



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/UZB/Q/3
6 August 2009

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Ninety-sixth session
Geneva, 13 – 31 July 2009

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE THIRD PERIODIC REPORT OF UZBEKISTAN
(CCPR/C/UZB/3)**

**Constitutional and legal framework within which the Covenant and the Optional
Protocol are implemented, right to effective remedy (art. 2)**

1. Please provide examples of when Covenant provisions have been invoked directly or indirectly before or by the courts of the State party, and clarify whether the Covenant is directly applicable as the law of the land (State report, CCPR/C/UZB/3, paras. 135 and 158).
2. Please describe the procedures in place for the implementation of the Committee's Views under the Optional Protocol. Please also indicate what measures have been taken by the State party to fully implement the Committee's numerous Views under the Optional Protocol, in particular with regard to Communications No. 915/2000, *Sultanova v. Uzbekistan*, No. 1017/2001 & 1066/2001, *Strakhov, Fayzullaev v. Uzbekistan*, No. 1043/2002, *Chikunova v. Uzbekistan*, No. 1041/2002, *Tulyaganov v. Uzbekistan*, No. 1071/2002, *Agabekova v. Uzbekistan*, and No. 1140/2002, *Khudayberganov v. Uzbekistan*. In view of the fact that the Committee considered the State party's replies unsatisfactory with regard to Communications No. 1150/2002, *Uteev v. Uzbekistan*, No. 917/2000, *Arutyunyan v. Uzbekistan*, No. 931/2000, *Hudoyberganova v. Uzbekistan*, and No. 911/2000, *Nazarov v. Uzbekistan*, please indicate the additional steps taken for their implementation.
3. Please indicate whether the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis is a national human rights institution in compliance with the Paris Principles (General Assembly resolution 48/134, annex). Please also explain whether all the recommendations regarding individual complaints adopted by the Commissioner have been fully implemented. Does the State party intend to strengthen the mandate of the Commissioner, in particular concerning the follow-up to recommendations regarding individual complaints? (State report, paras. 141, 169-171, 333 *et seq.*).

4. Does the State party intend to hold an independent investigation, with the inclusion of international observers, into the alleged extra-judicial killings and excessive use of force by law enforcement officials in Andizhan in May 2005?

Counter-terrorism measures, public emergencies and respect of Covenant rights

5. In light of the Committee's previous recommendation, how does the State party guarantee that its current laws on emergencies are in line with article 4 of the Covenant? Can individuals avail themselves of effective remedies during a state of emergency? Please also provide information on the status and the content of the new emergencies bill. (State report, para. 397, previous concluding observations, para. 13; cf. General Comment No. 29 (2001) on derogations during a state of emergency)

6. Please provide information on the State party's definition of "terrorist acts" and please clarify whether the legislation in this regard is in compliance with all the guarantees provided in the Covenant, in particular articles 2, 6, 7, 9 and 14. (State report, paras. 420-421, 439-440 and 446, previous concluding observations, para. 18)

Discrimination against women and domestic violence (arts. 2(1), 3, 7, 26)

7. Please describe the measures taken by the State party to combat the kidnapping of young women to force them to marry. Please also indicate whether polygamy is prohibited by law in all circumstances and provide information on the steps taken to implement the legal prohibition of polygamy (previous concluding observations, para. 24). Please also clarify whether the State party has amended its law on the minimum age of girls for marriage.

8. Please indicate whether the State party has adopted legislation which specifically criminalizes domestic violence and whether victims have access to effective remedies, including shelters for them. If so, please provide detailed information on its scope and content. What are the measures taken by the State party to ensure the effective investigation, prosecution, and sanctioning of acts of domestic violence? Please also provide the Committee with the definition of rape in the Criminal Code and indicate whether it covers marital as well as non-consensual acts in the absence of resistance. In light of the Committee's previous recommendation, has the State party carried out any public awareness and education campaigns? (previous concluding observations, para. 23)

Right to life (art. 6)

9. Following the abolition of the death penalty, does the State party intend to commute all death sentences to other forms of criminal punishment? If so, please provide information on the review of these judgments, including what alternative forms of punishment are envisaged and which body is responsible for the decisions. How are the relatives and lawyers of the persons concerned informed of these commutations? Please also provide statistics on the imposition and execution of the death penalty during the reporting period until its abolition, including the number of prisoners sentenced to death, the number of persons executed and grounds for conviction (State report, paras. 437-446, previous concluding observations, paras. 6-7). What steps have been taken by the State party to implement the Committee's previous recommendation regarding the information of the relatives of those persons who have been executed in the State

party about their burial sites and the issuance of death certificates (previous concluding observations, para. 8).

Prohibition of torture and cruel, inhuman or degrading treatment, liberty and security of the person, and treatment of prisoners (arts. 7, 9, 10)

10. As previously recommended by the Committee, as well as the Committee against Torture, does the State party intend to bring the definition of torture in its Criminal Code in line with article 7 of the Covenant and article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (previous concluding observations, para. 9)?

11. In light of numerous reports alleging torture and ill-treatment in detention, please provide additional information on the steps taken to prevent torture and other ill-treatment of persons deprived of their liberty, including persons in pre-trial detention. Please comment on reports according to which internal regulations give law enforcement officers wide discretion in the treatment of prisoners. Please provide further information on investigations of allegations of torture made by detained persons, including information on the number and nature of the sentences that have been handed down against perpetrators. Does the State party intend to establish an independent mechanism to investigate complaints of torture and other ill-treatment made by detainees? (State report, paras. 343-344, 448-543, previous concluding observations, para. 11)

12. Please provide more information on the establishment of a fully independent body to monitor places of detention (State report, paras. 549-551, 467). How can independent international inspection bodies, such as the International Committee of the Red Cross (ICRC), currently access places of detention and upon what conditions? (previous concluding observations, para. 17)

13. Please provide further information on the 2008 law on habeas corpus, including whether it permits a detainee or an individual on his/her behalf to bring a petition challenging the lawfulness of the actual deprivation of liberty, as required under article 9 of the Covenant. Please also provide information on petitions brought under this law since its entry into force, including the outcome (State report, paras. 501-519).

14. The Committee has previously recommended that – in light of the excessive time (72 hours) before a detained suspect is brought before a judge - the State Party should ensure that a judge can timely review all detentions to determine if they are legal. From the report the Committee understands that no change has been made in relation to the 72 hours period. Please provide a reason for this. (State report, paras. 403 and 504-514, previous concluding observations, para. 14)

15. Please provide further information on the availability of detention facilities for juvenile offenders, including separate detention centers for juvenile female offenders, and the conditions of detention in these facilities (State report, paras. 535-536).

Elimination of slavery and servitude and child labor (arts. 8, 24)

16. Please provide information on the status and content of the bill on trafficking in human beings (State report, paras. 481-482). What are the legal safeguards for the rights of victims of trafficking, including their right to assistance and rehabilitation? What steps have been taken by the State party to provide them with medical, psychological, social and legal assistance?

17. Please provide information on the effectiveness of the steps taken by the State party to enforce the legal provisions (Rights of the Child [Safeguards] Act of 2008) aimed at eradicating child labor, including very young children e.g. in the cotton industry (previous concluding observations, para. 25).

Freedom of movement and freedom of speech (arts. 12, 19)

18. Please provide more information, including statistical data, on rejected requests for exit visa made by citizens of the State party. Please explain how, in the State party's opinion, such an exit visa requirement is compatible with article 12 of the Covenant. Please also comment on reports according to which representatives of NGOs are frequently prevented from travelling abroad under this requirement (State report, paras. 570 *et seq.*, previous concluding observations, para. 19). Please also provide information on the residence registration system (*propiska*) and its compatibility with article 28 of the State party's constitution, as well as the Covenant. Please include information on the impact of this residence registration system on access to public services.

19. Please comment on reports regarding the persisting harassment of journalists in the exercise of their profession (previous concluding observations, para. 20), and the tight government control of non-public, i.e. independent media. Please also comment on reports according to which human rights defenders are systematically prosecuted and imprisoned.

Expulsion of aliens (art. 13)

20. In light of the Committee's previous recommendations, please indicate whether the State party intends to adopt a law recognizing the status of refugees, including in particular the principle of *non-refoulement* of persons exposed to a violation of their rights under article 7 of the Covenant in the country of return. In the absence of such legislation, please describe the procedures in place to guarantee this principle of *non-refoulement*. Please also provide the Committee with specific information, including statistical data, on asylum-seekers that have been returned to their country of origin. (State report, paras. 584-603, previous concluding observations, para. 12)

Right to a fair trial (art. 14)

21. In light of reports that evidence obtained through ill-treatment, i.e. forced "confessions", continues to be used in courts, please indicate whether the State party has taken any measures to ensure the effective enforcement of the decision of the Supreme Court of 24 September 2004 regarding the inadmissibility of such evidence? Please provide detailed information on the number and nature of cases that have been reviewed following the decisions by the Supreme

Court in this regard. (State report, paras. 447 and 454-455, previous concluding observations, para. 10)

22. Please comment on reports that, despite the Committee' previous recommendation, in practice, the right to access to a lawyer is often not respected, especially during the investigation stage and pre-trial detention, and that defense lawyers are frequently denied access to information relating to a client's case. (State report, paras. 85 and 619, previous concluding observations, para. 15).

23. Please comment on reports that, despite the measures in place (State report, paras. 63, 641-654), the judiciary in the State party still continues to lack independence. (previous concluding observations, para. 16)

24. What measures have been put in place to ensure that lawyers can exercise their profession freely? Please also provide information on the recent replacement of the Bar by the "Chamber of Lawyers," including whether membership is compulsory for all lawyers. Please explain the rationale for the requirement of a requalification of all previously approved law licenses.

Freedom of religion and equal protection (art. 18 and 26)

25. Please indicate the steps taken to implement the Committee's previous recommendations with regard to the *de facto* limitations of the freedom of religion and belief and the criminalization of proselytization. Please comment on allegations that religious activists continue to be prosecuted and sentenced (State report, paras. 687-716, previous concluding observations, para. 22).

26. What steps does the State Party intend to take to bring the provisions of the Universal Military Duty and Military Services Act relating to alternative service into line with articles 18 and 26 with a view to ensuring that the rights of conscientious objectors to military services are fully respected?

Freedom of association and right to take part in the conduct of public affairs (arts. 22, 25)

27. In accordance with the Committee previous recommendations, what measures has the State party taken to ensure that its laws and their application regarding the registration of political parties and public associations, including NGOs, do not exceed the restrictions permitted under article 22 of the Covenant? Please provide information on the number of registration requests of political parties and public associations lodged during the reporting period, the number of and reasons for refused requests, as well as the number of NGOs closed down. What financial or other controls are non-governmental organizations subjected to? (State report, paras. 76-84, 759-796, 856-875, previous concluding observations, para. 21)

Rights of minorities (art. 27)

28. Please indicate whether the State party has adopted provisions on the protection of minorities, and if so, please provide information on the guarantees therein. Please also indicate

the level of State funding for the activities of cultural associations of ethnic, linguistic and religious minorities. (State report, para. 888)

Dissemination of information relating to the Covenant (art. 2)

29. Please indicate what steps the State party has taken to disseminate information about the Covenant, the submission of its third periodic report, its examination by the Committee and the Committee's previous concluding observations on the second periodic report. Please also provide additional information on the involvement of civil society and national human rights institution in the preparation of the report (State report, para. 3).
