaying the issuance of exit visas (art. 12).

164. **The Committee reiterates its previous recommendation (see CCPR/C/UZB/CO/3, para. 18) that the State party abolish the exit visa system and bring its compulsory address and residence registration system (*propiska*) into full compliance with the Covenant.**

165. *Comments:* Under article 28 of the Constitution, Uzbek citizens are entitled to liberty of movement throughout the national territory and have the right to enter and leave the country. Only in cases established by law may that right be subject to restrictions.

166. On 14 September 2011, an act was adopted listing the categories of Uzbek citizens subject to permanent registration in the city of Tashkent and Tashkent province, in order to streamline the process of registering citizens in the capital and its province. In accordance with the act, the following are entitled to permanent residence in Tashkent city and province:

1. Uzbek citizens (hereinafter “citizens”) owning a private residence obtained in accordance with the law, who may be registered at the privately owned residence in question;
2. Relatives, who may be registered at residences where their lineal relatives of the first or second degree are permanently registered;
3. Wards, who may be registered at residences where their tutors (or guardians) are permanently registered;
4. Minor biological siblings who do not have parents, and adult biological siblings who are unable to work and do not have families of their own, who may be registered at residences where their biological siblings are permanently registered;

5. Spouses, who may be registered at residences where their wives or husbands are permanently registered, provided they have had at least one year of cohabitation;

6. Citizens with permanent registration in the city of Tashkent, who may be registered in the city of Tashkent or Tashkent province if they apply for permanent registration at a different address;

7. Citizens with permanent registration in Tashkent province, who may be registered if they apply for permanent registration at a different address in the same province;

8. Citizens permanently registered previously in the city or province of Tashkent, who may be registered upon their return to that city or province for permanent residence after completion of their studies, an employment contract, a long-term business trip or release from prison;

9. Citizens elected or appointed to posts or approved for such posts by the chambers of the Oliy Majlis, the President or the Cabinet of Ministers, or in agreement with the President, and their family members (spouses and children who do not have families of their own), who may be registered for the duration of their appointments;

10. Citizens elected in accordance with the law to representative bodies of State power and their family members (spouses and children who do not have families of their own), who may be registered for the duration of their appointments;

11. Highly qualified specialists and experts in certain areas who are invited to work for State authorities, State administration and economic management bodies or other State organizations of national significance and their family members (spouses and children who do not have families of their own), who may be registered, at the request of the head of the respective body or organization, for the duration of their appointments;

12. Military personnel housed in accordance with the regulations for housing military personnel of the armed forces of Uzbekistan, approved by presidential decision No. 694 of 14 September 2007, and their family members (spouses and children who do not have families of their own).

167. A permanent residence permit is issued when an individual intends to live at a given place of residence on a permanent basis.

168. The right of permanent residence in Uzbekistan is accorded to:

- Citizens of Uzbekistan;
- Foreign nationals, including the citizens of countries of the Commonwealth of Independent States and stateless persons in cases where such persons have been issued with residence permits by the internal affairs authorities in accordance with the established procedure.

169. Temporary residence permits are issued for the period that persons spend at their specified place of residence, are valid for periods of between three days and six months and are granted without cancelling citizens' permanent residence permits. Temporary residence permits issued for periods of more than six months entail cancellation of their holders' permanent residence permits.

170. Residence registration is the process by which internal affairs authorities record an individual's permanent or temporary residence at a specific location in accordance with the procedure established by law; it does not limit citizens' rights.

Independence of the judiciary and fair trial

171. The Committee remains concerned (see CCPR/C/UZB/CO/3, para. 16) about the insufficient independence and impartiality of the judiciary, including the lack of security of tenure of judges — who have their term renewed by the Executive every five years — and regrets the lack of information on the appointment, promotion, suspension and removal of judges. It is also concerned about the independence of the Chamber of Lawyers from the executive branch (art. 14).

172. **The State party should take all necessary measures to ensure:**

(a) **Full independence and impartiality of the judiciary, including by guaranteeing judges' security of tenure;**

(b) **That the appointment, promotion, suspension and removal of judges is compliant with the Covenant;**

(c) **That the independence of the Chamber of Lawyers from the executive branch is guaranteed in law and in practice;**

(d) **That sufficient safeguards are in place to guarantee the independence of lawyers.**

173. *Comments:* Questions are raised by the Committee's contention that there are insufficient safeguards guaranteeing the independence of the judiciary because the appointment of judges is not compliant with the Covenant.

174. The procedure for selecting and nominating judges is regulated by article 63 of the act, which establishes that judges of the Supreme Court and the Higher Economic Court are elected by the Senate on a recommendation by the President.

175. Judges of the courts of the Republic of Qoraqalpog'iston are elected or appointed by the Joqarg'i Kenges (parliament) of the Republic of Qoraqalpog'iston, on the recommendation of its President, issued in consultation with the President of Uzbekistan. The matter is submitted for approval by the President of Uzbekistan on the basis of the conclusion of the Higher Judicial Selection Advisory Commission, which reports to the President.

176. The judges of provincial courts, Tashkent municipal courts, inter-district and district (municipal) courts, military courts and economic courts of the provinces and of the city of Tashkent are appointed by the President of Uzbekistan on a recommendation by the Higher Judicial Selection Advisory Commission.

177. The presidential decree of 30 November 2012 on organizational measures for the further improvement of the work of courts identified tasks to be undertaken with a view to further improving the system of appointing court personnel. The Higher Judicial Selection Advisory Commission, jointly with the Supreme Court, the Higher Economic Court and the Ministry of Justice, was assigned the responsibility for ensuring a qualitative improvement in the professional capacities of persons on the roster or nominated for the first time as judges, and also for undertaking comprehensive measures to strengthen the guarantees of service and career progression for judges and the arrangements for their social protection, including during reassignments and employment assistance at the end of their service.

178. On 28 February 2013, the Higher Judicial Selection Advisory Commission adopted rules on ethical behaviour for judges, reflecting the most important requirements for judges' professional and personal qualities.

179. At the same time, legal scholars are continuing to study ways of enhancing the independence of the judiciary. Thus, in 2016, it is planned to hold a meeting of the

Academic Coordination Council under the National Centre for Human Rights, to discuss the independence of the judiciary.

180. The Committee's contention regarding the independence of the Chamber of Lawyers from the Ministry of Justice is unfounded.

181. The Chamber of Lawyers is a non-profit organization based on compulsory membership by all lawyers; it operates on the basis of the principle of non-interference in the activities of lawyers exercised in accordance with applicable law.

182. The decision to suspend or terminate licences is taken by the judicial body which issued the lawyer's certification.

183. The decision by a judicial body to suspend a licence may be challenged in court.

184. In accordance with article 7 of the Legal Profession Act, lawyers are obliged at least once every three years to attend further training courses outside the workplace, which are held on a full-day basis and must be at least two weeks in duration. Cases where lawyers refuse to attend further training courses or to undergo course completion tests shall be reviewed by the certification board of the relevant local office of the Chamber of Lawyers. Infringement of the legislative requirements governing the legal profession by lawyers failing to undertake further training for three successive years is considered grounds for revoking their licences to work as lawyers, in accordance with the procedure established by law.

185. These provisions were codified as law in response to the need to enhance the level of lawyers' professional training and to ensure the effectiveness of legal assistance provided to the public.

186. In 2016, pursuant to paragraph 51 of the national action plan to implement the recommendations of the Human Rights Council and the United Nations treaty bodies following consideration of the national reports of Uzbekistan in the domain of human rights and freedoms (2014-2016), the Chamber of Lawyers, together with the National Centre for Human Rights and the Ombudsman, is planning to monitor compliance with the rights of lawyers in judicial proceedings.

Freedom of conscience and religious belief

187. The Committee remains concerned (see CCPR/C/UZB/CO/3, para. 19) that the legal provisions prohibiting proselytism and other missionary activities continue to be in force. It is also concerned about reports of:

(a) The unlawful arrest, detention, torture and ill-treatment and conviction on religious extremism-related charges of independent Muslims practising their faith outside registered structures;

(b) Arrest for "illegal religious activity", detention, fines and prison sentences for Christians and members of other minority religions conducting peaceful religious activities outside registered structures;

(c) Censorship of religious materials and restriction of their use to inside buildings of registered religious groups only (arts. 7, 9, 10 and 18).

188. The State party should guarantee in practice the freedom of religion and belief and freedom to manifest a religion or belief and refrain from any action that may restrict such freedoms beyond the narrow restrictions permitted in article 18 of the Covenant. It should bring its legislation into conformity with article 18 of the Covenant, including through the decriminalization of proselytism and other missionary activities, and investigate all acts of interference with the freedom of

religion of independent Muslims, Christians and other minority religions practising their religion outside registered structures.

189. *Comments:* It must be stressed that the restrictions imposed by the Freedom of Conscience and Religious Organizations Act are fully consistent with article 29 of the Universal Declaration of Human Rights, because they are necessary to ensure public safety and law and order and to protect the life and health of citizens belonging to various religious denominations. The registration of religious organizations by the judicial authorities vests in them the status of legal entities, enabling them to conduct their relations with the State on the basis of the administrative and legal rules and principles.

190. For centuries, different religious and ethnic groups have lived together in concert in Uzbekistan. Diverse religions and faiths have always coexisted in its territory. The country must again draw on this historical experience today, given that 136 ethnic groups and peoples, most of whom identify themselves with one of the 16 official religions, are living peacefully in the Republic of Uzbekistan.

191. In Uzbekistan, there are 2,226 religious organizations belonging to 16 different confessions, including the Orthodox, Catholic, Lutheran, Baptist, Full Gospel, Seventh Day Adventist and other Christian churches, and the religious communities of the Bukhara and European Jews, Baha'i, Hare Krishna and Buddhists. The country's 2,051 Islamic organizations account for 92 per cent of the total number of organizations. Other active religious bodies include 158 Christian organizations, 8 Jewish communities, 6 Baha'i communities, 1 Hare Krishna association, 1 Buddhist temple, and the interfaith Bible Society of Uzbekistan.

192. A Council on Faith Matters has been established under the Committee on Religious Affairs, entrusted with collaborating closely with religious organizations, assisting different denominations to conduct their activities and working with them to formulate proposals and initiatives promoting inter-religious and inter-ethnic peace and harmony in society and nurturing a culture of inter-faith communication. The Council on Faith Matters includes among its members senior officials from the Muslim Board of Uzbekistan, the Tashkent and Central Asian diocese of the Russian Orthodox Church, the Roman Catholic Church, the Union of Churches of Evangelical Christian Baptists, the Full Gospel Christian Church Centre, the Evangelical Lutheran Church and the Jewish religious community of Tashkent.

193. Believers of Uzbekistan freely celebrate all religious holidays. Muslims mark Qurbon Hayit (Eid al-Adha) and Ramadan Hayit (Eid al-Fitr), Christians Easter and Christmas, and Jews Purim and Hanukkah increasingly widely with every passing year.

194. In the years since independence, translations have been prepared and published of the Koran (three times), 16 books of the Old Testament and the entire New Testament. The Muslim Board of Uzbekistan, working in conjunction with the Uzbek Society for the Blind, has published a Braille version of the Holy Koran, making Uzbekistan only the third country in the world to have performed this invaluable service.

195. Every year, believers make pilgrimages to holy places: Muslims travel to Saudi Arabia, to perform the rites of the hajj and the umrah; Christians to Greece, Israel and the Russian Federation; and Jews to Israel. In the years since independence, over 65,000 Uzbek citizens have travelled to Saudi Arabia for the hajj and more than 200 have undertaken pilgrimages to Greece, Israel and the Russian Federation, to visit the holy places of Christianity and Judaism.

196. The guarantees established in the legislation are fully upheld throughout the country and no Muslims professing Islam or activists of other religious organizations in Uzbekistan are subjected to judicial harassment.

197. If, however, any religious organization operating in Uzbekistan is found to be disseminating religious extremist ideas among the population through leaflets, literature, audiovisual materials or by electronic media, or calling for the violent overthrow of the constitutional order of Uzbekistan and the perpetration of terrorist acts against members of its population, criminal proceedings shall be instituted against it.

198. The aforementioned actions are prohibited by criminal law and any persons involved in the activities of religious extremist and terrorist groups shall be charged under the relevant articles of the Criminal Code. These include, in particular, articles 156 (Incitement to national, racial, ethnic or religious enmity), 159 (Attacks on the constitutional order of the Republic of Uzbekistan), 244 (Production and dissemination of materials containing threats to law and order and public safety), 244-2 (Formation and leadership of and participation in religious extremist, separatist, fundamentalist or other banned organizations) and 244-3 (Illegal manufacture, possession, import or dissemination of religious materials) and others.

199. It should be noted, however, that suspects and those accused of terrorist acts, incitement to national, racial, ethnic or religious enmity, attacks on the constitutional order of the Republic of Uzbekistan and other offences in this category enjoy the same rights as the perpetrators of other offences, in accordance with articles 46 and 48 of the Code of Criminal Procedure.

200. When deciding on the registration of specific religious organizations (not schools of thought), Uzbekistan is guided by the provisions of the Constitution of Uzbekistan and the Freedom of Conscience and Religious Organizations Act. Pursuant to article 5 of that act, religious organizations are obliged to comply with the requirements of the legislation in force. Religion may not be used to disseminate propaganda against the State or the Constitution, foment enmity, hatred or inter-ethnic discord, to undermine moral standards or civic harmony, disseminate slanderous or destabilizing fabrications, sow panic among the population, or commit other acts aimed against the State, society or individuals. The same act prohibits the activities of religious organizations, movements, sects and the like that promote terrorism, drug trafficking and organized crime or pursue other mercenary aims.

201. Any attempts to bring pressure to bear on State executive or administrative authorities or officials and any unlawful religious activity are suppressed by law.

202. Under article 8 of the act, religious organizations are recognized as voluntary associations of citizens set up for the purpose of joint worship, religious services, ceremonies and rites (religious societies, religious schools and colleges, mosques, churches, synagogues, monasteries and others).

203. Religious organizations are formed on the initiative of at least 100 Uzbek citizens aged 18 and over and permanently residing in the territory of Uzbekistan.

204. Refusal to register a religious organization may be triggered by contradictions between its goals and functions and domestic law. Appeals may be lodged in the courts against refusals to register religious organizations or other violations of legal requirements by judicial bodies.

205. Details of the campaign waged by Uzbekistan to counter intolerance against persons based on religion or belief may be found in the country's reports on its implementation of the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination and its responses to the annual questionnaire circulated by the OSCE Office for Democratic Institutions and Human Rights on incidents of and responses to hate crimes in the OSCE region.

Freedom of expression

206. The Committee remains concerned (see CCPR/C/UZB/CO/3, para. 24) about consistent reports of harassment, surveillance, arbitrary arrest and detention, torture and ill-treatment by law enforcement officers and prosecutions on trumped-up charges of independent journalists, government critics and dissidents, human rights defenders and other activists, in retaliation for their work. It is also concerned about reports that freedom of expression on controversial and politically sensitive issues is severely restricted in practice, that websites providing such information are blocked and that news agencies are forbidden to function (arts. 7, 9, 10, 14 and 19).

207. **The State party should:**

(a) **Immediately take steps to provide, in practice, effective protection of independent journalists, government critics and dissidents, human rights defenders and other activists against any action that may constitute harassment, persecution or undue interference in the exercise of their professional activities or of their right to freedom of opinion and expression, and ensure that such acts are thoroughly and independently investigated, prosecuted and sanctioned and that victims are provided with effective remedies;**

(b) **Ensure that any restrictions on the exercise of freedom of expression comply with the strict requirements of article 19 (3) of the Covenant.**

208. *Comments:* The Committee's assertions that human rights defenders and other civil society activists are harassed because of their professional activities are unfounded. They are not prosecuted for their professional or public activities, but for the commission of specific infractions and offences.

209. Uzbekistan has adopted more than 10 acts and 20 subsidiary enactments regulating the media; a legislative framework has been set in place for the exercise of freedom of expression and information, and for the dynamic and progressive development of the information sector; statutes have been passed outlawing censorship, ensuring that media activities may only be suspended by a court of law and upholding the right to pursue investigative journalism; the rules for media registration have been simplified; and the necessary conditions have been set in place for the formation and development of public, non-State institutions and systems in the domain of information.

210. The rights of journalists are enshrined in the Professional Activities of Journalists (Protection) Act of 24 April 1997, pursuant to which, in the exercise of their professional duties, the personal inviolability of journalists shall be guaranteed. Journalists cannot be prosecuted for publishing criticism. The rights, honour and dignity of journalists are protected by law. Foreign journalists accredited in Uzbekistan have the same rights as Uzbek journalists to collect and disseminate information. Violation of the rights of journalists established by this law, affronts to their honour and dignity, threats and violence against them or attempts on their life, health and property in the course of the performance of their professional activities are punishable in accordance with the law.

211. For journalists, particular importance attaches to the State Executive and Administrative Authorities (Transparency) Act of 5 May 2014, which defines the arrangements whereby media representatives have access to information on the work of government bodies through a system of accreditation to the relevant bodies and exercise of the right to request the necessary materials and documents.

212. A particular role in the development of independent media outlets is played by civil society institutions.

213. Such bodies as the Public Foundation for the Support and Development of Independent Print Media and News Agencies of Uzbekistan, the National Electronic Media Association and the Creative Union of Journalists conduct regular awareness-raising activities to familiarize relevant entities and individuals with the obligations under international human rights and humanitarian law that relate to the safety of journalists.

214. Since 2007, under the Non-Governmental Non-Profit Organizations (Safeguards) Act, independent media organizations receive subsidies, grants and State procurement orders.

215. Constructive criticism of the Government by journalists in the mass media is not repressed or prohibited. On the contrary, it is welcome. The State Executive and Administrative Authorities (Transparency) Act ensures that citizens and journalists are accorded the necessary conditions for obtaining current, reliable information and exercising effective public oversight of the activities of government bodies.

216. Journalists routinely publish articles (more than 500 in 2013 alone) in newspapers and magazines on the free and independent development of journalism in Uzbekistan. Despite their publication of critical articles in the country's press, not one of those journalists has been sentenced, and the judicial authorities have not taken a single decision to restrict or repress the journalistic activities of the authors of such articles. In the entire period since Uzbekistan gained independence, not one journalist has been convicted for reasons connected with his or her work.

217. The Information Technology Act specifies the arrangements ensuring access by individuals and legal entities to information resources with the use of information technology and systems. Thanks to the active introduction and development of information and communication technologies, in particular the Internet, as at 1 January 2014, 261 websites had been registered. Non-governmental media make up 78.0 per cent of the country's television and radio stations and websites. Uzbek law places restrictions on the operation of information agencies which disseminate material of the following nature: religious and other forms of extremism, including political; destructive pornographic content; falsities constituting slander; and material containing terrorist or jingoistic appeals.

218. In order to boost the independence of the country's media outlets, to strengthen their logistics base and to enhance the professional skills of journalists and technicians, plans are currently afoot to adopt laws on the economic foundations of the media, on State support for the media, and on radio and television broadcasting, along with a number of government programmes to support socially significant projects of print and electronic media outlets, the training of journalists and other undertakings.

Peaceful assembly

219. The Committee is concerned about reports of arbitrary restrictions on the right to peaceful assembly in law and in practice, including:

(a) The excessive requirement that authorizations for holding mass events be filed at least one month in advance;

(b) The disruption of peaceful assemblies by law enforcement officers and arrests, detentions, beatings and sanctioning of participants (arts. 7, 9, 19 and 21).

220. The State party should revise its laws and practices with a view to ensuring that individuals fully enjoy their right to freedom of assembly and that any restrictions imposed are in compliance with the strict requirements of article 21 of the Covenant. It should also effectively investigate all cases of violence, arbitrary arrest and detention of peaceful protesters and bring to justice those responsible.

221. *Comments:* The right of citizens to participate in rallies, demonstrations and meetings is enshrined in article 33 of the Constitution, under which citizens have the right to engage in public life by holding such events in accordance with the law. Government bodies have the right to suspend or ban such events solely on the basis of justified security considerations.

222. In accordance with the rules for organizing mass events, set out in Cabinet of Ministers decision No. 15 of 13 January 2003, peaceful gatherings of 100 or more persons in open or closed sites during national, religious or professional special occasions may take place in spaces specifically intended for such purposes, subject to prior authorization by the local State executive and administrative authorities.

223. Commissions comprising representatives of the local internal affairs agencies, the National Security Service, the ministries of emergencies and health and other interested institutions and organizations are being set up under the Council of Ministers of the Republic of Qoraqalpog'iston, the provincial governments, the Tashkent city government, and district and municipal governments, for the purpose of reviewing the authorization and monitoring the conduct of mass events.

224. To obtain authorization to hold a mass event, the organizers must submit an application to the competent commission at least one month in advance.

225. The application shall include:

- (a) Name and address of the legal entity concerned; the surname, first name, patronymic and position of its authorized representative; and the surname, first name, patronymic and home address of the individual organizing the event;
- (b) At least two contact phone numbers;
- (c) Designation, purpose and form of the event;
- (d) Date and place of the event;
- (e) Times of commencement and termination of the event;
- (f) Expected number of participants;
- (g) Organizers' obligation to take measures to ensure the participants' safety;
- (h) Date of submission and the organizers' signatures.

226. The application must be accompanied by:

- (a) The programme of the event, stating the technical equipment to be used (stage platform, sound amplification, power source, lighting, waste disposal facilities, and other details);
- (b) A certificate from the facility administration confirming that they will be ready for the event;
- (c) Specific authorization if the activity in question involves activities requiring licences.

227. The commission reviews the documents that have been submitted within 10 days and decides whether to issue the authorization or to reject the application, indicating the grounds for such rejection. A copy of the commission's decision is forwarded to the organizers within one day of the adoption of the decision.

228. In the event of rejection, the organizers may reapply after remedying the defects cited as grounds for the rejection. That new application may not be rejected on additional grounds, not cited in connection with the earlier rejection.

229. Appeals may be lodged with higher bodies or the courts against the commission's refusal to authorize an event.

230. The internal affairs agencies maintain security and law and order during mass events on a contractual and fee-paying basis, except for budget-financed activities organized by the State executive and events held for charitable and religious purposes.

231. Article 200-1 of the Administrative Liability Code specifies, as the penalty for breaching the rules for the conduct of mass events, fines in the amount of 5-10 times the minimum wage for citizens and 10-15 times the minimum wage for officials.

232. Article 201 of the Code also establishes liability for failure to comply with the procedure for the organization and conduct of assemblies, meetings, street marches and demonstrations, which incurs fines in the amount of 60-80 times the minimum wage or administrative detention for 15 days.

233. Failure to comply with the rules for the conduct of religious meetings, street processions and other rites and ceremonies incurs a fine in the amount of 60-100 times the minimum wage or administrative detention for up to 15 days.

234. Article 202 of the Code (Creation of conditions for unauthorized gatherings, meetings, marches and demonstrations) establishes administrative liability for the provision of facilities or other materials for unauthorized gatherings, meetings, marches and demonstration (communications and reproduction equipment, other technical equipment and means of transport) or the creation of other conditions for the holding of such events. This offence is punished with a fine of between 50 and 100 times the minimum wage for citizens and, for officials, between 70 and 150 times the minimum wage.

235. Failure by organizers to comply with the procedure for organizing and holding meetings, rallies, marches or demonstrations, following the imposition of an administrative penalty for the same acts, constitutes grounds for holding such persons criminally liable under article 217 (1) of the Criminal Code (Breach of the procedure for the organization and conduct of assemblies, meetings, marches and demonstrations), which is punishable by a fine of between 200 and 300 times the minimum wage, or rigorous imprisonment for up to 6 months or deprivation of liberty for up to 3 years.

236. Part 2 of article 217 establishes liability for failure to comply with the rules for the conduct of religious gatherings, street processions and other rites and ceremonies after the imposition of an administrative penalty for the same acts. This offence is punishable by a fine of between 200 and 300 times the minimum wage or by rigorous imprisonment for up to six months, or deprivation of liberty for up to 3 years.

237. Under article 244 of the Criminal Code, organization of wide-scale unrest, accompanied by personal violence, pogroms, acts of arson, damage to or destruction of property, opposition to representatives of the authorities with the use or threat of use of arms or other implements as arms, and active participation in such wide-scale unrest are punished with deprivation of liberty for periods of between 10 and 15 years.

238. Thus, pursuant to article 21 of the Covenant, the restrictions imposed on exercise of the right to peaceful assembly are stipulated by the laws of Uzbekistan and are necessary to ensure public safety, to maintain law and order and to protect the rights and freedoms of others.

Freedom of association

239. The Committee remains concerned about unreasonable, burdensome and restrictive requirements for registering political parties and public associations, as well as about

termination of registration of international human rights organizations or other obstacles to the work of human rights non-governmental organizations (arts. 19, 22 and 25).

240. **The Committee reiterates its recommendation (see CCPR/C/UZB/CO/3, para. 25) that the State party should bring its regulations and practice governing the registration of political parties and non-governmental organizations into full compliance with the provisions of articles 19, 22 and 25 of the Covenant.**

241. *Comments:* Uzbekistan does not agree with the Committee that its requirements for the registration of political parties and non-governmental organizations are unreasonable and burdensome, given that these requirements are consistent with the provisions of the Covenant and are designed to protect the interests of citizens, society and the State.

242. As at 1 April 2015, there were a total of 8,200 non-governmental organizations in the country, compared to 100 in 1991 and 6,600 in 2031.

243. In recent years, the legislation on non-governmental organizations has been significantly relaxed. The presidential decision of 12 December 2013 on additional measures to facilitate the development of civil society institutions simplified the procedures for the registration of non-governmental organizations, for their reporting and for the streamlining of the organizational and legal arrangements for cooperation between government authorities and non-governmental organizations. In addition, the stamp duty and fees charged for State registration of non-governmental organizations and their logos have been considerably reduced, as has the time taken by the judicial authorities to consider their State registration.

244. Thus, pursuant to an order of 1 January 2014, stamp duty for the registration of non-governmental organizations has been cut by 80 per cent, and the fees charged for State registration of their logos by 60 per cent.

245. Furthermore, stamp duty is no longer charged for the State registration and listing of separate subdivisions of non-governmental organizations (headquarters and branches), including those vested with the rights of a legal entity registered in Uzbekistan. Stamp duty for the State registration of voluntary associations of disabled persons, veterans, women and children is charged at a rate of 50 per cent of the duty stipulated in this decision.

246. The time frame for the review by judicial authorities of applications for the registration of non-governmental organizations has been shortened from two months to one month. The provision that failure by a legal entity over a period of six months to conduct financial and economic activities involving bank account transactions shall constitute grounds for its dissolution does not apply to non-governmental organizations.

247. By its decision of 10 March 2014, with the aim of further improving and streamlining the institutional and legal mechanisms and procedures related to the establishment and organization of the work of non-governmental organizations, the Cabinet of Ministers approved the regulations on the procedure for the State registration of non-governmental organizations, for the State registration of the logos of such organizations and for the accreditation of their employees who are foreign citizens, and also for the dependants of those employees.

248. Pursuant to that decision, the list of documents to be submitted for the State registration of non-governmental organizations has been shortened, all necessary documents may be submitted in the national language only, and the procedure for the State registration of amendments and additions to the statutory documents of non-governmental organizations has been significantly simplified. The procedure for the registration of the separate subdivisions of non-governmental organizations and other such bodies has been streamlined.

249. Under Uzbek tax, customs and banking law, non-governmental organizations are exempt from paying more than 10 types of taxes and from other compulsory payments (income tax, property tax, value added tax and others) and enjoy significant benefits in the conduct of customs and banking formalities.

250. Pursuant to the Political Parties Act, the formation of a political party requires at least 20,000 signatures by citizens residing in at least eight of the country's territorial entities (provinces), including the Republic of Qoraqalpog'iston and the city of Tashkent, and intent on uniting as a party.

251. Persons initiating the establishment of a political party (who should be not less than 50 in number) must form an organizing committee to draft the party's statutory documents, draw up its membership and convene a constituent assembly or conference.

252. The registration of political parties is carried out by the Ministry of Justice.

253. For the registration of a political party, the following must be submitted within one month of the adoption of the party's statute: an application signed by at least three members of the party's governing body; the statute, agenda and minutes of the constituent congress or conference; a bank statement confirming the payment of stamp duty in the amount established by law; documents confirming that the legal requirements of the Political Parties Act have been met, including a list of 20,000 Uzbek citizens who have expressed a desire to join the party, together with their signatures; and the decision of a higher organ of the party conferring powers on the members of its governing body and authorizing them to represent the party during registration or in the event of litigation. Applications by political parties for registration are reviewed within one month of their receipt.

254. Political parties acquire the rights of a legal entity and may conduct their activities from the date of registration.

255. Changes and additions to the statutes of political parties are to be registered in the manner and within the time frame stipulated for the registration of statutes.

256. Announcements of the registration of political parties are published in the media.

Participation in public life

257. The Committee is concerned about reports that opposition political parties are denied registration and participation in elections. It is also concerned that the current electoral legal framework appears not to ensure the right of citizens genuinely to take part in the conduct of public affairs, to vote and to be elected, owing to a number of undue limitations, including long-residency and language-proficiency requirements, professional exclusions and comprehensive restrictions for anyone convicted of a crime, and the denial of the right to vote to those declared incapacitated by a court or serving a prison sentence. The Committee is also concerned about reports that the 2014 parliamentary and 2015 presidential elections were conducted in the absence of genuine competition and that, despite the limit of presidential terms contained in the Constitution, the incumbent was registered as a candidate (arts. 2, 19, 21, 22 and 25).

258. **The State party should bring its electoral legal framework into compliance with the Covenant, including with article 25, inter alia by:**

(a) **Fostering a culture of political pluralism and refraining from arbitrarily denying registration to opposition political parties and preventing their participation in elections;**

(b) **Ensuring freedom of genuine and pluralistic political debate;**

(c) **Revising the limitations on the right to stand for election and on the right to vote, with a view to ensuring compatibility with the Covenant;**

(d) **Ensuring that the constitutional requirement limiting presidential terms is respected when registering candidates for presidential elections.**

259. *Comments:* over the years since independence, the electoral law of Uzbekistan has undergone a steady process of formation and development. As a result of the liberalization and upgrading of all spheres of public life, a modern electoral system has been set in place that meets the highest democratic requirements. An effective regulatory and legal foundation has been laid for elections which is consistent with universally recognized international standards and principles and guarantees the exercise by citizens of their free will, and the right of every citizen freely to vote and to be elected to representative bodies of State power.

260. Thus, a number of amendments and additions have been made to the electoral law, with a view to defining the forms and methods of campaigning and enhancing the arrangements to ensure equal conditions for the candidates standing for election and for political parties during the election campaign. The legal arrangements to ensure openness, disclosure and transparency in elections have also been improved.

261. The structure and principles of the electoral system are embodied in the Constitution, one chapter of which (XXIII) is entirely devoted to this system, and in the Referendums Act, the Presidency (Elections) Act, the Oliy Majlis (Elections) Act, the Councils of Peoples' Deputies (Provincial, District and City Elections) Act, the Citizens' Voting Rights (Guarantees) Act and the Central Electoral Commission Act.

262. All citizens of Uzbekistan, regardless of their social origins, racial or ethnic affiliation, sex, language, education, individual or social status or wealth, have the same voting rights. Under the law, at least 30 per cent of candidates on party lists must be women. Citizens may not simultaneously be members of more than two representative government bodies.

263. The presidential election and elections to the Legislative Chamber and the Joqarg'i Kenges (parliament) of the Republic of Qoraqalpog'iston and to the local governments of provinces, districts and cities are conducted in the year of expiry of their respective constitutional terms, on the first Sunday falling in the third 10-day period of December. Elections are held by secret ballot on the basis of universal, equal and direct suffrage. Citizens who have attained the age of 18 years have the right to vote.

264. This right is only withheld from citizens who have been deemed by the courts to lack legal capacity or who, by the sentence of a court, have been confined in places of detention. In all other cases, there may be no direct or indirect restriction of citizens' electoral rights.

265. The Central Election Commission of the Republic of Uzbekistan, which is based on the principles of independence, legitimacy, collegiality, transparency and fairness, has been created for the organization and conduct of elections. The Central Election Commission operates on a permanent basis and its members are elected by the Legislative Chamber and the Senate, on the recommendation of the Joqarg'i Kenges of the Republic of Qoraqalpog'iston, the provincial governments and the government of the city of Tashkent. The chair of the Central Election Commission is elected from among its members at a meeting of the Commission, on the recommendation of the President.

266. Elections in Uzbekistan follow one of the majority systems. Pursuant to the Oliy Majlis (Elections) Act, a candidate obtaining more than half of the votes of those participating in the election is deemed elected.

267. The four political parties operating in Uzbekistan took part in the elections to the Legislative Chamber (2014) and the presidential election (2015).

268. The Adolat (“Justice”) Social Democratic Party of Uzbekistan, created on 18 April 1995, had 106,737 members as at 1 January 2015. Drawing its membership from the middle and less affluent strata of the population, Adolat endeavours to represent their political and social aspirations and to promote their social protection on the basis of the principles of social justice.

269. The Milliy Tiklanish (“National Revival”) Democratic Party of Uzbekistan was constituted on 20 June 2008 by decision of its joint congress through a merger of the Milliy Tiklanish Democratic Party and the Fidokorlar (“Self-Sacrificers”) National Democratic Party. As at 1 January 2015, this party had 184,166 members. The party’s basic aims are to create conditions conducive to the growth of national self-awareness; to develop and strengthen the citizens’ pride in, devotion to and love for their country; and to unite in its ranks patriots whose intellectual and creative potential can be mobilized in the service of the country for the enhancement of its international standing.

270. The Liberal Democratic Party of Uzbekistan (UzLiDep), which was founded on 3 December 2003, had 248,379 members as at 1 January 2015. UzLiDep is a nationwide political organization that represents and defends the interests of property-owners, small-scale entrepreneurs, owners of farms and *dehkans* (small family farms), highly skilled manufacturing workers and managerial personnel, and business people.

271. The People’s Democratic Party of Uzbekistan, founded on 1 November 1991, represents the left wing in the country’s political establishment. It expresses the political wishes of a number of social strata and groups. As at 1 January 2015, the party had 394,900 members. The party has a multi-ethnic composition insofar as it comprises members from 53 ethnic groups living in the country.

272. The activities of political parties in Uzbekistan are regulated by the Constitution, the Political Parties Act, the Political Parties (Funding) Act, and the Constitutional Act on strengthening the role of political parties in the upgrading and further democratization of State administration and in the modernization of the country.

273. The results of the presidential election held on 29 March 2015 show that 20,798,000 people in Uzbekistan have the right to vote. In all, 18,942,000 people participated in the election.

274. It must be stressed that the election of the President of Uzbekistan is underpinned by the Constitution of Uzbekistan and the Presidential Elections Act, on the basis of universal, equal and direct suffrage by secret ballot for a term of five years. The President ran in the 2015 elections against candidates from all the political parties represented in the country; he conducted a vigorous election campaign, met voters in all regions of the country, and appeared on the media along with other candidates for the position of President of Uzbekistan.

Dissemination of information relating to the Covenant

275. The State party should widely disseminate the Covenant and the First Optional Protocol, the text of its fourth periodic report and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public.

276. **Comments:** In Uzbekistan, both the general public and non-governmental organizations have free access to Uzbekistan’s national reports on human rights and the Committee’s recommendations both on the United Nations website and on the website of the National Centre for Human Rights of Uzbekistan.

277. In accordance with rule 71 (5) of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 11 (state of emergency and counter-terrorism), 13 (torture) and 19 (forced labour).

278. *Comments:* In accordance with the country's established practice, the information requested by the Committee will be submitted in 2016.

279. The Committee requests that the State party submit its next periodic report by 24 July 2018 and that it include specific up-to-date information on the implementation of all its recommendations and of the Covenant as a whole. The Committee requests that the State party, in preparing the report, broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

280. *Comments:* In line with the Committee's schedule, the next national report by Uzbekistan — the fifth — on its implementation of the International Covenant on Civil and Political Rights will be submitted on 24 July 2018.
